

**Report on the Situation of Refugees in Yemen:
Findings of a one-month exploratory study
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Abstract

The refugee situation in Yemen is of interest to academics and field professionals working on migration in the Arab world for a host of reasons. Yemen has the Arabian Peninsula's largest non-Palestinian refugee population¹. Yet, despite the apparent magnitude of the refugee population in Yemen, little field research has been conducted on this country and its refugee situation. In addition, the Republic of Yemen is the first and only country in the Arabian Peninsula to have signed the *1951 Convention* and its *1967 Protocol*. Regardless, Yemen is hindered from fulfilling its international obligations because it is simultaneously one of the least-developed nations in the Middle East. On the other hand, the UNHCR Yemen believes the Government currently to be taking some progressive steps towards fulfilling these obligations and assuming greater responsibility of refugee affairs. The Deputy Representative has called the Yemeni Government a 'pioneer' for its efforts in the refugee field. It is therefore an apt time to examine the efforts being made and the problems encountered, as much may be learnt for the experiences of other countries. The position/status of refugees in Yemen is of great interest to the Forced Migration and Refugee Studies (FMRS) Programme at the American University of Cairo (AUC).

¹ ReliefWeb, May 2002, "UNHCR briefing notes: Kenya, Somalia, Liberia, Guinea, East Timor, Afghanistan", <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/9ad22f4205603521c1256bbc0046427a?OpenDocument>.

Map of Yemen



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CHAPTER 1: INTRODUCTION

Despite accession to the refugee Convention, the sources of codified law governing the practice of asylum in Yemen have remained limited... Similarly, administrative capacity and policy formulation related to asylum seekers and refugees are still evolving.

- UNHCR (2001b: 1)

1.1 Introduction

The status of refugees in the Republic of Yemen is unique in many ways. The Republic of Yemen is the first and only country in the Arabian Peninsula to have signed the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (USCR 2002). Its tolerance and proximity, first, to the troubled countries of the Horn of Africa and, second, to neighbouring wealthy Gulf countries have rendered the Republic of Yemen host to a large number of refugees (UNHCR 2002a). This is despite it also being one of the least developed nations not only in the Middle East, but in the world, ranking 147th in the UNDP's 2002 Human Development Index (UNDP 2002). The UNHCR regards the Government of the Republic of Yemen as having a very tolerant and progressive attitude towards refugees (UNHCR 2000). Yet, as the quote above indicates, problems that hinder the full protection of refugee rights do exist.

These characteristics, combined with the absence of any comprehensive academic studies, provide the impetus for this study. This paper, therefore, provides an overview of the actors and debates that affect refugees in this country. The fieldwork also aimed at identifying individuals and institutions working with refugees and bringing their attention to the possibility of cooperating with like-minded institutions, such as the American University of Cairo, to further their knowledge and the refugee cause. Box 1.1 below outlines the threefold purpose of fieldwork in Yemen.

1.2 Outline of the report

The main body of the report pertains specifically to *aim one* above. *Aims two* and *three* of the fieldwork in Yemen are outreach-oriented. Consequently, instead of dedicating a chapter to these aims, all contacts with whom communication was made in the pursuit of these latter two aims are compiled into an appendix at the end of the report (see Appendix B: Contacts – Yemen, 2002).

Chapter 2 discusses the methods employed and the limitations and advantages that are inherent of this type of qualitative research.

Box 1.1 The threefold purpose of fieldwork in Yemen

- 1 To investigate/provide an overview of the *general* situation pertaining to refugees in Yemen. In particular;
 - to identify the relevant laws pertaining to refugees (Chapter 3)
 - to understand the real affects of these laws, or their absence (Chapter 4)
 - to investigate the measures being taken to ensure better protection of refugees rights in Yemen (Chapter 5)
- 2 To identify contacts to build a network for research and advocacy regarding refugee issues, as part of a larger network throughout the Arab region and Africa.
- 3 To promote the AUC Forced Migration and Refugee Studies Programme among professionals working in the refugee field, including, among others, UNHCR and NGO staff, government officials, academics and students.

The remainder of the report - Chapters 3, 4, and 5 – outlines the findings of *aim one*. Chapter 3 examines the sources of refugee law in Yemen to provide a framework for understanding the legal existence and treatment of asylum-seekers in the Republic.

Chapter 4 begins by outlining the demographic make-up of refugees in Yemen. It proceeds to discuss their socio-economic situation in order to understand the real affects of international and national law and the extent to which their rights are protected. This section constitutes the bulk of the report.

Chapter 5 addresses policies and initiatives primarily by the Government of Yemen to better the situation of refugees in Yemen. These policies represent a gradual transfer of responsibility of all refugee affairs from UNHCR to the Yemeni authorities. The chapter then discusses one problem that may arise with this transfer of responsibility.

The report concludes, in Chapter 6, by summarizing the findings of the investigation, discussing their implications and identifying areas for further research.

CHAPTER 2: METHODS

2.1 Introduction

Much of the preparatory work for the project took place in Cairo. Internet-based research produced several valuable quantitative UNHCR reports but uncovered little else, testifying to the dearth of research on refugees in Yemen. The first task was, therefore, to identify all relevant actors within the refugee field in Yemen. Identified were:

- Refugees
- Intergovernmental organisations (i.e. UNHCR)
- Non-governmental organisations (e.g. UNHCR implementing partners)
- Civil society (e.g. academics, mosques, churches)
- Government officials

The focus was restricted to the three largest socio-political and economic centres in Yemen, Sana'a, Aden and Taiz, which also consequently host the highest refugee populations in Yemen (UNHCR 2002b). The study covers more specifically the status of refugees living in urban areas.

2.2 Refugees

The time constraints of this study rendered it necessary to limit, in particular, the refugees interviewed. Prior to departure, contacts in Sana'a were sought through refugee contacts in Cairo. These individuals referred me to friends and acquaintances, who had fled from their home country to Yemen. These individuals then referred me to other friends in Aden. My one criterion, to use my time most effectively, was that these participants spoke English or Italian (which several of the Eritreans and Somalis did). I contacted these individuals and held several semi-structured interviews with them. I spoke with some individuals on a one-to-one basis, while others spoke to me in groups. In Aden, I visited Al Basateen, a suburb established in 1992 by those fleeing the outbreak of civil war in Somalia. I spoke with some of these people about their experiences and socio-economic conditions in Yemen.

To gain access to Al Kharaz refugee camp, I was required to submit a formal request, including details of my biodata and purpose of visit, to the UNHCR.² In turn, the UNHCR was to obtain permission for my entry from the Government of Yemen. Ultimately, various factors hampered my request for access. The UNHCR were unable to begin processing my request until the third week of my stay in Yemen due to out-of-town registrations that they were handling. At the time of departure, a decision regarding my request was still pending.

Arguably, the sample refugee population employed in this investigation may have skewed the information collected concerning in particular the socio-economic situation of refugees in Yemen. English and Italian-speaking individuals are perhaps more educated and, therefore, more articulate in expressing, for example, their discontent. On the other hand, strong articulation of concerns by these individuals also benefits the research by servicing it with information. A primary objective of this study was to provide a general overview of the socio-economic issues refugees encounter. Having identified the refugees and their places of settlement should facilitate future research.

2.3 UNHCR

When I arrived in Sana'a, I contacted UNHCR Branch Office Sana'a to request an appointment. I was informed that I would have to submit a letter that explained my intentions. After several follow-up calls, I was permitted an appointment with the Deputy Representative, who explained that the UNHCR was currently exceptionally busy as it was conducting new registrations and issuing new cards, in conjunction with the Government of Yemen (see section 5.2). Obtaining an interview at UNHCR Sub-Office Aden was easier, requiring only a phone call to the Protection Officer.

² Interestingly, I was advised by several people, including refugees and the UN Security Officer, not to enter the camp unaccompanied by any means. First, the camp's security is maintained, in part, by the Political Security Office. If I entered unauthorised, it could jeopardise my visa status. Second, I was informed that there have been incidences of refugees in the camp attacking UN and NGO officials and UN staff are now prohibited from entering the camp without armed escort! Research into the problems faced by refugees in this camp – those problems that might compel them to show aggression towards UN and NGO staff - would be of great interest to understanding the benefits and disadvantages of camp versus self-settlement.

2.4 Non-governmental organizations and civil society

The four NGOs in Sana'a, all of whom are implementing partners of the UNHCR, were:

- Partners for Development
- Interaction Health Development
- Marie Stopes Institute
- International Committee for the Red Cross

In Taiz, another NGO put me in contact with a Yemeni organization that works in the defense of prisoners and, thereby, works with refugees in detention. This was:

- Yemeni Organization for Human Rights

The UNHCR Aden identified its implementing partners. These include:

- CINS
- Charitable Society for Social Welfare (CSSW)/Islah
- Radda Barnen
- Society for Humanitarian Services (SHS)
- Triangle
- Yemeni Organization for the Defense of Human Rights and Democracy

Other than the organization in Taiz, I found no NGOs in Yemen working with refugees independently of the UNHCR.

I had meetings with individuals from all organizations, except CINS and Triangle in Aden, who were unable to meet with me in the short time that I had allocated for Aden. We discussed the overall current situation of refugees in Yemen, the NGO's objectives, successes and problems.

Contacting academics was initially difficult as the fieldwork period fell during university holidays, when academics were not to be found on campus. However, the *Yemen Times* and the *Observer*, two English newspapers, proved to be good sources for contacts and, within a couple of days, staff of these newspapers provided me with the home and mobile numbers of three academics working in the refugee field at the University of Sana'a. I contacted two of these individuals (Dr. Al-Sharjabi was out of the country), who proved useful in providing a legal and socio-political context in which to understand refugee issues in Yemen. They reported that no universities in

Yemen have a forced migration department or programme. They are involved in independent research on the following areas:

- *Dr. Fouad Al-Salahi, Assistant Professor of Sociology:* Push factors producing refugees in Yemen
- *Dr. Mohamed Moghram, Assistant Professor of Law:* The nationalization of international law to which the Government of Yemen is signatory
- *Dr. Abdulhakim Al-Sharjabi, Professor of Sociology:* Social issues faced by refugees in host country

2.5 Government

I attempted to interview members of the government-established National Committee for Refugee Affairs (NCRA), which is comprised of officials from those administrative bodies that deal with refugee affairs, including various Ministries, the Office for Political Security and those Governorates that host large refugee populations. Meeting with the NCRA proved difficult initially as most of its members were in Hodeidah where the latest refugee registrations were taking place (see section 4.3.6 and 5.2).

Then I contacted the Ministries of the Interior, Foreign Affairs and Immigration and Passports in Sana'a in the hope of securing an interview with other non-NCRA staff working with refugee affairs.³ Finally, I obtained a contact in the Ministry of Foreign Affairs, who explained that the next best government department to meet with would be the Department of African Affairs, which deals with all Yemeni-African socio-political and economic affairs including, consequently, the influx of refugees. He assisted in securing an interview with an official from this Department who acts as a liaison between the Department and the NCRA.

³ I was advised by the Consular Assistant of the Embassy of the Republic of Yemen in Cairo, whom I had met in Egypt but happened to be in Sana'a at the same time as myself, not to contact the Office of Political Security. If they were to suspect the type of investigation I was doing, my visa status might be jeopardised. Contacting the various Governorates proved difficult, as neither the UNHCR nor the Ministry of the Interior were able to provide phone numbers. This demonstrates the lack of coordination and harmonisation between offices dealing with refugee affairs.

Finally, I contacted the Ministry of Justice for the names of judges in the Yemeni judiciary and was fortunate enough to secure an interview with the Minister of Justice himself.

2.6 Conclusion

The absence of prior contacts in Yemen was the greatest obstacle to the efficient achievement of the three objectives. Nevertheless, one contact quickly led to another with most individuals and organizations receptive to the idea of building a network of refugee-related institutions.⁴ On the other hand, the political security climate of the country meant that particular institutions, especially the government departments, proved difficult to ‘break into’. The next chapters detail the results gathered relating to the objective of investigating the general refugee situation in Yemen.

CHAPTER 3: SOURCES OF THE LAW

Yemen’s accession to the 1951 Convention and its 1967 Protocol in 1980 has not resulted in development of capacity and policies to deal with refugees and the national law is, in many ways, in contradiction to the international law on refugees.

- UNHCR 2000: 1

3.1 Introduction

Theoretically, the international and national legislations that codify refugee law and the administrative framework in Yemen will determine refugees’ positions and *actual* treatment by the Government of the Republic. Thus, to understand their position and the types of problems that refugees face in Yemen, it is necessary to understand this legal and administrative framework of the country.

Section 3.2 examines the international sources of refugee law to which the Republic of Yemen is obligated. Section 3.3 then considers the national sources of refugee law. This section derives primarily from discussions with academics of the University of Sana’a. The Government’s administrative framework that deals with refugee affairs is examined in section 3.4. Section 3.5 concludes the chapter noting the potential for

⁴ I believe that my part Arab-Yemeni origins also greatly facilitated meeting people. As soon as I informed people of my background, most immediately opened up and I secured several dinner invitations and even an invitation to a Yemeni wedding!

contradictions that result from this marked absence of refugee legislation, as the UNHCR quotation above suggests.

3.2 International sources of refugee law

In 1980, the Yemen Arab Republic (YAR; North Yemen) became a signatory to the *1951 Refugee Convention relating to the Status of Refugees* and its *1967 Protocol*. When the Yemen Arab Republic and the People's Democratic Republic of Yemen (PDRY; South Yemen) united in 1990, the PDRY agreed to accede to all treaties to which the North was already a signatory. In so doing, the Republic of Yemen became and remains the *Convention* and *Protocol's* first and only signatory in the Arabian Peninsula. In addition, it is now also signatory to various other international human rights treaties (see Box 3.1), which articulate a respect for refugee rights.

Nevertheless, despite pledges at the international level, as the quotation at the beginning of this chapter suggests, the Government of the Republic of Yemen has done little to translate its alleged commitment into practicable national legislation.

3.3 National sources of refugee law

The Government of Yemen maintains a 'dualist' system of law. This means that the *1951 Convention* and *1967 Protocol* did not take immediate effect upon signature in 1980 but have to be passed first as national legislation. This has yet to occur and sources of national law governing the treatment of asylum-seekers or refugees in Yemen remain limited to Article 46 of the Republic's Constitution, which states that 'no political refugee shall be extradited' (Government of Yemen 2001: 30).

The absence of national refugee legislation means that in legal terms asylum-seekers and refugees are treated no differently from any other foreigners on Yemeni soil. Consequently, they are subject to laws, for example, pertaining to employment as foreigners (Interviews: Al-Salahi 19.08.02-20.08.02).

Box 3.1 Other international human rights treaties to which the Republic of Yemen is signatory

- International Covenant on Civil and Political Rights (1987)
- International Covenant on Economic, Social and Cultural Rights (1987)
- International Convention on the Elimination of All Forms of Racial Discrimination (1972)
- Convention on the Elimination of All Forms of Discrimination against Women (1984)
- Convention on the Rights of the Child (1991)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1991)

Source: UNDP 2002: 114

3.4 Administrative framework

In 1984, *Ministerial Resolution No.10* was passed to establish a Department of Refugee Affairs to be situated within the Office of the Director of Immigration and Passports, Ministry of the Interior (UNHCR 2000: 4) However, the Resolution was never implemented and, until today, there continues to be no specific office or department within government that deals with refugee affairs.

Instead, the various aspects of refugee affairs come under the jurisdiction of the departments concerned. For example, the Ministry of Labour is responsible for providing work permits. In the absence of national legislation, refugees are treated, *de facto*, as foreigners. There are two main problems with this system (Interview: Moghrum 19.08.02). Firstly, the lack of a centralised office responsible for refugee affairs limits the Government's ability to harmonise its policies towards refugees across departments. Secondly, treating refugees as foreigners ignores the particularly vulnerable situation of refugees. This creates many problems for refugees discussed in detail in Chapter 4.

The civil war that broke out in Somalia in 1992 led to a large and sudden influx of Somali refugees to the Yemeni Republic and impelled the Government of Yemen to formally request UNHCR's assistance. The request was embodied in the 1992 'Memorandum of Understanding' between the Government and the UNHCR, which resulted in the establishment of the UNHCR Branch Office Sana'a, followed in the

same year by the Sub-Office located in Aden (Interview: Remus 21.08.02). The UNHCR is still the only office to deal directly with refugee affairs.⁵

In 2000, the National Committee for Refugee Affairs (NCRA) was established, with members from the Ministries of Immigration, Foreign Affairs, Interior, Political Security and those Governorates that host large refugee populations (UNHCR 2001b: 1). However, the NCRA was not created as a Ministry in its own right and has no Secretariat and, therefore, does not perform any executive functions. It serves currently in a consultative capacity, together with the UNHCR, to establish the future direction in which refugee affairs will be handled in Yemen (Interviews: Remus 21.08.02; Aziz 31.08.02).⁶

3.5 Conclusion

The Republic of Yemen has been commended by the UNHCR for its willingness to sign international treaties such as the *1951 Refugee Convention* to protect the rights of refugees. Yet, the brevity of section 1.3 on national refugee law indicates the Yemeni Government's failure, thus far, to translate its commitment into national legislation. To borrow the title of Amnesty International's 1997 report on the status of human rights in Yemen, the Government is culpable of 'ratification without implementation'.

It is beyond the scope of this study to examine the reasons for this failure. Instead, the following chapter investigates how this failure has affected refugees and whether it has led to the abrogation of their rights.

⁵ The absence of an independent Government office for refugee affairs means that there is nowhere for refugees to lodge complaints against the UNHCR.

⁶ Various positive aspects of the NCRA regarding the transfer of responsibility of refugee affairs to the Government are discussed in further detail in Chapter 5.

CHAPTER 4: THE STATUS OF REFUGEES IN YEMEN

'We are not moving forward and we are not moving backward. We can understand not being given political or civil rights in this country, but (the Government of Yemen) cannot keep our economic or social rights from us. We cannot live this way.'

- Ethiopian refugee and ex-Lieutenant in the Ethiopian Navy,
who has resided in Yemen for the past 11 years.

4.1 Introduction

The following sections discuss the present situation of refugees in Yemen in order to understand, *inter alia*, the effects of the absence of a national refugee law. Section 4.2 details the demography of Yemen's refugee population and briefly reports on the respective country of origin conditions that have displaced these peoples. Section 4.3 examines the current socio-economic situation of refugees in Yemen by considering the different aspects of their lives and actors that influence their welfare. Section 4.5 concludes the chapter with a summary of the findings.

4.2 Refugee statistics

The UNHCR's most recent statistics regarding the demographic make-up of refugees in Yemen are from the first quarter, ending March 2002. Currently, the UNHCR Yemen has 73,328 registered refugees. The vast majority of refugees in Yemen are Somalis. The UNHCR reported that there were 71,313 Somalis as of March 2002 in the entire country (UNHCR 2002a: 1). This number represents over 92.5% of the total number of UNHCR-recognised refugees in Yemen. The Government of Yemen has recognised Somalis as refugees on a *prima facie* basis since their sudden arrival in 1992 and continues to do so provided they left Somalia after the 1991 civil war and that they originate from either Mogadishu or the south of Somalia (UNHCR 2002: 1). Noteworthy, however, is the fact that the second criterion does not seem to be enforced rigidly and even officials from the Department of African Affairs were under the impression that all Somalis, regardless of place of origin, are recognised by the Government of Yemen (Interview: Aziz 31.08.02). The Government's *prima facie* recognition of Somalis follows a long tradition of recognising the conditions that lead to massive displacement of peoples from a particular situation (Jackson 1999). Jackson comments on the advantages of this approach:

The need for a group approach, as distinct from an individual approach, is based on two factors: firstly, group determination normally relates to circumstances of a fundamental and disruptive nature, resulting in a large-scale and often simultaneous, exodus of person. If such situations involve what may be termed a 'persecutory element' they may justify a determination of group refugee character according to the 1950/1951 definition. ... in situations of the type mentioned, an individual screening of every member of the group is normally impracticable, in view of the large numbers involved.... This is because the reasons for departure are referable to a specific event or events – often involving threat to life or personal safety – which have led to the departure of the entire group (ibid.: 3).⁷

Yemen also has long historical, mainly trade, links between the two countries. In its 1992 Memorandum of Agreement with the Government, the UNHCR agreed to provide international protection to Somalis that the Government wished to recognise (Interview: Remus 21.08.02).

As of March 2002, the UNHCR had registered 1,472 Ethiopians (see Figure 4.1). These Ethiopians largely constitute Oromos of southern Ethiopia, who fear persecution because of their continued secessionist ambitions, as well as ex-officers and cadets of the former Ethiopian Navy (Interviews: refugees 20.08.02; Alemi 02.09.02). This latter group constituted 1,269 individuals who arrived in 1991 as a result of the overthrow of the Mengistu regime in May 1991 (UNHCR 2002a: 2).⁸ The majority of this group face persecution in Ethiopia not only due to their loyalty to the former Mengistu regime but also because of their Oromo ethnicity. They were permitted *prima facie* temporary residence as 'guests of the Government of Yemen'. Consequently, similar to the Somalis, the UNHCR agreed in the 1992 Memorandum of Agreement with the Yemeni Government that it would afford these refugees protection (Interview: Remus 21.08.02). Today, there are an estimated 400 left of this group (Interview: *anonymous* 20.08.02). The vast majority have repatriated, while a small number of vulnerable individuals have been resettled.

⁷ The economy of group recognition in such situations is a large advantage, particularly to developing countries. See footnote 12.

⁸ One ex-Naval officer (Interview; *anonymous*; 20.08.02) proudly proclaimed, 'We arrived, not in little boats like the Ethiopians and Somalis today, but in warships. We came in 11 warships.'

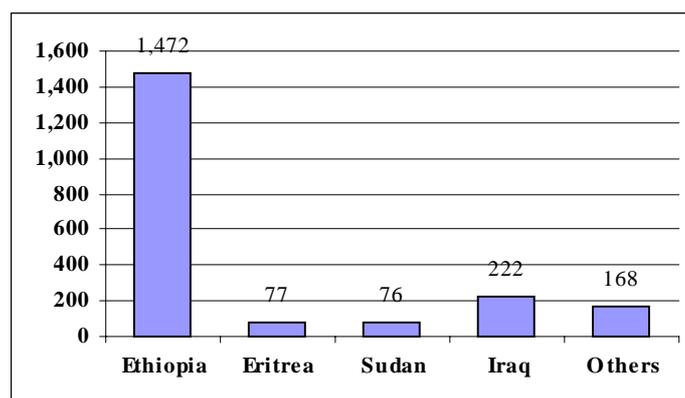


Fig. 4.1. Non-Somali UNHCR registered refugees in Yemen (March 2002)

Source: UNHCR 2002a: 1 (see Appendix D: Tables for figures)

In June 2002, the UNHCR had 77 registered Eritreans. This constitutes a large decline since 2001, when there were over 2,566 Eritreans. In May 2000, the Yemeni Government had recognised 389 Eritreans, on a *prima facie* basis, who arrived directly from Asseb and were fleeing the renewed Ethio-Eritrean conflict. The decline in numbers since 2001 is due to two factors: first, voluntary repatriation since the waning of the Ethio-Eritrean border dispute and, second, UNHCR's application of the cessation clause to Eritreans since the end of the war in April 2002 (Interview: Alemi 02.09.02). Cessation and card withdrawals were, however, conducted on an individual basis (Interviews: refugees 15.08.02). Nevertheless, according to one Eritrean whose refugee status was not withdrawn, many individuals continue to fear persecution in Eritrea and, thus, have not repatriated, consequently consigning them to the ranks of illegal migrants in Yemen.

Iraqis constitute a relatively higher number, with 222 registered individuals. The remaining 168 refugees consist of Palestinians, Syrians, Vietnamese (due to historical trade links between Yemen and Southeast Asia), Algerians, Angolans, Liberians and Burundians.⁹

One Somali refugee (Interview: refugee 19.08.02) asserted that total numbers of new arrivals have dropped since the terrorist events of September 11, 2001 for two reasons. First, they pointed out that Yemeni security are guarding of coastlines more tightly. Second, they suggested that the US's subsequent fight against terrorism has

⁹ These particular UNHCR statistics (see UNHCR 2002: 1) lumps 'Others' in one category.

translated into an increased presence of the US Navy in the Gulf of Aden and the Red Sea, which has led to a greater number of arrests of boats bringing asylum-seekers to Yemen.

According to Dr. Al-Salahi of the Department of Sociology at the University of Sana'a, a more likely reason for the decline in the number of refugees is the recent peace talks in Somalia and formation of a provisional government (Interviews: Al-Salahi 19.08.02-20.08.02). However, the most recent data at hand, which is the UNHCR's first quarter (end-March 2002) statistics, report the arrival of 5,365 Somalis since the beginning of the year alone. This is comparable with 8,923 arrivals of all nationalities in the whole of 2001 (UNHCR 2001: 1).

UNHCR Sana'a confirmed that the past couple of months had seen few arrivals but clarified that this was, in all likelihood, due not to increased US Navy presence or the beginning of peace talks in Somalia (Interview: Remus 21.08.02). Instead, the reduced flow is normal for the months between May and September, which is the rainy season; the vast majority of asylum-seekers from the Horn of Africa travel to Yemen by boat, the safest time being between October and April, when the seas are calm.

The number of asylum-seekers from, in particular, Somalia, Ethiopia and Iraq is much higher than represented by the refugee registrations alone. For example, according to the Chairman of the Committee for the Somali Interest, Conservation and Community Affairs (COSICCA), the total number of Somalis in Yemen is between 200,000 and 300,000 individuals (Interview: Hersi 19.08.02). On the conservative side of the COSICCA estimate is Dr. Al-Salahi's estimate of 130,000 Somalis (Interviews: Al-Salahi 19.08.02-20.08.02). Thus, UNHCR-registered Somalis represent only between a third and one-half of the estimated number of Somalis in Yemen.

The UNHCR believes that a large number of Somalis enter into Yemen with the intention of transiting to other Gulf countries, primarily Saudi Arabia, for economic purposes, implying that they are not refugees (UNHCR 2002a: 2). Others leave their families in Yemen and return sporadically to visit (see Box 4.1). COSICCA's Chairman notes, however, that pursuing economic opportunities and not registering with the UNHCR does not mean that these individuals are not refugees and that

persecution in Somalia was not a push factor in their coming to Yemen (Interview: Hersi 19.08.02). He pointed out that unless they arrive at the Mayfa'a Transit Centre (see section 4.3.1) or are delivered to the authorities, many Somalis do not learn of the existence of the UNHCR and do not register.

Box 4.1. Yemen's open-door policy

Several refugees reported that Yemen maintains an open-door policy towards asylum-seekers who work, mostly illegally, in neighbouring Gulf countries but keep their families in Yemen. These individuals return regularly and illegally to Yemen to visit their families. Various individuals indicated that this is true and that there are several reasons for this apparent open-door policy (Interviews: Adolph 31.08.02; Alemi 02.09.02; Aziz 31.08.02; Remus 21.08.02).

One reason that the Government is unable to monitor strictly its northern borders is due to a lack of resources (Interview: Aziz 31.08.02). Yet the UN Field Security Officer believes that the reasons are more complex.

First, the northern borders remain poorly defined and the dispute over border demarcations continues (*Yemen Times* 2002a). He points out that monitoring a border whose precise frontiers are vague is especially difficult. In addition, government authorities are relatively powerless in the area because northern Yemen continues to be dominated by tribal families. Weak border controls are exacerbated by recent oil discoveries. The aim of 'bordering on the right side of the oil' has induced tribal clashes, further weakening government control.

The UNHCR Aden's Protection Officer believes that a second factor rendering strict border monitoring difficult is the role of people-smugglers in facilitating the return of illegal migrants. In addition, he says there is reason to believe that the tribes who hold power over vast areas of land are involved in this illegal activity. (However, knowledge regarding the prevalence of people-smuggling along this border remains scarce and would provide a topic for interesting further research.)

Finally, the UNHCR (2002a: 2) states the following as a factor contributing to Yemen's open door policy:

In order to keep its recently improved relations with Saudi Arabia and other neighbouring Gulf Countries, who host some 200,000 Yemeni workers, and with the hope to become a member of the Gulf Cooperation Council (GCC), the Yemeni Government continues to accept the return of illegal migrants... (and) allows such migrants and/or refugees ... to continue staying in Yemen.

This quotation virtually confirms the conspiratorial views of the refugees. However, the existence of various actors in the question of border restrictions testifies to the multi-dimensional nature of questions of migration. Particularly in Yemen, it is necessary to understand the full host of actors, and not imagine that only Government is responsible, in order to appreciate fully the fluidity and complexities of migration in this country.

In addition, there are an estimated 2,000 more Ethiopians in Yemen, the majority of who are women coming as domestic workers (Interview: Remus 21.08.02). Finally, there are over 70,000 Iraqis, who arrived as economic migrants, compelled to leave Iraq due to UN-imposed economic sanctions against their country (UNHCR 2002a: 1).

The UNHCR reported that, despite its perceived tolerance towards asylum-seekers represented by its *prima facie* acceptance of Somalis and Eritreans, the Yemeni Government is hesitant to accept asylum-seekers from Arab countries (Interview: Remus 21.08.02). The Government is allegedly concerned about offending these Arab governments with whom it has good relations. Arab refugees largely comprise Syrians, Iraqis and Palestinians (though the latter are accepted as Yemen supports the Palestinian cause).

4.3 Socio-economic situation of refugees in Yemen

This section examines various aspects of refugee life with an eye to how they are affected by the absence of national refugee legislation. The section examines the plight of refugees from their arrival and the choice, for some, between camp settlement and self-settlement to the possibility of detention or, worse, deportation.

4.3.1 Camps and self-settlements

Refugees in Yemen are today settled, whether temporarily or more permanently, in four main locations - the Al Kharaz refugee camp and the cities of Sana'a, Aden and Taiz. Other towns, such as Hodeidah, Mukalla and Seyoun, host smaller refugee populations.

The majority of refugees, by virtue of coming from Somalia, tend to arrive along the southern coast of Yemen, which parallels the Puntland and Somaliland coast of Somalia. Those apprehended by coastal authorities are taken immediately to the Mayfa'a Transit Centre on the Bir Ali coastline where they await UNHCR officials from sub-office Aden.¹⁰ At this stage, non-Somalis, who must go through individual

¹⁰ According to an official from the Department for African Affairs, a recent Yemeni delegation to Somalia announced the Government of Yemen's wish that all asylum-seekers arriving in southern

refugee status determination, are separated from *prima facie*-recognised Somalis. It is sometimes difficult and, therefore, necessary to confirm Somali nationality because of instances of Ogaden Ethiopians – who share a history with Somalia – feigning Somali nationality to acquire refugee status. The UNHCR Aden employs two Somali staff for this task and claims that there are ways of determining Somali nationality (Interview: Alemi 02.09.02). All non-Somalis are then given an interview date and temporary residency permit to prevent deportation prior to UNHCR status determination. As Al Kharaz camp is reserved solely for recognised refugees, non-Somalis must find their own way until their status is determined (Interview: Remus 21.08.02).¹¹ They are provided with a letter as proof that they have applied with the UNHCR for asylum, which translates as legitimate temporary residency (see Appendix E: UNHCR Documents).

Being recognised automatically, Somalis have the choice of moving directly to Al Kharaz camp. However, due to its limited capacity, the UNHCR encourages local integration over camp-settlement in order to maintain the camp for ‘vulnerable refugees... who are unable to survive without international assistance’ (UNHCR 2002a: 2).

The camp was at Al Gahin in the Abyan Governorate until 2001. According to refugees who had resided there, the climate is extremely hot and the land, situated in desert and consisting of volcanic-like rock, is particularly inhospitable (Interviews: refugees 15.08.02-07.09.02). One refugee noted that *gahin* derives from *gehanem*, the Arabic word for ‘hell’. Some refugees who had previously lived in Al Gahin complained that rations were insufficient (*ibid.*). These rations were provided by the WFP (governments donate to WFP which manages the logistics of distribution) and distributed on a monthly basis by the Society for Humanitarian Services (SHS), an implementing partner of the UNHCR. SHS confirmed this problem (Interview: Bagenou 04.09.02).

Yemen present themselves first to the Mayfa’a Transit Centre, so as to maintain an orderly centralised system of entry and registration (Interview; Aziz; 31.08.02).

¹¹ Several refugees claimed that, because it may sometimes take several days before the UNHCR officials arrive, the Yemeni authorities at the Mayfa’a Transit Centre have been known to not only confiscate asylum-seekers’ belongings but also to harass female asylum-seekers (Interviews; refugees 04.09.02).

Al Gahin was closed in 2001 and its inhabitants relocated to Al Kharaz in the Lahej Governorate (Interviews: Hersi 19.08.02; Remus 21.08.02). The Al Gahin Governorate had decided that the presence of the camp reflected negatively on the Governorate's image. Al Kharaz was found to be a more suitable physical environment in which to accommodate people. Today, the Al Kharaz camp holds approximately 10,000 refugees, the vast majority of whom are Somalis (Interview: Remus 21.08.02). Yet there are rarely that many present at any one time, as many people – primarily young men - leave the camp daily or weekly in search of employment (Interview: Alemi 02.09.02).

Other refugees asserted their aversion of being dependent as the reason for not remaining in the camp. One Eritrean refugee, who had lived in the camp for only weeks after his status was recognised, related his sentiments concerning the camp. He stated, 'I don't mind not using my body for work. But what I didn't like was that I wasn't using my own mind at all there either. Everything was done for me – and it wasn't even done well. I was a dependent there' (Interview: refugee 15.08.02). This attitude – and the fact that many, especially men, leave the camp on a weekly basis in search of employment - represents precisely the reverse of the so-called 'dependency syndrome' that aid agencies assert exists among refugees in camps. It is, in large part, this active resourcefulness and desire to take their destiny into their own hands that steers most refugees towards urban settlement.

The capital, Sana'a, hosts the largest number of refugees, followed by Aden and Taiz (see Figure 4.2). In Aden, the Al Basateen suburb houses an estimated 20,000 Somali refugees and Yemeni returnees – Yemenis who had migrated to Somalia - arriving in Yemen since Somalia's 1992 civil war (the Aden estimate in Figure 4.2 does not include the Al Basateen numbers). Residents live in make-shift shelters, some of which are constructed from brick, while the majority are in shelters erected from corrugated iron and cardboard. According to the Manager of the Al Basateen Clinic, which is run by the Charitable Society for Social Welfare (CSSW), tuberculosis is rife (Interview: Al-Giffny 03.09.02). Very few non-Somalis live in Al Basateen preferring to intersperse with Yemeni communities, as they do in Sana'a and Taiz.

In urban areas, Somali refugees have developed their own support groups and organisations. The leader of COSICCA claims that the Somalis' custom of living together is the result of the kinship and clan systems (Interview: Hersi 19.08.02). In addition, he believes that the strength of these systems reduces Somali vulnerability in urban areas as being related is an imperative for individuals to support one another.¹²

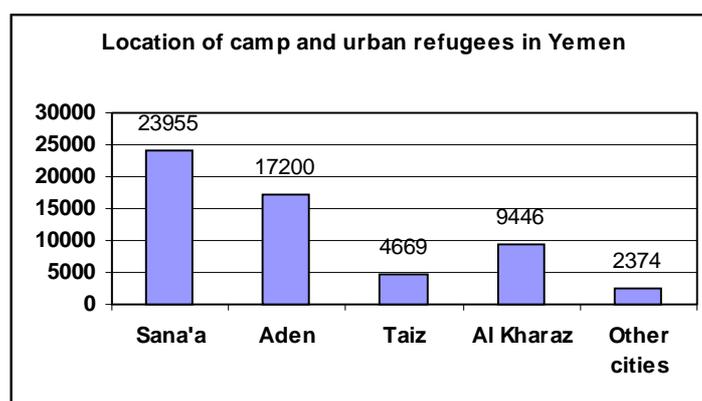


Fig. 4.2 Location of refugees in Yemen, as of end-2001
Source: UNHCR, 2001a (see Appendix D: Tables for figures)

The Somali community has established a Refugee Community Centre, which is now attended by refugees from the other nationalities as well. Situated off Sharia Dairy, it consists of a playground, a café complete with satellite TV from Ethiopia, a video rental shop and a community hall. The community hall is managed by Partners for Development (PAD), a Yemeni NGO. The Ethiopians also have an Ethiopian Community Centre, off Sharia Zubeiry, where Ethiopian and Eritreans gather. This Centre houses a canteen, small gymnasium, TV and lounge area with a pool table and a shop selling traditional Ethio-Eritrean goods. It differs from the Refugee Community Centre in that it was established by and for Ethiopians who had come legally as economic migrants (Interviews: refugees 15.08.02).

These two centres are the only ones of their kind and both are in Sana'a. Some refugees expressed the view that while these centres provide some support and

¹² An anthropological study of the extent to which traditional social systems determines local integration and vulnerability would be an interesting area for further research. In addition, an observation made by the UNHCR Aden Protection Officer would warrant further research (Interview; Alemi; 02.09.02). He asserted that one of the biggest problems faced by NGOs and UN staff in the camp is the 'mentality of violence' that exists among, particularly, Somali young men. He believes this to be due to the fact that the rule of law and access to structured education has been absent for so long in Somalia.

comfort they do not address the core socio-economic problems faced by refugees living in cities.

4.3.2 Logistics of the UNHCR status determination procedure

The UNHCR Sana'a has three staff whose primary task is to conduct RSD interviews. At the sub-office in Aden, there is only one such person (Interview: Remus 21.08.02).¹³ All RSD decisions are examined by the UNHCR Sana'a Protection Officer before the applicant is notified. In 2001, the UNHCR Yemen had an overall recognition rate of 17% (UNHCR 2002b). This number does not include *prima facie*-recognised Somalis.

The UNHCR Yemen recognises two categories of refugees – '*Convention*' refugees and 'mandate' refugees (Interview: Alemi 02.09.02). *Prima facie* refugees, such as Somalis and the former Ethiopian naval officers, are given '*Convention*' refugee status because the Government (and not the UNHCR) is signatory to the *1951 Convention*. 'Mandate' refugees are those whose status was determined after interview under the *UNHCR 1950 Statute*. Yet there does not appear to be any reason for this distinction as the UNHCR asserted that both groups have access to the same benefits and chance of resettlement.

The UNHCR Yemen's protection efforts encourage local integration and repatriation as so-called 'durable solutions' for refugees (Interview: Remus 21.08.02). It resettles very few people to other countries. In 2001, only 157 people were resettled to a third country (UNHCR 2002b). UNHCR Sana'a explained that 'a liberal interpretation of the [resettlement] criteria would produce a pull factor and undermine UNHCR policy' (UNHCR 2002a: 5). The UNHCR, consequently, reserves resettlements for vulnerable cases, including medical cases, such as AIDS sufferers.

One other such 'vulnerable' group is the single, female heads-of-household. The UNHCR states, 'in a male-dominated conservative Yemeni society, a female single head of a family is extremely vulnerable and often subjected to threats or harassment'

¹³ This number appears exceptionally low in comparison, especially, with the two UNHCR Cairo offices that, combined, have over 30 RSD interviewers. One differentiating factor, however, is that the vast majority of asylum-seekers are Somali who are accepted *prima facie* and therefore do not require interviews.

(UNHCR 2000: 12). At the end of 2000, the UNHCR had submitted 15 such cases to the Immigration and Naturalisation Service for resettlement to the United States (Ibid.). The Chairman of COSICCA observed that the seemingly greater socio-economic potential of young single men should not, however, be assumed, especially as this group of people are often also responsible for sending remittances home and do, therefore, have 'dependents' (Interview: Hersi 19.08.02).

For reasons discussed in sections 4.3.3 to 4.3.6 below, local integration is extremely difficult for refugees and is far from what may be termed a 'durable solution'. One group of refugees have established a committee to express their rejection of local integration as a permanent settlement (Interview: *anonymous* 20.08.02). The former naval officers of the Ethiopian navy, who have now been in Yemen for 11 years, cite cultural, religious and language issues as obstacles to genuine integration. The Yemeni Government has indicated that it would be willing to offer citizenship to these individuals, whose status was originally as 'temporary guests of the Yemeni Government'. However, the committee has rejected this offer. It claims that, if they were to be granted citizenship, the door to possible resettlement would be permanently closed to them. In addition, it fears that citizenship would merely formalise the UNHCR's 'durable solution', without making any practical difference.

4.3.3 Access to work, education and healthcare

Access to employment

In accordance with Article 17 of the *1951 Refugee Convention*, the Government of the Republic of Yemen permits refugees the right to work (Interview: Aziz 31.08.02). To acquire a work permit, the Ministry of Labour requires that the refugee must present a letter issued by the UNHCR together with his/her refugee card. The UNHCR letter is merely a formality notifying the Yemeni Government that, as a signatory to the above convention, it is obliged to permit recognised refugees the right to work (Interviews: refugees 15.08.02-07.09.02; Hersi 19.08.02; see Appendix E: UNHCR Documents).

Permitting recognised refugees to work appears, on the surface, to be a progressive policy. How else are individuals to sustain a livelihood for themselves and their dependents? It also appears as an example of where international law has been realised at the national level. Yet, many refugees and several staff of various NGOs

expressed reservations regarding both the reality of and theory behind the policy. First, the permission granted refugees to work is not embodied in any national legislation but merely in the '1992 Memorandum of Understanding' (see section 3.4) between the Yemeni Government and the UNHCR (Interview: Remus 21.08.02). This means that, if the Government fails to respect refugees' right to work, it is not in fact violating national law. The UNHCR's ability to enforce this agreement is minimal and, thus, the lack of formal codification into national law permits the following problems to persist.

Those refugees questioned about work permits indicated that the process of acquiring a letter from the UNHCR and then processing their application at the Ministry of Labour is considerably more difficult than suggested by the government official quoted above (Interviews: refugees 15.08.02-07.09.02). In fact, it appears that recognition of refugee status does not guarantee the issuance of a letter by the UNHCR. Of 11 refugees interviewed concerning work permits, nine had attempted to obtain this letter but only one had succeeded. Some individuals reported that the UNHCR claimed that they were required to have a letter from their prospective employer before they could be issued with the UNHCR letter (Ibid.). The UNHCR, on the other hand, indicated that this was a requirement of the Ministry of Labour. The problem, they related, was that most employers were reluctant to write such a letter as employing illegal workers was to their advantage since they could then pay them lower wages. One individual reported that he had, as a last resort, bribed a UNHCR official in order to acquire the letter (Interview: refugee 15.08.02). Some other refugees related similar experiences. With respect to the difficulties of obtaining a letter from the UNHCR, the Deputy Representative explained that it has no formal internal procedure with which to issue the required letter, as it is not part of the UNHCR Yemen's current protection efforts. Consequently, requests for this letter are dealt with on a case-by-case basis only (Interview: Remus 21.08.02).

Ultimately, not one refugee interviewed had been granted a work permit by the Ministry of Labour nor had they heard of any others being granted such a permit, even with the required UNHCR letter. Some individuals expressed the opinion that the Yemeni Government denies permits because, like the employers described in the

preceding paragraph, they want to maintain a supply of low-wage labour for the economy and protect higher wage jobs for Yemeni nationals.

On the other hand, one individual related a case that suggests a mere lack of understanding on the part of government officials regarding refugee issues (Interview: refugee 20.08.02). Arriving at the Ministry of Labour, with all necessary papers in hand, this individual was informed that the Ministry could not process a work permit unless he was able to produce his passport. No amount of explanation was able to convince the officials of the obvious impossibility of this request. Upon returning to the UNHCR, the individual was informed that there was nothing more the Office could do.

It appears that Ministry of Labour officials employ the same procedure for refugees as that reserved for non-nationals applying for work permits. The Department of African Affairs official attributed this to a lack of understanding regarding refugee affairs (Interview: Aziz 31.08.02). The Manager of the Refugee Community Centre holds the UNHCR responsible for this lack of understanding (Interviews: Omar 18.08.02-19.08.02). He believes that educating government officials regarding the particular difficulties or contradictions, such as the possession of a passport, faced by refugees is the UNHCR's responsibility.

In addition to the discouraging problems of obtaining a work permit, refugees interviewed believed the idea of a work permit to be redundant. First, they protested about the use of a work permit when employment is so difficult to attain. The UNDP Arab Human Development Report (2002: 158) states that unemployment in Yemen in 1998 was 8.2%. This may not appear high but, according to UNDP Yemen, this statistic disguises the high level of under-employment (Interview: Ishak 31.08.02). Consequently, the vast number of both refugees *and* Yemenis work in the informal sector. These jobs included, among other things, domestic labour (largely of female refugees), dishwashing and waiting in restaurants and small hotels, security-watch for private houses, street-vending and construction. A very small number of individuals work in the private sector, which normally requires English language skills. Some work with multinational oil companies around Aden (Interviews: refugees 04.09.02).

Partners for Development (PAD), an implementing partner of the UNHCR in Sana'a, provides a job placement service for refugees (Interview: Khadiga 21.08.02). It confirmed that finding work opportunities was exceedingly difficult; placements for women were relatively easier to find and consisted largely of domestic work, but opportunities for men were few and far between.

The second reason that refugees were cynical about work permits is the belief that permission to work from the Yemeni Government provides the UNHCR with an excuse not to resettle recognised refugees but, instead, to offer local integration as its 'durable solution'. Of the refugees interviewed, all indicated that, given the choice, they would prefer to resettle in a third country rather than remain in Yemen. Besides the absence of suitable employment, other reasons exist behind this choice, such as discrimination and the constant threat of detention and deportation. These are examined in section 4.3.5 below.

Access to education and healthcare

Unlike the right to work, access to the rights of education and healthcare do not require permits. As signatory to the *1951 Convention*, Article 22 on 'Public Education' requires Yemen to accord refugees the same treatment as nationals with respect to elementary education and the same treatment as 'aliens' with respect to secondary and further education. Moreover, Article 24 on 'Social Security' states that refugees must be accorded the same treatment as nationals in this matter. As Yemen provides neither free elementary education nor healthcare, access to both depend almost entirely on whether one can afford the costs (NGOs do provide some services, discussed below). The difficulties encountered in attaining employment, however, generally mean that refugees find it difficult to afford these costs.

The UNHCR Yemen provides indirect financial assistance to refugees in Sana'a through PAD (Interview: Khadiga 21.08.02).¹⁴ However, such assistance is provided solely on a case-by-case basis in the form of short-term loans for extremely destitute or vulnerable cases. Such cases include individuals in need of finance for urgent

¹⁴ PAD's Aden, Taiz and Al Kharaz branches have been closed in the past year due to insufficient funding which means that refugees in these areas do not have the opportunity to benefit from financial assistance (see section 4.3.4; Interview; Khadiga; 21.08.02).

medical assistance or individuals who have lost their employment, for which a loan would be temporary income while they search for further employment. Regardless, PAD requires that individuals provide evidence of their vulnerability, a requirement that the Manager of PAD admitted was difficult to ascertain.

The UNHCR provides scholarships for adult education to a 'fortunate few'. The criteria to qualify are stringent and resources scarce (Interview: Remus 21.08.02). No other organisations provide financial assistance for schooling. In addition, refugees encounter other problems in pursuing their rights to education and healthcare. Refugees interviewed asserted that their children face discrimination from both teachers and students alike in Yemeni schools (see section 4.3.5). Particular groups of refugees are especially vulnerable when trying to obtain healthcare due to various cultural norms or national laws. For example, public hospitals will not admit women with natal or gynaecological problems without their husband or a male family member present. This is a serious problem for refugee women who are often alone with their children in Yemen (Interview: Fawziah 24.08.02). Moreover, many Somali women remain in Yemen alone while their husbands travel to neighbouring Gulf countries for employment (see Box 4.3). This is why services provided by healthcare NGOs such as the Marie Stopes Institute in Sana'a and CSSW in Aden are in high demand (see section 4.3.4).

Another vulnerable group are HIV sufferers. The Yemeni Government reserves the right to deport foreigners who have contracted the HIV virus (Interview: Moghram 19.08.02). Consequently, public hospitals refuse service to these individuals and are required by the Government to report them to the authorities. The extent to which they do denounce them is unclear but refugees are understandably unwilling to take the risk, as the Government does take their deportation seriously. The *Yemen Observer* (2002b) reported that, in the first half of 2002, 1,665 foreigners were deported for having AIDS; 435 of these were Ethiopians, while the remainder were of various African nationalities. Private hospitals do not face the same pressure from the Government to report HIV sufferers but refugees cannot generally afford the costs of private healthcare in any case (Interviews: Al-Dubai 25.08.02; refugees 20.08.02).

In summary, the obstacles to obtaining work permits and access to education and health arise from the absence of clear national legislation that define, and guidelines for implementing, these refugee rights. In turn, the inability to work hinders people's abilities to access education and healthcare, rendering them in part dependent on services provided by NGOs. But these NGOs, themselves, are facing problems of their own as the next section reveals. Subjecting refugees who carry HIV to laws applicable to non-nationals also represents a failure to take into account the particular situation of refugees that prevents them from leaving the country. Consequently, it may be said that – despite good intentions - the absence of a national refugee law has led to Yemen's abrogation of fundamental rights for refugees pertaining to employment, education and health.

4.3.4 Problems faced by NGOs

Despite their own resourcefulness, there are several basic services for which refugees rely on NGOs (see Appendix B: Contacts). These include the provision of healthcare (IHD, Marie Stopes, CINS, CSSW, SHS) and education (PAD, CSSW, Radda Barnen). The field research found that these NGOs working with refugees in Yemen face great difficulty in providing these services.

The primary and age-old problem is that of insufficient resources to meet the high demand for services - the number of refugees requesting services exceeds the capacity of the NGOs to deliver. The Marie Stopes Institute, for example, works on a first come-first serve basis, providing services for between 25 to 30 refugees per day, while having to turn away another 10-15 daily (Interview: Fawziah 24.08.02). The acute shortage of resources has necessitated their bestowing priorities to the most serious cases. The UNHCR's assumption that camp refugees are less able to secure their rights has meant that more resources and services are provided in the camp than in urban areas. Of the six NGOs that work in Greater Aden (which includes Al Kharaz camp), only two function only in urban Aden, despite it holding almost twice as many refugees as Al Kharaz camp and this does not even include the Al Basateen refugees, of which there are an estimated 20,000 (see Figure 4.2). Two more NGOs work in Aden *and* in Al Kharaz camp, while two more work only in Al Kharaz. These two (CSSW and Radda Barnen) are the only NGOs providing primary education for refugees. There are no NGOs offering primary education in Sana'a or Taiz. Refugees

interviewed felt that this 'camp bias' marginalises refugees living in urban areas; they feel that they are 'punished' for their initiative to self-settle and contribute productively to the economy of their host country (Interviews: refugees 04.09.02).

Recent UNHCR Geneva budget cuts diminish further the already insufficient resources available to undertake responsibilities in Yemen (Interviews: Remus 21.08.02; Alemi 02.09.02). The problems caused by reduced funding to the UNHCR are exacerbated by the fact that only one of the 11 NGOs (the Yemeni Organization for Human Rights) functions independently of funding from the UNHCR. The other ten, by virtue of their status as implementing partners of the UNHCR, are partially, if not fully, dependent on its funding to implement their refugee-related programmes.

As noted, in the past year PAD has had to close down three of its four branches and the Manager of the Refugee Community Centre in Sana'a, which is maintained by PAD, confided that the Centre may soon be closed as well (Interviews: Omar 18.08.02-19.08.02). In fact, all NGOs except the ICRC, Yemeni Organization for Human Rights and Yemeni Organization for the Defense of Human Rights and Democracy expressed concern that budget cuts are severely affecting their ability to provide services (Interviews: Fawziah 24.08.02; Al-Dubai 25.08.02; Rowaished 03.09.02). Interaction and Marie Stopes admitted that they have had to turn away individuals seeking healthcare by restricting the types of cases they accept. In addition, Interaction, which focuses on preventative measures for healthcare, has had to stop offering its health awareness classes. It informed that the UNHCR had proposed that it charge a base rate to all patients seeking healthcare (Interview: Al-Dubai 25.08.02). The fact that few NGOs work with refugees in a capacity independent of the UNHCR means reduced funding may prove to have wide-ranging negative effects to both urban and camp refugees.

Government officials interviewed indicated that extra pressure is placed on NGOs to provide services because of the fact that many Somalis, who benefit from these services, are not really refugees, as defined by Article 1 of the *1951 Convention*. Instead, some officials were of the opinion that Somalis come to Yemen to take advantage of healthcare services that are provided free of charge by NGOs. The UNHCR informed that they had conducted a survey in which they asked Somalis their

primary reason for coming to Yemen and found that, indeed, many came, not due to a fear of persecution, but for the healthcare facilities, which they had heard about in Somalia (Interview: Alemi 02.09.02). It would appear unfortunate that UNHCR has now recommended to the Yemeni Government that it cease *prima facie* recognition of Somalis in order to ensure that those who do benefit from the services provided do, in fact, classify as refugees, under the UNHCR mandate. Those Somali refugees interviewed about this question expressed amusement, pointing out that people would not risk their lives crossing the rough Gulf of Aden in rickety boats just to avail of healthcare, which are so limited.

4.3.5 Prevalence of discrimination

Regardless of nationality, most refugees interviewed asserted that racism and cultural intolerance are prevalent among the Yemenis towards foreigners (Interviews: refugees 15.08.02-06.09.02). However, testimonies of refugees indicate that racial and religious discrimination is not organised but is ubiquitous at various levels, amongst different nationalities and taking various forms.

Ethiopian and Eritrean refugees recounted stories of harassment on the streets. For example, those in Aden said that they are often called ‘*wareah*’, which is Somali for ‘boy’, in a demeaning manner by the Yemenis who cannot differentiate between Somalis and other African nationalities. Worse than name-calling, however, several refugees testified that they had been beaten on the streets without any provocation. One individual claimed that he had been beaten by a mob of four men in Sana’a after they called out to him and asked his nationality and religion. When he answered that he was not Muslim, they descended upon him. Another alleged that he had been beaten twice in the streets of Sana’a.

Non-Muslim, mostly Ethiopian or Eritrean, refugee women claimed they often face discrimination, in particular for not wearing the *hijab* despite it not being compulsory in Yemen. All those interviewed now wear the *hijab* in order to avoid harassment. Two of those interviewed were domestic workers and claimed that they often face

sexual harassment in the homes.¹⁵ In addition, Ethiopian refugees – both men and women - asserted that Yemenis have a preconceived notion of them as being promiscuous and are, therefore, often accused of carrying the AIDS virus (see Box 4.2; Interviews: refugees 15.08.02-06.09.02).

Some refugees alleged that discrimination is the primary reason for their socio-economic difficulties in Yemen (see Box 4.2). Refugees asserted that their children have been subject to racism in Yemeni schools by both teachers and other students alike. In Sana'a, some Ethiopians - who can afford it – have sent their children to the Indian Embassy School. Ethiopian and Eritrean refugees in Aden asserted that they are discriminated against by the Yemeni NGO service providers in Al Basateen. They claim that, when resources are scarce, they are allocated to Somalis and other Arabs before Ethiopians and Eritreans. Finally, refugees alleged that perhaps the worst prejudice takes the form of discrimination in employment opportunities.

The cases provided by refugee informants suggest that non-Somali and non-Arab refugees (namely, the Ethiopians and Eritreans) experience the worst discrimination. Although some Somalis also related incidences of harassment or discrimination, most acceded that the Yemeni treatment of Somalis is better than that afforded to other Africans (Interviews: refugees 20.08.02). They suggested three reasons for this. First, the historical ties between the two countries: Somalis have had a long presence in Yemen and many Yemenis today still have family who migrated to Somalia. In fact, although the precise numbers are unknown, Yemen today holds a large group of people, known as '*muwallad*', born to mixed Somali-Yemen parents. The second factor, which is in part the result of these ties and intermarrying, is the similar cultural traits - most Somalis are Muslim and many speak Arabic. Finally, there are many Yemeni Ethiopian *muwallad* as well because of the two countries' proximity. But these *muwallad* have historically been discriminated against by Yemenis because of the historical Ethiopian rule over Yemen centuries ago. These *muwallad* were, in the past, known as '*khadam*' or servants and new Ethiopian arrivals continue to be subjected to such discrimination.

¹⁵ The literature suggests that this is a problem faced by domestic workers the world over. Research into this issue in the context of refugee women in Yemen would provide a gender-based study of refugee issues and an interesting contribution to the literature on domestic workers.

It appears that racial discrimination does exist towards refugees but that discrimination is not directed in the same way to all groups. However, a survey of Yemeni perceptions towards refugees is necessary to fully appreciate the extent of refugees' claims of racism and intolerance.

4.3.6 Detention and deportation

Asylum-seekers in Yemen who had either never sought UNHCR protection or who have, but have been rejected, join the ranks of illegal migrants living in a state of limbo. Fearing persecution in their country-of-origin, they are unable to return. While the UNHCR does not deliver them to the authorities for deportation, they do fear the daily possibility of detention and deportation from their host country. Yet this fear appears only partly founded. On the one hand, according to individual cases the threat of detention seems to be real, in particular, outside of Sana'a. On the other hand, the authorities do not appear to act strictly regarding deportation. Refugees interviewed believed that deportation was done on an entirely *ad hoc* basis.

Refugees who had lived in both Sana'a and elsewhere indicated that the chance of being stopped and asked for documentation is less in the capital than in other cities (Interviews: refugees 15.08.02). They did not elaborate why this should be the case. Nevertheless, detentions do occur in Sana'a and two refugees told of cases of the authorities coming to their houses. These individuals believed that the authorities had informants: their landlords, who revealed where asylum-seekers and refugees reside and work.¹⁶

Interviews with asylum-seekers and refugees revealed that the threat of detention was real for both groups, despite the possession of legitimate residency in the form of a refugee card for recognised individuals. Recognised refugees believed that this was due to a combination of two factors (Interviews: refugees 15.08.02). First, as will be discussed below, the authorities appear to have little intention to actually deport people. Consequently, arresting individuals is often done with intent of extracting a

¹⁶ Yemeni 'National Law Regarding the Entry and Residency of Foreigners (47/1991)', Article 15, states that the owner of a house must inform the authorities within 48 hours of any foreigners staying in his house (see Appendix C: Yemeni Laws).

bribe for the person's subsequent release.¹⁷ One Ethiopian asylum-seeker related how he was detained for eight months before he was able to gather enough funds to bribe his way out (Interview: refugee 26.08.02). He informed that had the authorities wanted to deport him for illegal residency, they could have done so at any moment. Second, refugees suggested that the municipal police do not understand that a refugee card represents the 'right to residency'. Other Somali refugees asserted, on the contrary, that this lack of appreciation or respect towards the refugee card on the part of the authorities is beginning to change.

At the beginning of this year, the Yemeni Government began to take over the registration of Somali refugees from the UNHCR. This transfer of responsibility is discussed in greater detail in Chapter 5. Nevertheless, one implication of this transfer is worthy of note here. The new refugee cards issued by the Yemeni Government bare the emblem of the Republic of Yemen, as well as the 'protecting cupped-hands' of the UNHCR (see Appendix E: UNHCR Documents). Those Somali refugees who have been issued this new card testified that they have encountered fewer problems than in the past or in comparison to those who hold the older-style card that bares only the UNHCR logo. These individuals believe that the municipal police consider the new cards to carry greater credibility because of the inclusion of the Republic's emblem and are, consequently, more hesitant to arrest people.

Refugees told fewer stories of deportation than detention. The UNHCR asserted that the Yemeni Government rarely conducts deportations, saying that Yemen maintains an open-door policy (see Box 4.1 on northern borders; Interview: Remus 21.08.02). In fact, it reports that Yemen has participated in bilateral readmission agreements, primarily with the Government of Saudi Arabia but also various European nations, in which it admits asylum-seekers (non-Yemeni) that these countries deport (UNHCR 2002a: 3). These countries cannot then be accused of violating the *non-refoulement* principle. Striking such agreements keeps Yemen in favour with these governments, which it wants to maintain for various reasons; in the case of Saudi Arabia, for

¹⁷ One Ethiopian woman revealed that she had been sexually harassed by prison guards while in detention and that they had hinted this to be the price of her release (Interview; refugee; 22.08.02). The Yemeni Organisation for Human Rights, which monitors prison conditions, confirmed that sexual harassment does take place in the prisons (Interview; Alimi; 01.09.02). Further research into prison conditions of both men and women would be valuable to a better understanding of the social and civil conditions and rights of refugees and prisoners, in general, in Yemen.

example, the UNHCR asserts that there are over 200,000 Yemeni workers, many of whom reside illegally, and who provide a boon to the Yemeni economy through remittances. The Government of Yemen does not want them expelled.

Box 4.2 Effect of racism on refugees' socio-economic and civil rights

Despite the UNHCR's assertions that the Yemeni Government has a tolerant attitude towards refugees, particularly because of the 'concept of asylum familiar in Islam' (UNHCR 2000: 1), most refugees claimed otherwise. The following is an Ethiopian refugee's story of violations of his socio-economic and civil rights due to racism.

'I had been recognised by UNHCR a few years earlier and was studying during the day with a scholarship from UNHCR and working at nights to support myself. One evening at work, in 2000, I was called to the local police station in Aden without being told why. There, I was accused of selling alcohol (which, unlike Sana'a, is allowed in Aden – a free trade zone), of running a prostitution business and finally of having AIDS – none of which were true. I contacted UNHCR from prison. They came after three days. The authorities agreed to release me on the condition that I take an HIV test. Initially, they declared that their own laboratories would conduct the test but UNHCR insisted that an independent clinic do it. I was relieved about this because I was scared that they would lie about the result to use it as an excuse to deport me. After the negative result, they released me.

'When I returned to my school the following day, I was told that I had failed and was, therefore, expelled. I demanded to see my grades but they refused. I was also fired from my work with no explanations given. As UNHCR was funding my scholarship, I asked them if they could find out what happened. They told me I needed to go to the main office in Sana'a to do this, so I did. I contacted them frequently but was always told to come back later. One day, several months later, I was so angry that I went there and threw a stone breaking one of their windows. The next time I went there to find out about my scholarship, a man came to me while I was waiting to be called and told me to go with him. Unaware, I followed him. He took me to a car and told me I had to go with him, this time to the Sana'a prison.

'This time, I was detained for three months with no reason given. The first one and a half months, I was kept in a cell underground with no sunlight. Nobody knew where I was and I only knew the time of day from a distant *adzan* that I could hear. Finally they put me in another cell with other Yemeni prisoners and allowed me to contact friends. I was never questioned nor told why I had been detained a second time and the UNHCR never came to the prison despite pleas from my friends. I was finally released after collecting enough money to bribe the officials. I could find no other reason, than simple racism and intolerance, behind the whole incident.'

This story illustrates a refugee's perceptions of how discrimination at the political level in Yemen led to the violation of his socio-economic and civil rights. It was not the only such story encountered. Most refugees deem the UNHCR to be relatively powerless with respect to the authorities, who claim security as the motive behind arrests. They believe, however, that this is merely the excuse to disguise their true intentions to deport foreigners because of discrimination.

On the other hand, despite this perceived leniency regarding deportation, the Government of Yemen has in the past actively engaged in campaigns of mass

deportation and violated the *non-refoulement* principle of the *1951 Refugee Convention*. Article 33 states that, ‘No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group or political opinion.’

In August 1995, the Government of Yemen deported 418 Somalis, many of whom had been recognised by the UNHCR. They were deported back to Somalia, despite the country’s continued civil war. According to Amnesty International (1997), this effort was part of a greater campaign to crackdown on so-called ‘illegal aliens’ in Yemen, which by early 1997 saw the forcible repatriation of over 18,000 refugees. Although no precise numbers appear to exist, Amnesty International speculates that a large number of these individuals were either recognised refugees or awaiting decisions on their claims, thereby representing violations of Article 33 of the *1951 Convention* on the part of the Yemeni Government.

The Department of African Affairs asserts that repatriations are always voluntary (Interview: Aziz 31.08.02). In addition, it claims that the Yemeni Government does not have the administrative capability to actively search for asylum-seekers nor the resources to deport large numbers.

Nevertheless, administrative weakness in the form of a lack of understanding at the municipal (e.g. policemen not recognising a refugee card) and national level (e.g. deportation of refugees, thereby violating *non-refoulement* principle) leads to refugees’ unjust treatment. Yemen’s underdeveloped economy also permits levels of corruption that lead to unjust detentions. Ironically, however, it is the country’s administrative weakness and underdeveloped economy that simultaneously prevents greater injustice, because they reduce the Government’s capability to actively conduct mass detentions and deportations.

4.4 Conclusion

There are currently over 70,000 registered refugees in Yemen, the vast majority of whom are Somali and urban-settled. Other estimates put the number of asylum-seekers much higher. The Government of the Republic of Yemen appears to have a

relatively tolerant attitude towards asylum-seekers. Not only was it the first country in the Arab world to sign the relevant international treaties. Its *prima facie* acceptance of Somalis, despite their enormous numbers, Ethiopians and more recently of Eritreans represents an open-door policy unparalleled in the Arab world.

In spite of this progressive attitude, the Government of Yemen has thus far been unable to convert its international obligations towards the protection of refugees' rights into national-level policy. It accepts asylum-seekers, recognising them (either independently or by the UNHCR on its behalf) as refugees quite unreservedly. Yet it then fails to ensure the protection of their rights.

Despite this, the UNHCR Yemen continues to 'offer' local integration as its primary 'durable solution'. Yet it should not be considered as such until, at a minimum, national laws are in place that will protect refugees; national laws provide the primary structure necessary to give people a real (and not theoretical) chance of integrating. However, even with national legislation, other impediments appear to exist that prevent individuals from successfully integrating. Discrimination and difficulty in securing employment, due to the country's relatively small economy, are only two such impediments.

Yemen's inability to fulfil its international obligations appears to be due to a combination of factors. Being an underdeveloped country, it finds itself short on the resources with which to ensure that refugees' rights are protected. The country's vast number of asylum-seekers and, it should not be overlooked, economic migrants puts a strain on Yemen's formal economy. (The acceptance of Somalis *prima facie*, despite the fact that many possibly do not 'fear persecution' in their homelands, is a controversial issue because it technically puts an illegitimate strain on resources that are meant for deserving individuals.) Since it is not quantified, it is not known how much refugees are contributing to the Yemeni economy through their labour and entrepreneurial activities. In addition, Yemen's weak and un-harmonised administrative structures prevent a clear and centralised policy and treatment of refugees. This is exacerbated by the absence of a national refugee law. The country remains, as Amnesty International wrote in 1997, a case of 'ratification without

implementation'. However, in the past two years, the Government has begun efforts towards 'implementation'. The next chapter examines these efforts.

CHAPTER 5: TRANSFER OF RESPONSIBILITY

'In spite of many problems (with the transferring of responsibility), Yemen may be considered a pioneer in the Arab world for its efforts.'

- Interview: Remus, Deputy Representative, UNHCR Sana'a,
21.09.02

5.1 Introduction

The UNHCR Yemen's protection efforts for 2002 have focused primarily on government capacity building 'with a view to fulfil the country's international obligations as a signatory of the 1951 Geneva Refugee Convention and its 1967 Protocol' (UNHCR 2002a: 3).

Section 5.2 discusses current and emerging strategies and initiatives towards this transfer of responsibility, which are the result of cooperation between the UNHCR and the Government's National Committee for Refugee Affairs. The section derives largely from interviews with the Deputy Representative of the UNHCR Sana'a and an official from the Department of African Affairs of the Ministry of Foreign Affairs (Interview: Aziz 31.08.02). Section 5.3 examines one potential risk that could arise if responsibility for refugee affairs is placed solely in the hands of the Yemeni Government. Section 5.4 concludes the chapter with a brief discussion of the UNHCR's role in ensuring an effective and just transfer of responsibility.

5.2 Policies and initiatives

Since 2000, the Yemeni Government has taken several positive steps towards accepting the responsibility of refugee affairs. That year, the National Committee for Refugee Affairs (NCRA) was established by *Cabinet Decree No.64, 22 February 2000* (UNHCR 2000: 4). In 2001, the NCRA and the UNHCR established various confidence-building measures towards the gradual transfer of responsibility (Interview: Remus 21.08.02). One of the first measures was the UNHCR's provision, to the different related Ministries and the Office for Political Security, of a monthly list of newly recognised refugees. Other measures include the establishment of two

subcommittees under the NCRA functions (sections 5.2.1 and 5.2.2 below). Also, the UNHCR has begun discussing training course in refugee affairs for government authorities (section 5.2.3).

5.2.1 Registrations

One NCRA subcommittee is responsible for a pilot project between UNHCR and the Government of Yemen, involving the registration, issuing and extending refugee cards. Until recently, the UNHCR was responsible for this administrative process. In May 2002, the NCRA agreed to collaborate with the UNHCR for the ultimate aim of transferring this responsibility from UNHCR to the Government.

The project began with the registration of Somalis in the capital. At the time of writing, registration of Somalis had been complete in Sana'a, Aden and Hodeidah. The UNHCR predicted that, by early 2003, Somali registrations nationwide would be complete, thereby enabling the second phase – registration of non-Somalis – to begin (Interview: Remus 21.08.02). The project's sustainability will be achieved through the establishment of units or departments for the registration of refugees within the immigration offices in the larger cities, such as Sana'a and Aden, or in the Governorate offices in the other four regions of Yemen. It is expected that such a decentralised system will be more accessible to refugees having to register or renew their cards, as it will avoid the need to travel to larger cities. Decentralised offices should also permit greater management and monitoring capacity by local government authorities (Interview: Aziz 31.08.02).

Besides the benefits rendered by a decentralised system, the Government's participation in registrations also has two apparent advantages. First, the Government decided to place the emblem of the Republic on the new refugee cards. As discussed in section 4.3.6, most Somali refugees affirmed that the presence of the emblem lends the card greater credibility, resulting in fewer incidences of harassment and arrest by the authorities (Interviews: refugees 15.08.02-06.09.02).¹⁸

¹⁸ On the other hand, non-Somali refugees, who have not yet been issued new cards, remain sceptical, arguing that Somalis encounter less discrimination regardless of the type of card issued (see section 4.3.5).

The UNHCR hopes that government participation in registrations will have a second advantage as well of building confidence at the institutional level to gradually take on greater responsibilities (Interview: Remus 21.08.02). In fact, the Department of African Affairs affirmed that the various Ministries have been impressed by the efficiency in terms of time and cost of the pilot project (Interview: Aziz 31.08.02).¹⁹

5.2.2 Drafting national law

Another NCRA subcommittee is responsible for drafting national refugee legislation (Interview: Remus 21.08.02). The primary need for national refugee legislation is to avoid the possible contradictions between refugees' rights and the laws that apply to foreigners, under which refugees now fall. A national legislation would provide the means by which to translate international law (the *1951 Convention* and its *1967 Protocol*) into action at the national level.

At present, if a refugee is found guilty of a crime, s/he immediately faces a double sentence by virtue of being a 'non-national/foreigner'. The first punishment relating directly to the crime is derived from Yemen's criminal law code. The second, however, is an automatic deportation sentence, which derives from the law concerning foreigners. This law states that, if a foreigner is found guilty of a crime, the Republic of Yemen has the right to his/her immediate deportation (Interviews: Al-Salahi 19.08.02-20.08.02). At present, a refugee is tried in a court of law merely as a foreigner because of the absence of national refugee legislation.

The *Yemen Observer* (2002b) reported that the draft law would be ready by the end of 2002 and the UNHCR Deputy Representative affirmed that progress was being made on the draft legislation (Interview: Remus 21.08.02). However, he admitted that the UNHCR had not itself been presented with a draft. Also, the Department of African Affairs official stated that the NCRA was presently awaiting a consultant from the UNHCR Geneva to advise on drafting (Interview: Aziz 31.08.02).

¹⁹ The UNHCR Sana'a Deputy Representative strongly believes that, at the end of this registration pilot project, the Yemeni Government will have much experience and knowledge that may be valuable to impart to other countries in the region. He indicated that UNHCR Yemen would be interested in working together with the AUC FMRS Programme to organise workshops in which Yemeni Government officials could speak to officials of other governments, as a confidence-building measure towards their gradual acceptance of responsibility pertaining to refugee affairs.

5.2.3 Training

The UNHCR's training of government officials in refugee-related affairs is currently limited to two initiatives. The first involves permitting government officials to attend RSD interviews, while the second consists of regular meetings between the UNHCR and the Chief of Justice (Interview: Remus 21.08.02).

Currently, the UNHCR is the only decision-maker in both first-instance and appeal cases of RSD. Ultimately, an office within the Ministry of Immigration will be responsible for RSD. However, the purpose of opening interviews to government officials was not so much training to take over the RSD process but, as in the case of registrations, it was meant as a confidence-building measure to encourage the Government towards greater participation. The UNHCR Deputy Representative revealed that, when the scheme began in 2001, government officials attended RSD interviews once or twice a week. Although attendance has gradually dropped, the UNHCR intends to encourage greater attendance for training purposes as the complete transfer of responsibility becomes more imminent.

The second initiative established by the UNHCR and the NCRA consisted of regular meetings between the UNHCR Representative and the Yemeni Chief Justice to discuss, in particular, the *non-refoulement* principle, which is perhaps the core right of refugees (Interview: Remus 21.08.02). It is particularly important that the Yemeni judiciary understand the above principle, in light of the current absence of national refugee legislation, as the UNHCR refers cases to the judiciary for final adjudication (UNHCR 2000: 2). There have already been instances of intervention at the UNHCR's request, as in the case of the Somali refugee sentenced to deportation (he was initially sentenced to death) for apostasy from Islam to Christianity (he was later quickly resettled to New Zealand; Human Rights Without Frontiers 2000).

The UNHCR has agreed with the NCRA that it will take responsibility of training the judiciary (Interview: Remus 21.08.02). Such training has not yet begun because full transfer of responsibility is not yet imminent and the UNHCR continues to prioritise other projects. However, one idea that has germinated is for the UNHCR to sponsor classes at the University of Sana'a on refugee law and human rights and to provide scholarships for members of the judiciary to take part in these classes. There has as

yet been no follow up to this idea but academics at the University of Sana'a expressed interest in the idea (Interviews: Al-Salahi 19.08.02-20.08.02; Moghram 19.08.02).

One other necessary area of capacity building involves lower-level officials that deal with refugees on an administrative basis. The UNHCR recognised this need and, in its protection efforts agenda for 2002, wrote that the 'training of Immigration officers and coast guard personnel on refugee law is seen as one of the important objective [sic] in UNHCR strategy' (UNHCR 2002a: 3). However, at the time of fieldwork, no projects had been implemented to fulfil this strategy.

Such efforts, as registration and the drafting of national refugee legislation, represent strong initiatives on the part of the Yemeni Government, as the quotation at the beginning of this chapter suggests. However, only time will tell the extent of success of these policies. Capacity building, through training and involvement in the routine work of the UNHCR, should begin without long delay if the Government is to assume responsibility for refugee affairs. UNHCR's transfer of responsibility of refugee affairs to Government also carries with it potential risks, which must be addressed and monitored to ensure just treatment of refugees. One such problem is discussed below.

5.3 Concern with transferring responsibility

One of the greatest concerns expressed by academics, professionals and refugees alike related to the Government acquisition of responsibility for refugee affairs is a possible abuse of power by which the Government abrogates from its human rights responsibilities in the name of national security (*Yemen Times* 2002b; Interviews: Al-Salahi 19.08.02-20.08.02; Moghram 19.08.02; Adolph 31.08.02). This concern has emerged since the terrorist attacks in the United States of September 11, 2001. The International Council on Human Rights Policy identifies this concern as a major theme of the future human rights discourse. It writes (2002: 3),

(C)onsiderations of national interest...may gain influence relative to law-based approaches, including human rights... The spread of polarised and imprecise rhetoric creates a political environment in which certain groups of people (notably prisoners, religious and ethnic minorities, *migrants* and dissidents) are classically vulnerable to repression and violation of their rights. (*italics added*)

Scholars in Yemen, such as Dr. Fuad Al-Salahi and Dr. Moghram (Interviews: 19.08.02-20.08.02) from the University of Sana'a, fear that, the Government of Yemen will employ arguments pertaining to national security against terrorism to indiscriminately detain and deport refugees. In so doing, the Government does not necessarily have to breach the *1951 Refugee Convention*, as Article 33, Paragraph 2 provides an exclusion clause for the *non-refoulement* principle. The article states that,

The benefit of the present provision [the principle of non-refoulement, as stated in Article 33] may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.

The concern that the Government might increasingly employ this article when they begin conducting status determination appears to have some justification in Yemen. The Republic's Government has faced considerable pressure from, particularly, the United States for its suspected harbouring of Al Qaeda terrorist members, which the United States associates with the bombing of the SS Cole in the Gulf of Aden in October 2000 (UNHCR 2002a: 3). In addition, with the UNHCR still conducting RSD, there have already been incidences of recognised refugees being detained on security grounds. One particular incident involved the recent detention of two Somali refugees, both of whom were aircraft engineers and trained pilots. Family members alleged that they were detained by political security officers in mid-August but, at the time of writing, their precise whereabouts were still unknown (Interviews: refugees 15.08.02-06.09.02). The UNHCR stated that they were looking into the matter.

5.4 Conclusion

Cooperative efforts between the UNHCR and the NCRA to transfer responsibilities for refugee affairs are proving successful (though only time will tell the extent of this success). Providing the relevant Government offices with a monthly list of newly recognised refugees and involving the Government in the registration of these refugees are small but constructive steps towards encouraging the Yemeni Government to fulfil its international obligations. Most informants were of the opinion that they 'get the ball rolling' by building confidence among the relevant governmental departments to gradually assume further responsibilities.

In addition, the UNHCR believes that encouraging greater Government involvement will also enhance Government confidence in the RSD process and, in turn, act to reduce their suspicion and any unjustified ‘scapegoating’ of refugees. Furthermore, the UNHCR argues that greater Government responsibility will free the UNHCR to function in its basic role of advocating for the protection of refugees. Yet refugees remain sceptical as to the extent of influence that the UNHCR has over the Government. Their concerns provide added imperative for educating not only the judiciary but also lower-level authorities including in the Governorates, such as the police and officials in the Ministry of Immigration.²⁰

CHAPTER 6: CONCLUSION

6.1 Introduction

This study has detailed the findings of one month’s fieldwork into the general situation of refugees in Yemen. In particular, it examined the sources of refugee law in Yemen (Chapter 3), the socio-economic condition of refugees (Chapter 4), and finally the active measures currently being taken by the Government of Yemen to better deal with refugee affairs (Chapter 5).

This chapter concludes the report. Section 6.2 discusses the primary aim of this study and the rationale behind this aim. It concludes with a summation of the study’s main findings and identifies its central contributions to the literature on refugees in Yemen and the Arab world. Section 6.3 concludes the report with some implications for further research.

6.2 Summary

The primary aim of this study was to investigate the general situation of refugees in Yemen. The absence of any comprehensive literature on this topic provided the rationale for the study. The study focused on identifying the main actors and issues faced by these actors with regards to refugee affairs in Yemen. It is hoped that this

²⁰ It is, therefore, an apt time for the AUC to promote its FMRS Programme amongst professionals in the field. The UNHCR expressed interest in working together on this theme.

study and the contacts that were made through it will open the way for future research and advocacy towards better protection of refugee rights.

Chapter 3 pointed out that the Government of Yemen is signatory to the relevant international treaties that espouse a commitment to protection of refugee rights. The chapter also discussed the fact that Yemen has failed so far to translate this commitment at the national level; its failure most starkly represented by the marked absence of national refugee legislation.

Chapter 4 examined the numbers of refugees, asylum-seekers and other (economic) migrants in Yemen, before proceeding to examine the main issues that refugees brought up during the course of fieldwork. The study found that refugees suffer from the absence of national refugee legislation because they are often treated as foreigners without the special protection of a refugee. Field observations further found that NGOs that provide services to refugees in Yemen are facing various difficulties, primarily in the form of diminishing budgets, which affect their ability to ensure that refugees have access to services that constitute their rights. On the other hand, interviews with refugees showed that individuals and communities have created their own support structures so that they are not entirely dependent on NGO, UNHCR or government service provision.

The evidence examined in Chapter 5 indicates that the Yemeni Government has made some progress in the past two years to fulfil its international obligation to protect refugee rights and assume responsibility for refugee affairs. The study found that the establishment of the National Committee for Refugee Affairs, in particular, has been productive in catalysing Government efforts.

6.3 Implications

The refugee situation in Yemen is of interest to academics and professionals alike in the field of forced migration because of the large number of asylum-seekers in this country and the fact that it is taking progressive measures to ensure their rights. An examination of the *general* situation in the context of a void in academic literature on the matter, however, has proven that greater research is necessary.

Longer-term research into the Yemeni Government's capacity and willingness to assume responsibility for refugee affairs would be highly valuable. Theoretically, Yemen's status as an underdeveloped country means that it possibly faces problems as large as, if not greater those faced by governments worldwide. Consequently, research would provide insight into the problems faced by many governments and – since initial research has shown that the Yemeni Government has made some progress in fulfilling its obligations to protect refugee rights – such research may contribute to policy recommendations for other nations that are host to refugees.

Although there exists a host of literature on camp refugees, a study on the case of Al Kharaz camp could contribute to this literature. Al Kharaz camp is unique in many ways. It is believed that a large number of its residents are only there sporadically, as they leave for work opportunities (Interview: Rowaished 03.09.02). SHS, one of the NGOs that provides services in the camp, is proposing a project to create work opportunities in the camp. One idea is to till the land in the area on which to grow food for the resident population.²¹ A study to assess the extent to which such a scheme would benefit camp refugees would prove very valuable.

Finally, more structured research into the prevalence of discrimination and racism in Yemeni society towards asylum-seekers would be valuable, as many refugees interviewed asserted that it constitutes one of the largest problems they face. Time constraints on this fieldwork meant that only their perspectives were sought and presented and local Yemenis were not interviewed. As local integration is the most common 'durable solution' offered by the UNHCR, the existence of these problems needs to be addressed.

There are many more areas of the refugee situation in Yemen that need to be better understood. The heterogeneous nature of Yemen – being Muslim-dominated but diverse in its north-south history, its geographical features, the extent to which different areas are dominated by tribal politics and, finally, its willingness to admit asylum-seekers, yet not to fully accept them – makes it a complex refugee situation to attempt to understand.

²¹ SHS expressed interest in working with the FMRS Programme of AUC to develop these ideas.

Appendix A. Table of interviewees

Non-refugee informants

Name	Title/position	Area of expertise	Date of meeting
<i>Mr. Mohamed Omar</i>	Manager, Refugee Community Centre	Community affairs of refugees	18 and 19 August 2002
<i>Dr. Fouad Al-Salahi</i>	Assist Prof of Sociology, University of Sana'a	Push factors producing refugees	19 and 20 August 2002
<i>Dr. Mohamed Moghram</i>	Assist Prof of Law, University of Sana'a	Public policy; research into 'nationalizing' international law	Monday, August 19, 2002
<i>Mr. Mohamed Ali Hersi</i>	Tracing Agent (ICRC); Chairman (COSICCA)	Family reunification; Somalis in Yemen	Monday, August 19, 2002
<i>Dr. Khadiga</i>	Manager, Partners for Development	Social and financial aspects of urban refugee life	Wednesday, August 21, 2002
<i>Mr. Frank Remus</i>	Deputy Representative, UNHCR Sana'a	UNHCR; Refugees in Yemen	Wednesday, August 21, 2002
<i>Dr. Fawziah</i>	Manager, Marie Stopes Institute	Reproductive health amongst refugees	Saturday, August 24, 2002
<i>Mr. Khaled Al-Dubai</i>	Public Health Management Expert, IHD	Public health of refugees	Sunday, August 25, 2002
<i>Mr. Faris Sanabani</i>	Editor-in-Chief, Yemen Observer	Journalist	Monday, August 26, 2002
<i>Mr. Robert Adolph</i>	UN Field Security Officer, UNDP	Security in Yemen; Yemen's tribal system	Saturday, August 31, 2002
<i>Mr. Abdulbasit Ishak</i>	Programme Analyst, UNDP	Development in Yemen	Saturday, August 31, 2002
<i>Mr. Abdul Aziz</i>	Department of African Affairs, Ministry of Foreign Affairs	Refugees in Yemen; political relations with Africa	Saturday, August 31, 2002
<i>Ms Suad El Geds</i>	General Director, Women's Forum, Research and Training	Gender issues	Sunday, September 01, 2002
<i>Mr Sultan Alimi</i>	Coordinator, Yemeni Human Rights Organisation	Detention in Yemen	Sunday, September 01, 2002
<i>Mr. James Bobby Alemi</i>	Programme Officer, UNHCR Aden	UNHCR; Refugees in Yemen	Monday, September 02, 2002
<i>Mrs. Radia Shamshir</i>	Member of Security Council, Yemeni Organisation for the Defense of Human Rights and Democracy	Human rights law in Yemen	Monday, September 02, 2002
<i>Dr. Ali Khamis Rowaished</i>	Secretary General, Charitable Society for Social Welfare (<i>Islah</i>)	Socio-economic issues of refugees and Yemenis in Aden and Al Kharaz	Tuesday, September 03, 2002

<i>Dr. Salmeed Al-Giffny</i>	Manager of CSSW Al Basateen Clinic, Aden	Health of refugees in Al Basateen, Aden	Tuesday, September 03, 2002
<i>Mrs. Aisha Saeed Nalia</i>	Programme Officer, Radda Barnen	Children's rights	Tuesday, September 03, 2002
<i>Mr. Naser Bagenou</i>	Coordinator, SHS	Functioning of Mayfa'a and Al Kharaz.	Wednesday, September 04, 2002
<i>Dr. Ahmed Aqabat</i>	Minister of Justice	Ministry of Justice; judiciary	Monday, September 09, 2002

Refugee informants

Name	Title/position	Area of expertise	Date of meeting
<i>Anonymous</i>	Member, Committee for Naval Officers of former Ethiopian Navy	Status of ex-Naval Officers in Yemen	Tuesday, August 20, 2002
<i>Refugees (Ethiopian, Somali, Eritrean, Palestinian) - Sana'a</i>	N/A	UNHCR, socio-economic status in Yemen, reasons for fleeing to Yemen, treatment by NGOs, Yemenis and authorities, etc.	Various meetings with individuals and groups; 15 August -01 September 2002
<i>Refugees (Ethiopian, Somali, Eritrean) - Aden</i>	N/A	as above	Various meetings with individuals and groups; 03 September - 06 September 2002

APPENDIX B. Contacts of individuals and institutions in the refugee field – Yemen: August/September 2002²²

Charitable Society for Social Welfare (Islah)

Full Name: Dr. Salmeed Al Giffny
Job Title: Manager of Al Basateen Clinic
Business Address: Al Basateen,
Aden,
Yemen
Business: +967 (2) 244441
Business 2: +967 (2) 303843

Charitable Society for Social Welfare (Islah)

Full Name: Dr Ali Khamis Rowaished
Job Title: Secretary General
Business Address: PO Box 260,
Crater,
Aden,
Yemen
Business: +967 (2) 254203
Business 2: +967 (2) 254300
Assistant: +967 (2) 252628
Home: +967 (2) 233215
Mobile: +967 (2) 71176054
Business Fax: +967 (2) 257339

Manages health clinics in Al Basateen and Al Kharaz camp. Distributes WFP-donated food at Al Basateen to three categories of people: pregnant women, lactating women, and undernourished individuals. Provides literacy and vocational training classes for women in Al Basateen. Manages a school (Grades 1-9) employing Yemeni syllabus at Al Kharaz camp.

CINS

Company: CINS
Business Location: Aden
Business: +967 (2) 503792
Business Fax: +967 (2) 503793

Italian NGO providing healthcare.

Committee for the Somali Interest, Conservation and Community Affairs

Full Name: Mohammed Ali Hersi
Job Title: Chairman

²² Some of the contact details found here are incomplete. Postal and email addresses are missing for some. Not all streets are named, even in the capital, Sana'a; while few institutions use email regularly. Thus, telephones are still the most effective way to contact people. But even telephone lines are often congested and will not connect.

Business Address: PO Box 11963,
Sana'a
Yemen
Business: +967 (1) 247162
Mobile: +967 73887845
E-mail: comsicca@yahoo.com
E-mail 2: comsicca@hotmail.com

Mr. Hersi also works for the International Committee of the Red Cross.

Embassy of the Republic of Yemen, Cairo

Full Name: Nabil M. Hameed
Job Title: Consular Assistant
Business Address: 28 Amin Al Rafai Street,
Dokki,
Off Midan Mesaha,
Cairo,
Egypt
Business: +20 (2) 7614224
Business 2: +20 (2) 7614225
Mobile: +20 105060049
Business Fax: +20 (2) 7604815
E-mail: nab909@yahoo.com

Mobile in Sana'a is +967 71101520.

Interaction in Health Development

Full Name: Mr. Khaled Yasin Al-Dubai
Job Title: Public Health Management Expert
Business: +967 (1) 267246
Business 2: +967 (1) 422666
Mobile: +967 73747716
Business Fax: +967 (1) 422700
E-mail: interaction@interactionyemen.com

Together with Marie Stopes Institute, the only NGO in Sana'a to provide health services to refugees. Provides primary healthcare but focuses on preventative, rather than curative, methods. Thus, was providing healthcare classes, until the UNHCR cut its budget in 2002.

Interaction in Health Development

Full Name: Dr. Samirah Banwair
Last Name: Samirah Banwair
Job Title: Manager of Clinic
Company: Interaction in Health Development
Business: +967 (1) 267246
E-mail: banwair@yahoo.com
E-mail Display As: Samirah Banwair (banwair@yahoo.com)

International Committee of the Red Cross

Full Name: Mohamed Ali Hersi
Job Title: Tracing Agency
Business Address: Southern 60 - m Road,
Close to UNDP,
Sana'a
Yemen
Business: +967 (1) 448722
Business 2: +967 (1) 448723
Mobile: +967 73887845
Business Fax: +967 (1) 448823
E-mail: sanaa.san@icrc.org
Web Page: <http://www.icrc.org>

The ICRC in Yemen is involved in family reunification and issuing travel documents to refugees that can obtain visas to travel. Also maintains an office at Al Kharaz camp to facilitate message boards through which refugees can contact family members.

Mr. Hersi is also the Chairman for the Committee for Somali Interests, Conservation and Community Affairs (COSICCA).

International Committee of the Red Cross

Full Name: Ms Amal Murteja
Job Title: Publications
Business Address: PO Box 2267
Southern 60-m Road,
(close to the UNDP),
Sana'a
Yemen
Business: +967 (1) 448732
E-mail: amal_murteja@yahoo.com
Web Page: <http://www.icrc.org>

Marie Stopes Institute

Full Name: Dr. Fawziah
Job Title: Manager
Business: +967 (1) 241494
Mobile: +967 71100421

Together with Interaction, the only NGO in Sana'a to provide healthcare to refugees. Provides reproductive healthcare; in particular, pre and antenatal care and family planning counseling.

Ministry of Foreign Affairs

Full Name: Dr. Essem Ahmed Al-Mahbashi
Job Title: Protocol
Business: +967 (1) 276549
Business 2: +967 (1) 271694
Mobile: +967 71101058
Business Fax: +967 (1) 276556

E-mail: essam56@hotmail.com

E-mail Display As: Essem Ahmed Al-Mahbashi (essam56@hotmail.com)

We should go through him for different contacts in Ministry of Foreign Affairs; for example, to Mr. Abdul Aziz Al Qustuban (Foreign Affairs), who works in Department of Africa, which deals with refugees.

Ministry of Justice

Full Name: Ahmed Abdullah Aqabat
Last Name: Aqabat
First Name: Ahmed
Job Title: Minister of Justice
Company: Ministry of Justice

Business: +967 (1) 252158
Business 2: +967 (1) 252171
Assistant: +967 (1) 252170
Home: +967 (1) 330659

Ministry of Justice

Full Name: Ahmed Al Wazir
Job Title: Relations Management (Protocol)
Business: +967 (1) 255227
Mobile: +967 73755321
Business Fax: +967 (1) 255227

Ministry of Justice

Full Name: Ahmed Nouridine
Job Title: General Manager of Minister's Office
Business Address: c/o _____
Ministry of Justice,
Sana'a
Yemen
Mobile: +967 73770983
Business Fax: +967 (1) 252158

Best person to contact to get to judges in judiciary. We should communicate through him.

Ministry of the Interior

Full Name: Major Arif Mohamed Ali
Job Title: Media
Business: +967 (1) 332701

Was never actually able to contact Mr. Ali. The above number is merely the number for the Ministry of the Interior and not Mr. Ali's direct line. But he is one of the Interior Ministry's members of the National Committee for Refugee Affairs.

National Committee for Refugee Affairs

Full Name: Ambassador Aydoroz
Job Title: Charge d'Affaires
Business Fax: +967 (1) 292261

Aydoroz is only temporarily in charge. The Committee is awaiting the appointment of a new Chairman.

Partners for Development

Full Name: Dr. Khadiga
Job Title: Manager
Business Address: PO Box 18012
Sana'a,
Yemen
Business: +967 (1) 241380
Business Fax: +967 (1) 509468
E-mail: padyemen@y.net.ye
E-mail 2: khadiga_@hotmail.com
Web Page: <http://www.padyemen.port5.com>

Provides legal, social and financial counselling and assistance. Legal assistance often takes the form of mediation between refugees and employers or landlords. Social assistance primarily takes the form of job placements. Financial assistance is provided solely in the form of short term loans for extremely destitute or vulnerable cases. In addition, PAD manages the Refugee Community Centre community hall, mentioned in section 4.3.2, in providing language lessons (English, Arabic and French) and maintaining a day-care centre.

Radda Barnen (Save the Children, Sweden)

Full Name: Mrs. Aisha Saeed Nalia
Job Title: Programme Officer
Business Address: Aden
Business: +967 (2) 231602
Business 2: +967 (2) 231507
Mobile: +967 71193321
Business Fax: +967 (2) 232035
E-mail: rbymcacd@y.net.ye

Monitors children's rights at Al Kharaz camp. Manages a school (Grades 1-9) employing Somali syllabus (refugees decided they wanted Somali syllabus to ensure their children maintain their language, in the hope that they will be able to one day return). Works with mothers to ensure children's wellbeing (a large number of the camp's population are young mothers); works with handicapped children also.

Refugee

Full Name: Mr. Abe (Ethiopian)
Last Name: Abe
Mobile: +967 73842577

Can provide refugee contacts in both Sana'a and Aden.

Refugee

Full Name: Mr. Burhan (Somali)
Business Address: Sana'a

Mobile: +967 73856476

E-mail: burhanadiin@hotmail.com
E-mail Display As: Burhan (burhanadiin@hotmail.com)
E-mail 2: abdiraxmaanye@yahoo.com
E-mail2 Display As: Burhan (abdiraxmaanye@yahoo.com)
Can provide refugee contacts in Sana'a.

Refugee

Full Name: Ismail (Ethiopian)
Business Address: Aden
Business: +967 (2) 234871

Refugee

Full Name: Kelemework H/woin Menberu (Ethiopian)
Business Address: PO Box 5214
Mualla
Aden
Yemen

Contact through Ismail.

Refugee

Full Name: Kiflom Zeresenai (Eritrean)
Home: +967 (1) 294517
E-mail: kif_zer@yahoo.com

Can provide refugee contacts in Sana'a.

Refugee Community Centre

Full Name: Mohamed Omar
Job Title: Manager
Business Address: Off Sharia Dairy,
Sana'a,
Yemen
Business: +967 (1) 208064
Home: +967 (1) 602282
E-mail: mohamed_alhegri@hotmail.com

The Refugee Community Centre, funded by PAD, runs a daycare centre, provides adult vocational and language training to refugees and houses a café and video-hire shop.

SHS

Full Name: Naser Saleme Ali Bagenou
Job Title: Coordinator
Business Address: Khor Maksar,
Aden,
Yemen
Business: +967 (2) 231468
Business 2: +967 (2) 235809
Mobile: +967 71116327

Conduct general health checks and provide food for arrivees in Mayfa'a Transit Center, then work distributing food and water and maintaining infrastructure in Al Kharaz.

Does not have email address or website but says eager to work together and will send paper/proposal on establishment of plantation in Al Kharaz. Call if they do not write soon.

Triangle

Full Name: Chrystal
Job Title: Coordinator
Business Address: Aden
Business: +967 (2) 231280

Provides social services in Al Basateen, such as cultural and sports activities for children, and maintains infrastructure of Al Kharaz camp.

UNDP

Full Name: Mr. Robert Adolph
Job Title: UN Field Security Advisor
Business Address: PO Box 551,
Sana'a,
Yemen
Business: +967 (1) 448605
Business 2: +967 (1) 448606
Mobile: +967 7960273
Business Fax: +967 (1) 448693
E-mail: robert.adolph@undp.org

Can - off the record - give updates on political security situation of Yemen. Good person to know if you run into any trouble.

UNDP

Full Name: Mr. Abdulbasit A. Ishak
Job Title: Programme Analyst and Communications Officer
Business Address: PO Box 551
Sana'a
Yemen
Business: +967 (1) 448605
Business 2: +967 (1) 448608
Mobile: +967 71131290
Business Fax: +967 (1) 448841

E-mail: abdulbasit.ishak@undp.org
E-mail Display As: Abdulbasit A. Ishak (abdulbasit.ishak@undp.org)

UNDP

Full Name: Jamal Ahmad Outaifa
Job Title: Sr. Field Security Assistant
Business Address: PO Box 551,
Sana'a
Yemen
Business: +967 (1) 448605
Home: +967 (1) 410753
Mobile: +967 73706820
Pager: +967 5800701
E-mail: jamal.outaifa@undp.org

UNHCR

Full Name: Mr. James Boby Alemi
Job Title: Programme Officer
Business Address: PO Box 6090
Aden
Yemen
Business: +967 (2) 231358
Business 2: +967 (2) 231441
Assistant: +967 (2) 230358
Business Fax: +967 (2) 234406
E-mail: alemi@unhcr.ch

Has agreed to send current statistics, latest publications, etc relevant w Yemen. We must just write to him what we want.

UNHCR

Full Name: Ms. Isa'a Al-Noaman
Job Title: Project Assistant
Business Address: 9 Djibouti St
Sana'a
Yemen
Mobile: +967 73893893

UNHCR

Full Name: Mr. Saad Al Attar
Job Title: Representative
Business Address: Djibouti St.
Sana'a
Yemen
Business: +967 (1) 442352
Business 2: +967 (1) 442353
Assistant: +967 (1) 442361

UNHCR

Full Name: Frank Remus
Job Title: Deputy Representative
Business Address: PO Box 12093,
Sana'a,
Republic of Yemen
Business: +967 (1) 442352
Business 2: +967 (1) 442353
Assistant: +967 (1) 442361
Business Fax: +967 (1) 442355
E-mail: remus@unhcr.ch
Web Page: <http://www.unhcr.ch>

Has agreed to send current statistics, latest publications, etc relevant w Yemen. We must just write to him what we want.

UNHCR

Full Name: Mr. Basim Al-Faqir
Job Title: Lawyer
Business Address: Abyan
Home: +967 (2) 604054
Mobile: +967 73819733

Employed by UNHCR on need-basis to defend refugees in Yemeni court.

University of Sana'a

Full Name: University of Sana'a
First Name: University of Sana'a
Business: +967 (1) 200520

University of Sana'a

Full Name: Dr. Fuad Al-Salahi
Job Title: Assistant Professor, Dept of Sociology, Faculty of Arts
Business Address: Dept of Sociology,
Faculty of Arts,
University of Sana'a,
PO Box 13353,
Sana'a,
Yemen
Mobile: +967 71101571
Business Fax: +967 (1) 404756
E-mail: drfuadalsalahi@yahoo.com

Research in push factors of refugee flow to Yemen.

University of Sana'a

Full Name: Dr. Abdulhakim Al-Sharjabi
Home: +967 (1) 215142

Research in social issues faced by refugees in host country.

University of Sana'a

Full Name: Dr. Mohamed A. Moghram
Job Title: Assist. Prof., Faculty of Law
Business Address: Faculty of Law,
University of Sana'a,
PO Box 3367,
Sana'a,
Yemen
Business: +967 (1) 224178
Home: +967 (1) 218899
Mobile: +967 7961475
E-mail: dr.moghram@justice.com

Research in how international treaties are being codified in national Yemeni law; public policy; interest in refugee affairs.

Women's Forum, Research and Training Centre

Full Name: Ms. Suad El Gedsu
Business Address: PO Box 5655,
Taiz,
Yemen
Business: +967 (4) 211226
Home: +967 (4) 251331
Mobile: +967 73706673
Business Fax: +967 (4) 211226
E-mail: suadwf@y.net.ye

Yemen Centre for Strategic Studies

Full Name: Dr. Mohamed Ahmed Al-Afandi
Job Title: Chairman
Business Address: PO Box 13612,
Sana'a,
Yemen
Business: +967 (1) 441770
Home: +967 (1) 214142

Anita's contact from conference in Jordan.

Yemen Observer

Full Name: Mohammad
Job Title: Managing Editor
Business Address: 38 Aljazaer Street,
Opposite Japanese Embassy,
Sana'a
Yemen
Business: +967 (1) 203393

Business 2: +967 (1) 203214
Mobile: +967 73213078
Business Fax: +967 (1) 207293

Good source of contacts.

Yemen Observer

Full Name: Faris Sanabani
Job Title: Editor in Chief
Business Address: PO Box 19183
Sana'a
Yemen
Business: +967 (1) 203214
Business 2: +967 (1) 203393
Mobile: +967 71123123
Business Fax: +967 (1) 207239
E-mail: faris@yobserver.com
Web Page: <http://www.yobserver.com>

Good source of contacts. Interested in working together w FMRS to publicise conferences, research, etc, and having FMRS write articles for the newspaper.

Yemen Times

Full Name: Walid Al-Saqqar
Job Title: Editor in Chief
Business: +967 (1) 268661
Business 2: +967 (1) 268662
Assistant: +967 (1) 268663
Mobile: +967 71717133
E-mail: editor@yementimes.com
E-mail 2: salah.haddash@yementimes.com
E-mail 3: dr.abdulaziz@yementimes.com

Useful in providing all sorts of contacts.

Yemeni Human Rights Organisation

Full Name: Sultan Alimi
Job Title: Coordinator
Business Location: Taiz
Business: +967 (4) 234769
Mobile: +967 71712806
Business Fax: +967 (4) 252931
E-mail: suadwf@y.net.ye

Monitors prison conditions and treatment of detainees; thus, inadvertently deals with refugees in detention. Only organization that does not depend on funding from the UNHCR. Has branches in Sana'a and Aden.

To contact Mr Alimi, must go through Ms Suad El Geds from the Women's Forum, Research and Training Center, as Mr Alimi does not have an email address. The YHRO works with prisoners and, therefore, with refugees in detention as well.

Yemeni Organisation for the Defense of Human Rights and Democracy

Full Name: Radia Shamshir
Job Title: Member of Security Council; lawyer
Business Address: Aden
Home: +967 (2) 232727

Working on a systemic level to enhance awareness of refugees' rights among Yemeni professionals, in particular lawyers. Currently petitioning the UNHCR to employ one of its lawyers to defend female refugees in Yemeni courts.

She said she would write first. Had broken her arm and so I had gone to see her at home and she, therefore, did not have pamphlets, etc. If she does not write, call her and ask her to write an email. Good contact to have - all lawyers in the Organisation.

APPENDIX C. Yemeni Laws (in Arabic)

- 1. ‘Cabinet Decree No.6/1990 in regards to Yemeni Nationality’**
- 2. ‘Presidential Decree No.47/1991 in regards to Residency Permits for Non-Nationals’**

APPENDIX D. Tables for figures

Figure 4.1 Non-Somali UNHCR registered refugees in Yemen (as of 31 March 2002)

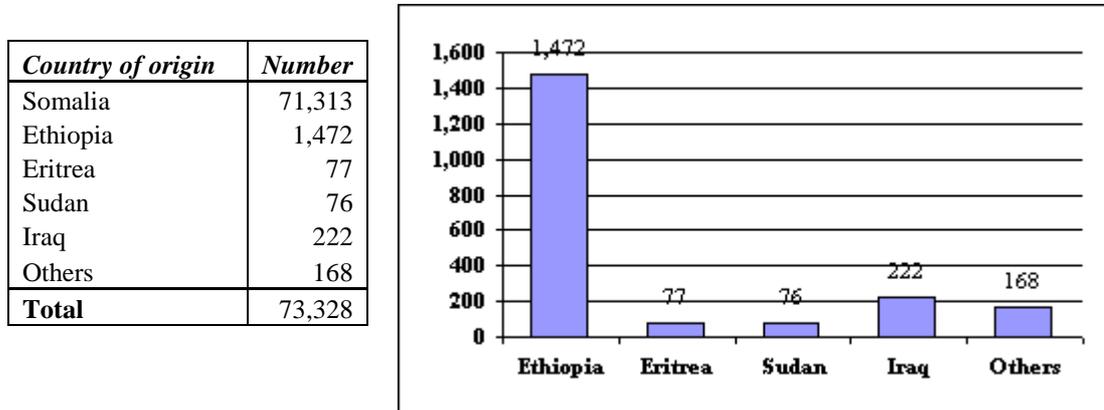
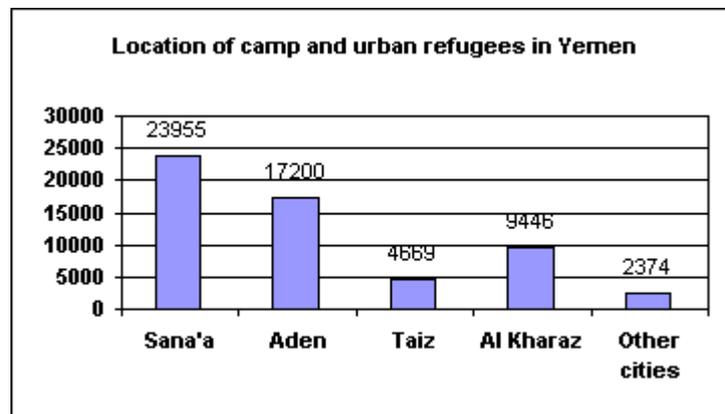


Figure 4.2 Location of refugees in Yemen

	Somali	Ethiopian	Eritrean	Iraqi	Palestinian
Sana'a	22594	867	75	193	123
Aden	17132	68			
Taiz	4669				
Al Kharaz	8943	503			



APPENDIX E. UNHCR Documents

- 1. Letter to Yemeni Government regarding refugees' right to work**
- 2. Letter for temporary residency while awaiting UNHCR RSD**
- 3. UNHCR – Government joint refugee card**

Bibliography

- Amnesty International (1997), “Ratification without Implementation: the state of human rights in Yemen”, March 1997.
<http://www.web.amnesty.org/ai.nsf/index/MDE310011997>
- GoY, Government of the Republic of Yemen (1990), ‘Cabinet Decree No.6/1990 in regards to Yemeni Nationality’, Khalid Ibn Al-Walid Publishing and Distributing Library, Sana’a: Yemen.
- ____ (1991), ‘Presidential Decree No.47/1991, In Regards to Residency Permits for Non-Nationals, Law No.’, Khalid Ibn Al-Walid Publishing and Distributing Library, Sana’a: Yemen.
- ____ (2001), *Constitution of the Republic of Yemen* (Pocket edition, in Arabic), April 2001, Sana’a: Yemen.
- Jackson, Ivar (1999), *The Refugee Concept in Group Situations*, Martinus Nijhoff Publishers: The Hague.
- International Council on Human Rights Policy (2002), *Human Rights after September 11*, International Council on Human Rights Policy, Varsoix: Switzerland.
- Partners for Development (2001), *Information pamphlet*, Print Art, Sana’a: Yemen.
- UNDP, United Nations Development Programme (2002), *Arab Human Development Report 2002: Creating opportunities for future generations*, Arab Fund for Economic and Social Development, Amman; Jordan.
- UNHCR, United Nations High Commission for Refugees (2000), *Yemen 2000 Annual Protection Report – Executive Summary*, UNHCR BO Sana’a: Yemen.
- ____ (2001a), *Annual Statistical Report: Yemen*, UNHCR BO Sana’a: Yemen.
- ____ (2001b), *Yemen Fact Sheet*, June, UNHCR BO Sana’a: Yemen.
- ____ (2002a), *Donor’s Meeting Yemen: Briefing Notes*, 09 June 2002, UNHCR BO Sana’a: Yemen.

Websites

- Human Rights Without Frontiers (2000), “New Zealand to resettle Somali Christian Convert”, August 2000,
<http://www.hrwf.net/newhrwf/html/somalia2000.html>

- ReliefWeb (2002), “UNHCR briefing notes: Kenya, Somalia, Liberia, Guinea, East Timor, Afghanistan”, May 2002,
<http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/9ad22f4205603521c1256bbc0046427a?OpenDocument>.
- UNHCR (2002b), *Annual Statistics, 2002*, September 2002. Website:
www.unhcr.ch/cgi-bin/texis/vtz/home?page=statistics
- US Committee for Refugees (2002), *Worldwide Refugee Information – Country Report: Yemen 2002*,
<http://www.refugees.org/world/countryrpt/mideast/yemen.htm>

Newspaper sources

- *Yemen Observer* (2002a), “Drafting refugees bill”, vol. v, iss.33, Saturday, August 24, 2002.
- ____ (2002b), “Yemen deports 1,665 for good”, vol. v. iss.35, Saturday, September 7, 2002.
- *Yemen Times* (2002a), “Yemeni-Saudi border demarcations continue”, vol. xi. iss.33, Monday, September 12, 2002.
- *Yemen Times* (2002b), “Growing concern over human rights in Yemen after September 11”, vol. xi, iss.39, Monday, September 23, 2002.
<http://www.yementimes.com/02/iss39/front.htm#4>