

PILOT STUDY

Ethiopian Migrant Labourers on Qat Farms in Rada', Yemen



International Organization for Migration (IOM)
Organisation internationale pour les migrations (OIM)
المنظمة الدولية للهجرة

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The research team conducted the bulk of the field work in Yemen between June and August 2014. The methodology for this pilot study is described in Annex 1 to this report. Due to the sensitive nature of this research topic the names of interviewees and participants in this pilot study have not been used but, instead, are referred to by more generic identifiers (gender, nationality and profession).

The authors would like to express their appreciation to all persons, departments and organizations that provided information, gave assistance or contributed to this report in any way. Particular recognition is due to those who agreed to be interviewed and took the time to provide valuable information. Interviewees included persons from government agencies, civil society, academics and community members in Rada', including migrants and farm owners. Finally, the contributions of key members of the IOM Yemen team were significant and their insights and support greatly improved the final product of this research.

By way of caveat to this report it is worth noting that acquisition of reliable, relevant and timely data is always a challenge in Yemen. When it comes to a topic such as farm labourers there is even less information available. This report has sought to address this challenge by relying on smaller scale studies from trusted sources where available.

ACRONYMS

AD	Anno Domini
ADRA	Adventist Development and Relief Agency
AQAP	Al-Qaeda in the Arabian Peninsula
BC	Before Christ
CFSS	Comprehensive Food Security Survey
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
DDT	Dichlorodiphenyltrichloroethane
DNA	Deoxyribonucleic acid
DRC	Danish Refugee Council
ETB	Ethiopian Birr
FAO	Food and Agriculture Organization
GCC	Gulf Cooperation Council
GDP	Gross Domestic Product
HDI	Human Development Index
HIV	Human Immunodeficiency Virus
HRW	Human Rights Watch
ID	Identification
ILO	International Labour Organization
IMO	International Maritime Organization
IOM	International Organization for Migration
km	Kilometres
LDA	Local Development Association
MAA	Maritime Affairs Authority
MAI	Ministry of Agriculture and Irrigation
MENA	Middle East and North Africa
MMTF	Mixed Migration Task Force
MOHR	Ministry of Human Rights
MOI	Ministry of Interior
MOSAL	Ministry of Social Affairs and Labour
NDC	National Dialogue Conference
NGO	Non-Governmental Organization
ODA	Official Development Assistance
OPEC	Organization of the Petroleum Exporting Countries
PDRY	People's Democratic Republic of Yemen
RMMS	Regional Mixed Migration Secretariat
ROY	Republic of Yemen
TIP	Trafficking In Persons
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNESCO	United Nations Educational, Scientific and Cultural Organization
USA	United States of America
UK	United Kingdom
WFP	World Food Programme
YAR	Yemen Arab Republic
YR	Yemeni Rials

TERMINOLOGY

Transliterating Arabic

Transliterating Arabic in a consistent and readable manner is no easy task. This document has relied on commonly accepted geographic terms, names and Arabic words that have made their way into the English lexicon. The standard transliteration for the ع in English is ‘ (beginning quotation mark) and for the glottal stop is ’ (the ending quotation mark), this document has not distinguished between the two. For readability the authors have refrained from using other diacritical marks to achieve internal consistency within the document. For transliterated words that end in ð, such as al-Hodeida (الحديدة), this document will drop the “h” that is sometimes used. With regards to *sun* and *moon* letters, this document will use “al-“, to designate the definite article, despite their differing pronunciation.

Definitions: Arabic Words and Phrases

Farzat al-Omal	Meaning labourers’ station, a location that develops in most urban areas where men (both Yemeni and non-Yemeni) seeking work gather with the tools of their trade (for example those seeking work as painters will have paint rollers, those seeking agricultural work will have hoes) and where those seeking daily labourers can come to recruit workers.
Muwaladeen	(Singular <i>muwalad</i>) A derogatory categorization of Yemenis of mixed ancestry which technically means "an Arab who is not purely Arab," and thus applies to any children with one Yemeni parent. However, Yemenis with African ancestry face particular hurdles in integration and discrimination, depending on a variety of circumstances including the context of the interaction, their social status, education, or professional standing, as well as the physical appearance.
Qat	(Known as khat in the Horn of Africa this study will use the term qat throughout) A mildly narcotic leaf, chewed daily in Yemen by the vast majority of men and an increasing percentage of women. This hardy drought-tolerant evergreen plant, cultivated either as a shrub or tree, can reach up to 10 metres in height. Qat is also grown and used widely in countries on the Horn of Africa – Djibouti, Ethiopia, Eritrea, Somalia and Kenya.

Definitions: Key Concepts

Irregular Migrant	Defined as “Someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country’s admission rules and any other person not authorized to remain in the host country (also called clandestine/illegal/undocumented migrant or migrant in an irregular situation).” ¹
Mixed migration	Includes refugees, asylum-seekers and migrants.
Trafficking in Persons	“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” Art. 3(a), <i>UN Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000.</i>
Smuggler (of people)	An intermediary who is moving people in furtherance of a contract with them, in order to illegally transport them across an internationally recognized State border.

¹ RMMS (2013). “Migrant Smuggling in the Horn of Africa & Yemen: The Political Economy and Protection Risks.” Mixed Migration Research Series Number 1. June. p 3.

Smuggling of migrants	Defined as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national.” <i>Art. 3, Protocol Against the Smuggling of Migrants by Land, Sea and Air, 2004.</i>
Distinctions between migrant smuggling and human trafficking²	<p>“There are frequent misunderstandings concerning the distinctions and overlap between migrant smuggling and human trafficking. According to UNODC there are three basic differences, summarized below:</p> <ul style="list-style-type: none"> • Exploitation: The primary source of profit of trafficking in persons is exploitation, while the smuggler has no intention of exploiting the smuggled migrant after transporting him or her irregularly into another country. The relationship between smuggler and smuggled migrant usually ends after the procurement of illegal entry or residence. In contrast, in trafficking the exploitation may last for several years. • Illegal entry or residence: Smuggling of migrants always has a transnational dimension involving at least two countries. The objective is always to facilitate illegal entry or residency from Country A to Country B. Trafficking in persons may also involve this element, but not always. Transportation can also occur in a legal way and trafficking often occurs within the home country of the victim, without crossing borders. • Victimization: Smuggling does not necessarily involve the victimization of the smuggled migrant and generally involves their consent. Trafficking in persons, on the other hand, is always a crime against a person. Victims of trafficking have either never agreed to be part of the process or, if their initial consent has been given, this was only secured through control, deception or violence. However, during the smuggling process other crimes are often committed against migrants, such as physical violence or other acts endangering their lives.”

² Ibid, p 14.

EXECUTIVE SUMMARY

A key aspect of the millennia of interactions between Yemen and the Horn of Africa has been migration. In fact, current theories of the *homo sapien* story posit that the earliest people to colonize the Eurasian landmass likely did so across the Bab al-Mandab Strait around 70,000 years ago.³ The strong genetic ties between Yemen and the Horn of Africa, particularly with Ethiopia, are the result of generations of intermingling. In contemporary times migration continues and the Middle East is held to have the world's highest ratio of migrants to national population.⁴ Currently, refugees, asylum-seekers and migrants from Horn of Africa arriving on the shores of Yemen find a country undergoing layers of political transitions, volatile conflicts and economic hardship.

The decision to migrate to Yemen either as a transit point or destination may be prompted by earlier migrant family or friends, compelled by rumoured "success" stories or even community members with Yemeni ancestry or connections who encourage migration. The stimulus to migrate may also be prompted by contact with smugglers or their network of recruiters. Until recently, the role of smugglers may have resembled that of a traditional emigrant agent or recruiter, who may have exaggerated income-earning potential (because they were paid for the number of labourers recruited), but their reputation for delivering on promises to both workers and employers was essential to carry out their duties. Today the journey for some travelling irregularly from the Horn of Africa to Yemen has been typified by smuggling with aggravated abuses, while others have encountered abuses that clearly fall into the category of trafficking. The incidence of forced labour of irregular migrants who are smuggled from the Horn of Africa and work on farms in Yemen, and reports of this growing phenomenon, gave rise to the research for this pilot study.

Approximately 68 per cent of maritime migration flows into Yemen since 2007 have been Ethiopian, comprising 376,055 out of total arrivals 551,297.⁵ According to the Regional Mixed Migration Secretariat (RMMS) in 2012 the vast majority of Ethiopian migrants who came to Yemen were of Oromo ethnicity. The Oromo are an ethnic group of approximately 30 million with significant communities in Ethiopia, northern Kenya, and parts of Somalia. The first contemporary reports of Oromo from Ethiopia coming to Yemen for purposes of labour was shortly after unification in 1991, around the same time that Somali refugees began arriving to escape war and a deteriorating situation in their homeland.

Qat is indigenous to the mountain forests in East Africa and the primary centre of origin is assumed to be in the south-western highlands of Ethiopia. According to scholars, qat has been cultivated in Yemen since the later part of the fifteenth century and it is believed to have been imported from East Africa. Al-Bayda Governorate, located in the central highlands of Yemen, is a very productive agricultural area with significant cultivation of qat, particularly the area in and around Rada' District, giving rise to a specific type of qat named Rada'i. As with all regions of Yemen suited to qat cultivation, the area in al-Bayda dedicated to qat has increased dramatically, by 8.95 per cent between 2008 and 2012. In 2012, al-Bayda Governorate had the third-highest percentage of qat production in the country producing 13 per cent of the total.

A number of factors contribute to the need for agricultural labourers in Yemen, in general, and on qat farms specifically. Out-migration of Yemenis from rural areas either to urban areas in the country or abroad has contributed to labour shortages. In the 2012 a World Food Programme (WFP) study found that 20.2 per cent of al-Bayda households reported remittances from abroad as the main

³ <https://genographic.nationalgeographic.com/human-journey/>.

⁴ Thiollet, H. (2011), "Migration as Diplomacy: Labor Migrants, Refugees, and Arab Regional Politics in the Oil-Rich Countries."

⁵ See table 2 below for details. UNHCR: <http://reliefweb.int>.

source of income (second highest governorate in the country after Shebwa with 25%, versus the national average of 7.9%) and a further 0.9 per cent noted remittances from inside Yemen. Out-migration, substantial qat production, combined with the labour-intensive, chemical fertilizer reliant techniques in qat production in Rada' have created a high demand for workers that is not met by Yemeni labourers.

According to one qat farm owner in Rada', the trend of Ethiopians seeking work in qat farms began 15 years ago, noting that many migrants left their own qat farms in Ethiopia and found working with the crop in Yemen was familiar. In interviews for this report, Ethiopian farm labourers in Rada' stated that they found their positions on qat farms through friends who facilitated their recruitment process. No one interviewed had found their way to farms with the promise of a job. Moreover, none of those interviewed by the research team had made arrangements with smugglers for work. The only component of their agreement with smugglers was transportation to Yemen. According to all interviewees, work conditions for Ethiopian and Yemeni labourers are the same on farms in Rada'. One Yemeni interviewee in Rada' noted, however, that there was a clear division of labour between Yemeni and non-Yemeni workers, with the Ethiopian labourers carrying out the more labour-intensive and heavier tasks.

During the rapid scanning of the situation of migrants from Horn of Africa working on qat farms for the field research for this pilot study, no evidence was uncovered that these irregular migrants were trafficked for forced labour, although this does not mean that such practices⁶ do not occur. However, deception is clearly an aspect of the smuggling process. Those that come to Yemen to work in qat farms do so because the work is relatively well-compensated, with food and housing provided, thus enabling them to send remittances home and save for their onward journey. However, it is also clear from the study that, due to the irregular nature of their status working in qat farms in Yemen, Ethiopian labourers, similar to other migrants in the agricultural sector, are at higher risk of abuse.

A publication by IOM and UNHCR about protection issues for refugees and migrants in Western Africa highlights several factors contributing to migrants' vulnerability, such as the forced nature of movement, unprepared departure and involuntary separation from family members, lack of support networks and resources, and past traumatic experiences. The publication says that persons on the move may also be forced to interrupt their journey, for instance due to lack of resources or adequate documentation, and become stranded.⁷ These factors are also present in the Horn of Africa and Yemen migration context. Additionally, according to research published by the Regional Mixed Migration Secretariat (RMMS), there are a variety of protection risks for migrants from Horn of Africa in Yemen which include racism, discrimination, human rights abuses and exploitation,⁸ as well as increased vulnerability to threats to their health, well-being and freedom of movement. Additionally, many migrants, both regular and irregular, lack income-earning opportunities which contributes to poverty, hunger and homelessness, particularly if such individuals lack connections and support networks.⁹ Furthermore, migrants are at risk of exploitation by employers. Other studies in Yemen have found that Ethiopians in urban areas state that they are often paid less than

⁶ The word "practice" is used here because in Yemen there is no law yet criminalizing human trafficking.

⁷ IOM/UNHCR (2011), p.16

⁸ For a list of protection risks faced by migrants from Ethiopia see the study by RMMS (2012) "Desperate Choices," p 6-7.

⁹ In the RMMS (2012) publication "Desperate Choices" it is noted that the distinction between regular and irregular status is less relevant than the "distinction between migrants with the resources and connections to exploit the opportunities offered by corruption, as well as the possibility of moving between regularity and irregularity, and those migrants who, due to their social and economic vulnerability, are simply exploited by these same forces." Ibid. p 7.

Yemenis for the same work, or that they are paid less than originally agreed.¹⁰ However, in this study it was not the case, with most informants stating that Yemeni and non-Yemeni qat farm labourers are paid the same. Moreover, irregular migrants who lack local patronage are at risk of becoming the victim of crimes or when encountering security, military or justice authorities, are susceptible to various forms of abuse, extortion or exploitation.

In 2013 the Government of Yemen hosted and agreed to the principles and recommendations of the *Sana'a Declaration* which emerged from the Regional Conference on Asylum and Migration, 11-13 November 2013.¹¹ Additionally, Yemen has taken commendable measures to ratify international treaties related to a range of issues relevant to this study including human trafficking, child protection, maritime rescue at sea and labour conventions. However, substantial work remains in implementing the national legal, administrative and enforcement systems needed to fulfil such obligations. One such step is the law to counter human trafficking currently being drafted and pending Parliamentary approval which if passed could positively impact a situation that appears to be escalating. It is hoped that in the coming period that substantive progress will be made in this direction.

Summary of Recommendations for Discussion

To the Government of Yemen

To combat human trafficking and abuse of migrants, in particular those from the Horn of Africa, travelling to, or through, Yemen:

- Sign and ratify the *UN TIP Protocol* as it is evident that the government has acknowledged human trafficking as a serious issue from the decree of the Cabinet on forming a committee, resulting in the drafting of national legislation. Furthermore, accede to the *Protocol Against the Smuggling of Migrants by Land, Sea and Air* and the *1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* and the *P029 - Protocol of 2014 to the Forced Labour Convention 1930* adopted in June 2014.
- Approve, enact and operationalize the pending national legislation to prevent and counter human trafficking.
- Revise the Penal Code to criminalize human trafficking for prosecution because, as a single-piece law, anti-trafficking legislation is insufficient to combat human trafficking.
- Follow through on commitments made in the *Sana'a Declaration* and seek to engage other regional and international stakeholders to address migration issues in the region in the holistic and integrated approach that this document embodies.
- Accede to the *1979 International Convention on Maritime Search and Rescue* and ensure that rescue-at-sea operations involving refugees, asylum-seekers and migrants are consistent with international law.

To address labour conditions and basic services in the agricultural sector generally and specifically on qat farms:

- Expand the legal framework to promote decent work standards, occupational health and safety regulations, and labour inspections in the agricultural sector in order to address the needs of all labourers (Yemeni and non-Yemeni). Such legislation should include protection and regulation of child labourers.
- Facilitate the issuing of legal work permits to non-Yemeni agricultural labourers in order to better monitor labour conditions.

¹⁰ Ibid.

¹¹ See Annex 6 for the full text of the *Sana'a Declaration*.

- Define residual levels of pesticides in qat leaves and forbid the transportation and sale of qat which exceeds allowable levels.

To international organizations

To combat human trafficking and abuse of migrants, who are from the Horn of Africa in particular, travelling to, or through, Yemen:

- Support the Government of Yemen and other Governments in the region to fulfil their obligations to the *Sana'a Declaration*.
- Provide technical support and financial resources to increase the Government of Yemen's recognition of, and capacity to, respond to human trafficking issues.
- Bring regional experience to Yemen with a similar social and cultural context to enable national authorities to develop a comprehensive a national strategy on prevention, persecution and protection for cases related to human trafficking.

To address labour conditions and basic services in the agriculture sector generally and specifically on qat farms:

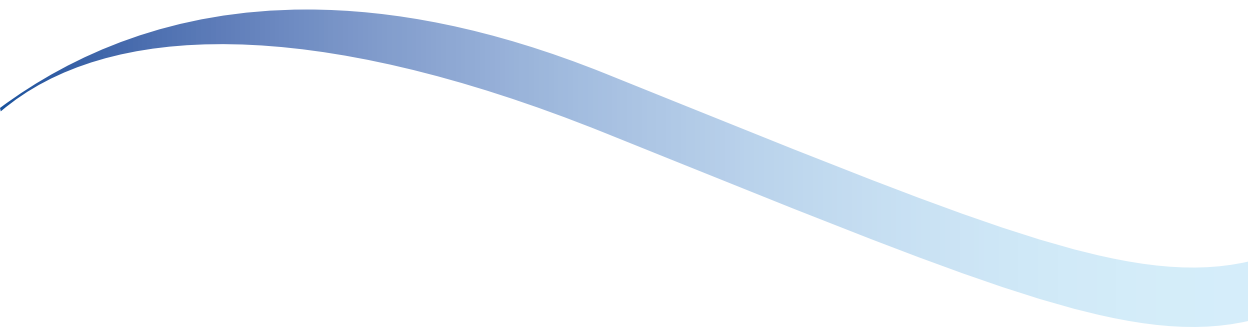
- Support the Government of Yemen to promote decent work standards, occupational safety and health regulations and labour inspection in the agriculture sector to address the needs of all labourers (Yemeni and non-Yemeni), including child labourers.
- Promote implementation of the recommendations of the World Bank Yemen Qat Dialogue Task force and support efforts of the Qat Unit in the Ministry of Agriculture and Irrigation.
- Work with local government health-care services and civil society organizations to provide services to agricultural labourers, Yemeni and non-Yemeni, in rural communities.

To national civil society organizations

- Work with local journalists to improve quality and quantity of coverage on human trafficking issues.
- Work with local government health-care services and international organizations to provide services to agricultural labourers in rural communities.



I. **INTRODUCTION**



I. INTRODUCTION

I. Background

The Republic of Yemen (ROY – commonly referred to as Yemen) is located on the south-western corner of the Arabian Peninsula. The country was established in 1990 with the unification of the Yemen Arab Republic (YAR)¹² and the People’s Democratic Republic of Yemen (PDRY).¹³ Yemen is separated from Africa by the strait of Bab al-Mandab, whose narrowest point is 32 km across (20 miles). This close proximity has led to long-standing migration flows in both directions, as well as deep political, economic, social and religious ties.

Yemen is an extremely poor country. The 2010 Human Development Index (HDI) compiled by the United Nations Development Programme (UNDP) ranked Yemen 133 out of 169 but by 2014 it had dropped to 154 out of 187. In 2014, Yemen had an estimated population of 25,956,000¹⁴ with 67 per cent residing in rural villages often in mountainous terrain making the provision of infrastructure and services (roads, health care, education, water and electricity) extremely difficult. Agriculture is a key sector in the economy and in 2010 it employed over 54 per cent of the country’s labour force, contributed 17.5 per cent to Gross Domestic Product (GDP) and consuming approximately 90 per cent of Yemen’s scarce water resources.¹⁵

Qat, a mildly narcotic leaf chewed daily in Yemen by the vast majority of men and increasing numbers of women, is harvested from a hardy drought-tolerant evergreen plant that can reach up to 10 metres in height.¹⁶ Known as khat in Africa,¹⁷ it is also grown and used in Africa to varying degrees in Djibouti, Ethiopia, Eritrea, Kenya, Mozambique, Somalia, southern Sudan and Uganda. In 2009 in Yemen this lucrative cash crop production consumed about 22.3 per cent of irrigated land and 30 per cent of agriculture water.¹⁸

Yemen is currently facing significant economic, political and social challenges which have contributed to spiralling poverty levels and food insecurity. Despite the challenges of this transition period the country continues to face a growing influx of refugees, asylum-seekers and migrants, with over 250,000 refugees currently registered with the UNHCR, primarily from Somalia.¹⁹ While generally welcoming to migration inflows (which include refugees, asylum-seekers and migrants), the Government of Yemen has limited resources, local and international organizations are stretched thin and donor assistance is insufficient to cover the massive humanitarian and longer-term sustainable development needs of the country. Thus, needs far outstrip services and protection activities for the hundreds of thousands of migrants from the Horn of Africa flowing into Yemen.

¹² Also known as North Yemen, emerged in 1962 from over a 1,000-year rule by the Zaydi Imamate, becoming a Republic followed by a civil war with various external actors supporting the two sides.

¹³ Also known as South Yemen, it was a socialist regime established in 1967 following the British colonial era which began in 1839 initially only in Aden, but eventually extending to a broad swath of the south.

¹⁴ The estimated population based on the 2004 census. www.cso-yemen.org.

¹⁵ MAI (2012) “A Promising Sector for Diversified Economy: National Agriculture Sector Strategy 2012-16.” p 10.

¹⁶ Varisco, D. (2007) “Turning Over a New Leaf: The Impact of Qat (*Catha edulis*) on Yemeni Agriculture.” p 240.

¹⁷ This study will use the term qat throughout.

¹⁸ MAI (2012) “A Promising Sector for Diversified Economy: National Agriculture Sector Strategy 2012-16.” p 18.

¹⁹ UNHCR: <http://reliefweb.int>.

Table 1: Economic and Political Country Comparison							
No.	Indicator	Djibouti	Eritrea	Ethiopia	Somalia	Yemen	Saudi Arabia
1	2014 World Press Freedom Index (rank out of 180) ²⁰	169	180	<i>143</i>	176	167	164
2	2014 Freedom of the Press (rank out of 197) ²¹	<i>164</i>	194	176	179	167	181
3	2014 Freedom in the World Political Rights (PR) /Civil Liberties (CL) (1 = most free & 7 = least free)	PR: 6 CL: 5	PR: 7 CL: 7	PR: 6 CL: 6	PR: 7 CL: 7	PR: 6 CL: 6	PR: 7 CL: 7
4	2013 Corruption Perception Index (rank out of 177) ²²	94	160	111	175	167	63
5	2014 Human Development Index (rank out of 187) ²³	170	182	173	n/a	154	34
6	Per Capita GDP/World Bank 2013 (rank out of 189) ²⁴	USD 1,668 / 142	USD 544 / 178	USD 498 / 180	<i>USD 150 / 189</i>	USD 1,473 / 149	USD 25,852 / 34
7	2014 Index of Economic Freedom (rank out of 178) ²⁵	118	174	151	n/a	123	77
8	Net ODA per capita (average 2009-2012) ²⁶	USD 175	USD 24.5	USD 40.25	USD 83	USD 26	0
9	2014 Gender Inequality Index (rank out of 187) ²⁷	170	182	173	n/a	154	34

Numbers in bold indicate the highest/worst within rows and italics & bold are the lowest/best.

Despite the challenges currently facing Yemen, Table 1 highlights that in the broader context of the Horn of Africa, Yemen remains a relatively attractive destination or transit place for migrants. In March 2007, *Foreign Affairs* magazine described the Horn of Africa as the “hottest conflict zone in the world,”²⁸ playing host to some of the world’s deadliest conflicts. The article notes that this has contributed to the movement of people across international borders seeking refuge, not only from violence but also from poverty, famine, natural disasters, failed states and repressive governments.

Alleged cases of forced labour of smuggled migrants from the Horn of Africa on farms in Yemen and reports of this growing phenomenon gave rise to this pilot study. The key focus for this preliminary study was to ascertain whether migrants from the Horn of Africa, Ethiopians in particular, were being smuggled into Yemen for the specific purpose of providing labour on qat farms in Rada’ district in al-Bayda Governorate. And further, if such smuggling occurred, did the irregular status of such migrants place them at higher risk of abuse and exploitation.

²⁰ Compiled by Reporters Without Borders. Available from: <http://rsf.org>.

²¹ Lines 2 and 3 compiled by Freedom House. Available from: <http://freedomhouse.org>.

²² Transparency International. Available from: www.transparency.org.

²³ Compiled by UNDP. Available from: <http://hdr.undp.org>.

²⁴ At nominal values. From: [http://en.wikipedia.org/wiki/List_of_countries_by_GDP_\(nominal\)_per_capita](http://en.wikipedia.org/wiki/List_of_countries_by_GDP_(nominal)_per_capita).

²⁵ Compiled by Heritage Foundation. Available from: www.heritage.org.

²⁶ Compiled by the World Bank. Available from: <http://data.worldbank.org/indicator/DT.ODA.ODAT.PC.ZS>.

²⁷ Compiled by UNDP. Available from: <http://hdr.undp.org>.

²⁸ Prendergast, J, and Thomas-Jensen, C. (2007) “Blowing the Horn: Washington’s Failings in Africa.”

2. Republic of Yemen's International Treaty Obligations²⁹ and Migrant Labour

Yemen is signatory to a number of relevant international conventions including:

- *1930 International Labour Organization (ILO) Forced Labour Convention* (No. 29) and *Ratifications of C105 - Abolition of Forced Labour Convention, 1957* (No. 105), both ratified on 14 April 1969 via PDRY;
- *1948 International Maritime Organization Convention* and its amendments, acceded to on 14 March 1979 via PDRY;³⁰
- *1951 Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution of Others* acceded to on 6 April 1989 via YAR;
- *1951 Convention Relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*), acceded to on 18 January 1980 via YAR³¹;
- *1974 International Convention for the Safety of Life at Sea* acceded to 25 May 1980 via YAR and the *1988 amendments*, acceded to 11 April 2012;
- *1979 International Convention on Maritime Search and Rescue* acceded to 23 September 2008;³²
- *1990 Convention on the Rights of the Child* (CRC), ratified 1 May 1991 via YAR (signature 13 February 1990).³³

In 2010 Yemen ratified the *2000 UN Convention Against Transnational Organized Crime*³⁴ but is still not yet party to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (henceforth referred to as the *UN TIP Protocol*) nor the *Protocol Against the Smuggling of Migrants by Land, Sea and Air*,³⁵ treaties that are pertinent to the topic of this pilot study. Interestingly, all other countries on the Arabian Peninsula³⁶ have acceded to the *UN TIP Protocol*, as has Djibouti (20 April 2005), Eritrea (25 September 2014) and Ethiopia (22 June 2012) in the Horn of Africa.

Yemen is also not party to the *1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, nor the very recent *P029 - Protocol of 2014 to the Forced Labour Convention 1930* (Yemen abstained from voting - although already ratified the 1930 Convention). This new, legally binding Protocol is designed to strengthen global efforts to eliminate forced labour requiring governments to take measures to better protect workers, in particular migrant labourers, from fraudulent and abusive recruitment.³⁷

²⁹ All UN Treaties including State parties status can be found at: <https://treaties.un.org>. For Yemen's Treaty Signatory Status see Annex 3. For maritime treaty obligations see: www.maa-yemen.net.

³⁰ With the following reservation: "The acceptance of the People's Democratic Republic of Yemen of the said Convention does not mean in any way recognition of Israel, or entering with it into relations governed by the Convention thereto acceded." Available from: <https://treaties.un.org>.

³¹ Yemen is the only country on the Arabian Peninsula to sign, although a number of Horn of Africa states have acceded including Ethiopia (10 November 1969), Djibouti (9 August 1977) and Somalia (10 October 1978).

³² www.imo.org/blast/blastDataHelper.asp?data_id=29244&filename=80.pdf.

³³ 15 December 2004 Yemen acceded to the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*, and 2 March 2007 to the *Optional Protocol on the Involvement of Children in Armed Conflict*.

³⁴ 8 February with reservation to Article 35, paragraph 2 on dispute resolution mechanisms.

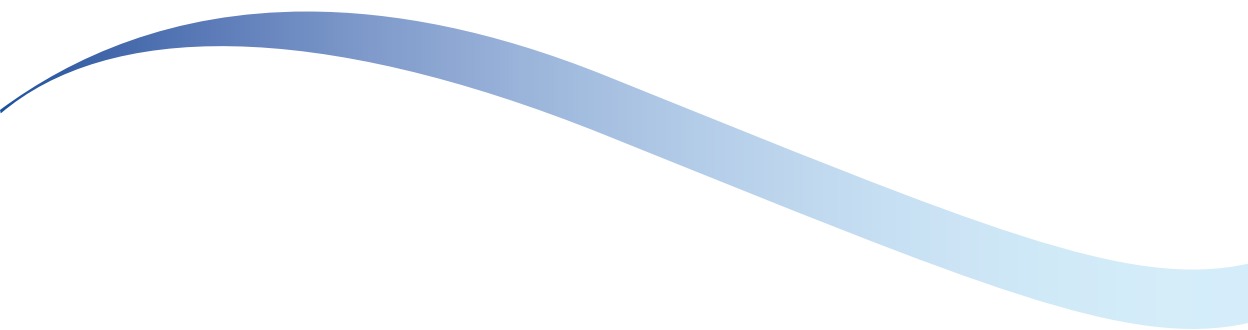
³⁵ A number of GCC countries are State parties (Saudi Arabia, Kuwait, Bahrain and Oman, although not Qatar or United Arab Emirates) along with Djibouti (20 April 2005) and Ethiopia (22 June 2012) on the Horn of Africa.

³⁶ Bahrain (7 June 2004); Kuwait (12 May 2006); Oman (13 May 2005); Qatar (29 May 2009); Saudi Arabia (20 July 2007); and United Arab Emirates (21 January 2009).

³⁷ www.ilo.org.

II.

THE YEMEN CONTEXT



II. THE YEMEN CONTEXT

I. Overview of Yemen-Horn of Africa Migration Patterns

A key aspect of the millennia of interactions between Yemen and the Horn of Africa has been migration. In fact, current theories of the *homo sapien* story posit that the earliest people to colonize the Eurasian landmass likely did so across the Bab al-Mandab Strait around 70,000 years ago.³⁸ Genetic ties between Yemen and the Horn of Africa, particularly with Ethiopia, are strong and the result of generations of intermingling.³⁹ In contemporary times, migration continues and the Middle East is now held to have the world's highest ratio of migrants to national population.⁴⁰

The precise “push” and “pull” factors⁴¹ on either side of the Red Sea that contribute to migration flows in both directions have varied over time and by location. Push factors have included: climate change; catastrophic events such as drought and famine; war, conflict and civil strife; limited agricultural land and water; economic, political and social dynamics that exclude various groups; increasing population; poverty and a lack of economic opportunities; and cultural values that emphasize entrepreneurship and motivate young men to seek their fortunes in the world. Pull factors contributing to migration trends in the region have included: lucrative opportunities to earn wages such as during the Italian occupation's infrastructure expansion in the 1930s (see adjacent text box) or the Gulf Cooperation Council (GCC) construction boom in the 1970s; the quest for less restrictive social and religious contexts, such as in British occupied Aden.

Twentieth Century Yemeni Migrant Labour in Ethiopia

In the late nineteenth and early twentieth century, Yemeni migrant labourers traveled to Addis Ababa undeterred by a formal system of control until a decree regulating the entry and settlement of foreigners was issued by Emperor Menelik II in 1913. Although difficult to estimate the precise numbers of Yemenis working in Ethiopia records of the British Foreign Office reveal that in the mid-1920s there were from 700 to 800 registered under the British legation in Addis Ababa. The Italian occupation of Ethiopia from the mid-1930s to 1941 heralded an extensive construction campaign that built 4,421 km of road and 8,334 bridges. Construction workers were recruited from the local population as well as from other countries. In this context Yemenis arrived in great numbers as foreign labourers.

Bezabeh, S.A. (2011) "Yemeni Families in the Early History of Addis Ababa, Ethiopia ca.1900-1950: A Revisionist Approach in Diasporic Historiography." Cahiers d'études africaines.

In the latter half of the twentieth century a significant aspect of migration in the region has been the importance of remittances in local development and the economy (see Annex 4 for details on the role of remittances and emigration in the region). In Ethiopia the role of remittances has been less significant than in Yemen, though it is an increasingly important one as the Ethiopian diaspora has grown dramatically in recent decades.⁴²

³⁸ <https://genographic.nationalgeographic.com/human-journey/>.

³⁹ Kivisild, T., et al (2004). "Ethiopian Mitochondrial DNA Heritage: Tracking Gene Flow Across and Around the Gate of Tears." American Journal of Human Genetics. September. p 752-70.

⁴⁰ Thiollet, H. (2011), "Migration as Diplomacy: Labor Migrants, Refugees, and Arab Regional Politics in the Oil-Rich Countries."

⁴¹ Push factors are those that drive migrants from their countries of origin, whereas pull factors are those responsible for influencing where such sojourners end up.

⁴² Terrazas, A. M. (2007) "Beyond Regional Circularity: The Emergence of an Ethiopian Diaspora." Migration Policy Institute. Available from: www.migrationpolicy.org.

A. Yemen as a Country of Origin for Migrants

The phenomenon of Yemeni out-migration to diverse destinations around the globe has shaped the country's history, economy, politics, social relations, ethnicity and development. Tradition has it that the first out-migration from Yemen was following the collapse of the Ma'rib Dam in sixth century AD,⁴³ although some scholars note it is likely that such movement substantially predated this catastrophic event.⁴⁴

Yemeni sojourners around the Indian Ocean littoral have resulted in large numbers of men residing for extended periods in Asia, Africa and other parts of the Middle East, often marrying local women and establishing multi-cultural families.⁴⁵ Some migrants have returned to Yemen with their families and have had a significant impact on local culture as a result of their social remittances,⁴⁶ education and entrepreneurial experiences.⁴⁷ Despite this ethnically diverse history, racism and discrimination against darker-skinned Yemenis, as well as migrants from Horn of Africa, is manifested in the treatment of refugees, migrants and Yemenis of mixed ancestry, referred to by the derogatory term *muwaladeen*.⁴⁸

Hadramis as Sojourners

Hadramis have been famed for millennia as peripatetic labourers and entrepreneurs evident in the words of Sir Richard Burton, the noted British explorer (1821-1890) who wrote: "It is generally said that the sun does not rise upon a land that does not contain a man from the Hadramaut."

It is difficult to estimate the size of the mixed Yemeni-African community in either Yemen or the Horn of Africa, but it is significant, with the Yemeni-Ethiopian contingent being the largest. Such individuals often face integration issues, a reality confirmed in the 2012 RMMS "Desperate Choices" report which noted that mixed Ethiopian-Yemeni migrants face particular challenges accessing support as they face prejudices within both communities.

There is a significant body of literature that explores the phenomenon of Yemen as a migration origin country. However, for purposes of this study, further discussion of the Yemeni migrant diaspora will only touch on comparative aspects related to remittances (see Annex 4 for details) and within the context of Rada' labour market needs due to out-migration.

B. Yemen as a Migration Destination or Transit Country

In recent years, Yemen's geographic location at the critical juncture between the Horn of Africa – rife with conflict and poverty – and the wealthiest region in the world – the member countries of the GCC, is a key factor in its role as a migration destination or transit country. Since Yemeni unification in 1990 there have been dramatic peaks and ebbs in the flow of refugees, asylum-seekers and

⁴³ Ma'rib was the capital of the Sabaean Kingdom and home to the famed Ma'rib dam which stood over 2,000 feet long, 52 feet high and irrigated the desert of Arabia for over a thousand years.

⁴⁴ Swanson, J. (1979). *Emigration and Economic Development: The Case of the Yemen Arab Republic*. p 47.

⁴⁵ According to Ahmed, H (2000) of the 74 Yemeni, Hadrami or Hijazi Arabs listed in one register "54 had Ethiopian spouses, 15 of Ethiopian-Arab parentage (*kelles*), and 10 had either not married or the racial origin of their spouses is not indicated. A few had two wives each." p.34.

⁴⁶ Cultural or social remittances are usually defined as the ideas, social norms, practices, identities and social capital that flow through migrants to their countries of origin often accompanying monetary remittances (<http://en.wikipedia.org>).

⁴⁷ For a discussion of social remittances and gender dynamics as a result of *muwaladeen* returnees see Christiansen, C.C. (2012) "Gender and Social Remittances: Return Migrants to Yemen from Eastern Africa."

⁴⁸ A term which technically means "an Arab who is not purely Arab," and thus applies to any children with one Yemeni parent. However, Yemenis with African ancestry face particular hurdles in integration and discrimination, depending on a variety of circumstances including the context of the interaction, their social status, education, or professional standing, as well as the physical appearance. For further details see Al-Wazir, A. (2014). "*Muwaladeen*: The struggle for equal citizenship." Available from: www.aljazeera.com.

migrants seeking a better life. Currently those arriving land on the shores of a country undergoing political transition, volatile conflicts and economic hardship.

A June 2014 study by RMMS among current African migrants in Yemen found that 51 per cent stated they saw Yemen as a destination country, not a transit point.⁴⁹ Many seeking to transit through Yemen find no opportunity for onward travel due to a variety of circumstances including: an increasingly impermeable 1,800 km (1,100 mile) border between Yemen and Saudi Arabia, being strengthened from the Saudi side; limited opportunities to earn money along the way due to the deteriorating economic situation in Yemen, as well as large numbers of refugees, asylum-seekers and migrants competing to find limited job opportunities; and growing risks along the route, and in Yemen, of capture by smugglers and traffickers which may include being held for ransom, suffering torture and severe abuse until money is extorted from relatives.

The Oromo in Ethiopia

In recent decades Ethiopia has reported remarkable economic growth and, in recent years, expanded education, water and health-care services, yet it remains one of the poorest and least developed countries in the world (Table 1 above notes its HDI ranking of 173 out of 187). Significant challenges to its development include climate change, drought, soil degradation, high inflation and population density. In terms of Official Development Assistance (ODA) Ethiopia receives an average of USD40.25 per capita from 2009 to 2012. However, a 2010 Human Rights Watch (HRW) report noted that ethnic groups such as the Oromo tend to have less access to international aid through donor-supported projects in job creation, microfinance and education opportunities.⁵⁰

The first contemporary reports of Oromo coming to Yemen for purposes of labour was shortly after unification in 1991 around the same time that Somali refugees began arriving escaping war and a deteriorating situation.⁵¹ Approximately 68 per cent of maritime migration flows into Yemen since 2007 have been Ethiopians, with 376,055 risking the journey (out of 551,297 – see Table 2). Furthermore, according to the RMMS, in 2012 the vast majority of Ethiopian migrants to Yemen were Oromo.⁵² This picture was substantiated by the findings from this pilot study with 87 per cent of migrants from Africa interviewed stating they were Oromo from Ethiopia.

The Oromo are an ethnic group of approximately 30 million with significant communities in Ethiopia, northern Kenya, and parts of Somalia. In 2007, the Ethiopian Oromo comprised the single largest ethnicity (approximately 34.5% of the population) and constituted 88 per cent of the population of Oromia Province of 27,158,471. Among the Oromo, 47.5 per cent are Muslim, 30.5 per cent are Orthodox Christian, 17.7 per cent are Protestant Christian and 3.3 per cent practice an indigenous religion.

Most citizens of Oromia live on small farms (average 1.14 hectares, equivalent to 2.8 acres, compared to the national average of 1.01, or 2.49 acres), though only about a quarter make their living exclusively off the land. Oromia is the most important coffee growing region in the country with 115,083 tons produced in 2004-05, representing 50.7 per cent of total Ethiopian production. During the coffee crisis of 2001-04, the livelihoods of farmers were devastated, and many small-scale

⁴⁹ RMMS (2014) "Blinded by Hope." p 7.

⁵⁰ Human Rights Watch (2010) "Development Without Freedom: How Aid Underwrites Repression in Ethiopia."

⁵¹ www.oromoliberationfront.org/News/2008/Oromo_refugees_in_yemen.htm.

⁵² Actual figures might be even higher because most Ethiopian arrivals do not register since many immediately travel northwards towards Saudi Arabia. RMMS (2014) "Blinded by Hope." p 9.

farmers throughout Ethiopia responded to plummeting coffee by turning to qat as a replacement to coffee.⁵³

Qat has a long history in Ethiopia and it is maintained that by 1910 qat-chewing had become a common practice among Oromo Muslims.⁵⁴ Currently, qat use has spread throughout Ethiopian society, although it still has a strong association with Muslims, and it has become one of the country's major cash crops. Farmers who have turned to qat cultivation have done so because it yields the highest profit per hectare of cultivated land and, since the 1970s, production has significantly expanded and generated income for millions of farmers, traders and service providers. Though official figures are not available, it is estimated that hundreds of thousands of farming households are directly engaged in the production and marketing of qat.⁵⁵

"Qat is originally from Ethiopia, and Ethiopians have high levels of expertise in its cultivation. So why wouldn't I hire an Ethiopian with qat growing experience over a Yemeni labourer with none?"

Yemeni Farm Owner in Rada' interviewed for this research.

According to a RMMS 2013 study, most irregular migrants from Ethiopia are uneducated and unskilled rural farmers.⁵⁶ Numerous interviews for this study reported that Oromo farmers are forced by the Ethiopian Government to purchase overpriced fertilizers from a government supplier, thus contributing to a cycle of debt which often leads to the loss of their land. Informants also felt that qat farmers are treated harsher than other farmers and are forced to pay half of their production to the Ethiopian government, thereby stifling small-scale agriculture.

Oromo migrants who were interviewed for this pilot study attributed both economic and political reasons as key motives for out-migration. Allegations of a lack of freedom of expression to persecution of political opposition and dissent are common and evident in press freedom indexes noted in Table 1 above. As stated in research by RMMS "Since the 2005 elections, the ruling Ethiopian People's Revolutionary Democratic Front has allegedly become increasingly repressive. Open critics of the regime face possible arrest and detention while opposition groups such as the Oromo Liberation Front and Ogaden National Liberation Front remain outlawed and branded as terrorist organizations."⁵⁷ This broader context in combination with what ILO labels "culture of migration" are critical factors behind out-migration flows from Ethiopia to Yemen.⁵⁸

"Ethiopia is going through a transitional period similar to Yemen. But in two years elections will be held and then we, the youth of Oromo, will lead the revolution"

24-year old Oromo migrant in Yemen, interviewed for this research.

⁵³ "According to the Ethiopian government, the collapse in coffee prices has cost the country some US \$830 million in lost export earnings over the past five years." Available from: www.irinnews.org/report/47596/ethiopia-feature-plummeting-coffee-prices-lead-to-khat-upsurge.

⁵⁴ Gebissa, E. (2004) *Leaf of Allah: Khat and Agricultural Transformation in Harerge, Ethiopia 1875-1991*. Ohio State University Press. p 52. This resource explores the association between qat and Muslim minorities in Ethiopia. According to Lemessa (2001), Oromia is the most important centre of qat production (p.4). According to the 2007 national census 34 per cent of Ethiopians were Muslim, and Islam was dominant among the Somali, Afar, Argobba and Harari peoples and the largest ethnic group in the country, the Oromo, constituting 34.5 per cent (<http://en.wikipedia.org>).

⁵⁵ <http://blog.cifor.org/8059/khat-cultivation-in-ethiopia-fuels-economy-reduces-deforestation#.VBYoUyx0zIV>.

⁵⁶ "Migrant Smuggling in the Horn of Africa and Yemen: The Political Economy and Protection Risks." p 34.

⁵⁷ RMMS (2013) "Migrant Smuggling in the Horn of Africa and Yemen." p 33.

⁵⁸ ILO (2011) "Trafficking in Persons Overseas for Labour Purposes: The Case of Ethiopian Domestic Workers." ILO Country Office Addis Ababa.

2. Getting to Yemen⁵⁹

A. The Decision to Migrate

The decision to migrate to Yemen either as a transit point or destination may be prompted by earlier migrant family or friends, compelled by rumoured “success” stories or even community members with Yemeni ancestry or connections who encourage migration. It is often the case that migrants tend to follow the paths of others before them. Furthermore, examples of individuals such as the self-made billionaire and philanthropist Sheikh Mohammed Hussein Ali al-Amoudi (whose mother was Ethiopian and father Saudi of Yemeni-Hadrami ancestry) with dual Ethiopian and Saudi citizenship, serve as an inspiration for many Ethiopian migrants dreaming of a better life.⁶⁰

The stimulus to migrate may also be prompted by contact with smugglers or their network of recruiters.⁶¹ The point when contact with smugglers or their intermediaries (called agents or brokers⁶²) is made, either prior to arriving at the departure port or upon arrival, is when an element of deception often enters. Lies and half-truths told to migrants paying to be smuggled are very common and often relate to: the dangers of the sea crossing and condition of the boat; the cost of the journey (as smugglers typically create opportunities to extort or have others extort additional money from their clients); what they will find upon arrival in Yemen; and assurances that they will be able to reach Saudi Arabia via a transit route in Yemen. There are also cases when refugees, asylum-seekers and migrants reach the shores of Yemen and are lied to by smugglers that they have arrived in Saudi Arabia.⁶³

"Smugglers spread lies about the good life that a person can find in Saudi Arabia. They tell people that in Saudi anyone can get rich within a year or two because there is a lot of jobs that offer very high wages. Therefore people sell whatever they own – land, cattle, their small business or even take out a loan to pay smugglers for the trip. Unfortunately, they lose everything including a dignified life in Ethiopia."

Somali Man who arrived to Yemen in 1997 interviewed for this research.

Migrant workers interviewed reported that the decision to leave Ethiopia was made individually and on a personal basis. Similar statements were heard from all migrant interviewees in Abyan, Aden and Rada' Governorates in Yemen. However, one long-term African resident in Yemen noted that smugglers capitalize on common belief in the promise of a better life to those willing to travel to Saudi Arabia.

B. Arriving on Yemen's Shores

The majority of migrants from the Horn of Africa arrive to Bab al-Mandab or the ports of Aden or Mokha, in Taiz Governorate in Yemen. Smugglers are fully aware of the improbability of migrants being able to enter Saudi Arabia. According to the RMMS “Desperate Choices” report, Ethiopians

⁵⁹ This study will not repeat the substantial amount of research and information available from various sources (RMMS, Human Rights Watch and others) on the challenges of the migration journey.

⁶⁰ *Forbes* magazine ranked Sheikh al-Amoudi as the 2nd wealthiest individual in Saudi Arabia and he is the most significant individual investor in Ethiopia. Sheikh al-Amoudi migrated from Ethiopia at the age of 19 and from humble beginnings built his fortune around his initial entrepreneurial successes in Saudi Arabia and Sweden. Available from: www.forbes.com.

⁶¹ For a list of the actors involved in the smuggling process see RMMS (2013) “Migrant Smuggling in the Horn of Africa and Yemen: The Political Economy and Protection Risks.”

⁶² For details on the role of the broker see ILO (2011) “Trafficking in Persons Overseas for Labour Purposes: The Case of Ethiopian Domestic Workers.”

⁶³ Interview with informant for this research.

who travel to Saudi Arabia face dangers entering the country and risk imprisonment and deportation if they are caught by the authorities.⁶⁴

Table 2 provides a snapshot of the number of maritime migration arrivals from the Horn of Africa to Yemen over the past few years. Possible explanations for the decrease in numbers after 2012 include changes to Saudi immigration laws, renewed construction of a border barrier wall complicating migrant crossings,⁶⁵ and increased efforts of the Yemen government to crack down on trafficking and smuggling.⁶⁶ The dramatic reduction in the number of drowned or reported missing⁶⁷ migrants between 2008 and 2010 may have been influenced by: training provided by international agencies to the Yemeni coastguard that encouraged the coastguards to allow boats to come closer to shore⁶⁸; refinement of the smuggling process and network; and increased commoditization of migrants and their higher value alive with the introduction of the practice of extorting money from relatives at various points along the journey.⁶⁹

One of the increasing risks for migrants travelling from Horn of Africa to Yemen is becoming entangled in terrorist networks or implicated in the war on terror manifested in Yemen and the region. In the spring of 2014 a Yemeni military offensive targeting suspected al-Qaeda in the Arabian Peninsula (AQAP) operations in vast swathes of the governorates of al-Bayda, Abyan and Shebwa ensnared an unknown number of non-Yemenis. This contributed to the Government crackdown on legal visas for all foreigners but with heightened scrutiny of irregular migrants from Horn of Africa, particularly Muslim Ethiopians and Somalis.

Table 2: African Migration to Yemen – Maritime Arrivals			
Year	Arrivals	Est Ethiopians / % of Total	Est Drowned or Missing
2007	29,500	11,575 / 39%	1,400
2008	50,091	17,072 / 34%	1,056
2009	77,000	44,744 ⁷⁰ / 58%	529
2010	53,832	34,422 / 64%	19
2011	103,154	75,651 / 73%	131
2012	107,532	84,376 / 78%	100
2013	65,319	54,213 / 83%	5
2014 (thru Oct)	64,869	54,002 / 83%	215
Total:	551,297	376,055 / 68%	3,455 / 0.63%

*Arrivals from UNHCR: <http://reliefweb.int>
Drowned/Missing from various RMMS sources including (2012) "Desperate Choices" and (2014) "Blinded by Hope."*

The host of challenges that refugees, asylum-seekers and migrants face in their journey to Yemen, as well as once they have arrived, is chilling. According to international organizations, the majority of African migrants travelling to Yemen move with the assistance or under the control of smugglers often involving irregular or clandestine travel, "exposing people to exploitation and abuse by smugglers and traffickers or placing their lives at risk. Most migrants, when they travel irregularly, are in vulnerable situations."⁷¹ Moreover, upon landing in

"He, who runs from death, finds it. African migrants think that Yemen is a paradise, well it is not! Neither for Africans or Yemenis."

Yemeni Police Officer in Zinjubar Abyan, interviewed for this research.

⁶⁴ RMMS (2012). "Desperate Choices." p 7.
⁶⁵ RMMS (2013) "Responses to Mixed Migration in the Horn of Africa and Yemen." p 82.
⁶⁶ Saeedi, A. (2014). "Fewer African migrants and refugees coming to Yemen." 25 February. Yemen Times. Available from: www.yementimes.com.
⁶⁷ Numbers of "missing" are those reported by fellow travellers on boats or family members whose bodies were not found.
⁶⁸ According to the RMMS (2013) report "previously, smugglers forced people overboard in deep waters to avoid interception by the Yemeni coast guard. However, the coast guard's capacity to patrol the shores remains limited, so smugglers have been able to bring passengers to shore without hindrance." ("Migrant Smuggling in the Horn of Africa and Yemen." p 42).
⁶⁹ Ibid, p 22.
⁷⁰ RMMS (2012) "Desperate Choices." p 25.
⁷¹ RMMS (2013). "Migrant Smuggling in the Horn of Africa and Yemen." p 11.

Yemen new arrivals risk even further exposure to exploitation, violence and sexual abuse. The situation is particularly difficult along the Red Sea coast where there is a strong network of smugglers and traffickers in Yemen and their counterparts at sea, often awaiting new arrivals to prey upon. Migrants working on qat farms in Yemen face additional protection risks that are discussed in more detail in section III.2.C below.

3. The Role of Smugglers⁷²

Smuggling is an occupation that has been around as long as borders between territories existed and as long as there have been authorities seeking to control the flow of trade and people entering or exiting a particular area. The role of smugglers in the Gulf of Aden and Red Sea areas is rarely confined to only moving humans often to dealing in high value items such as drugs,⁷³ exotic animals, cultural property and even arms.⁷⁴ Such smuggling operations are often intertwined with piracy,⁷⁵ which some claim is re-emerging as a global security threat, particularly in areas relevant to this study where there is limited naval or coast guard presence and with weak regional security cooperation mechanisms. Smuggling has characteristics that facilitate other maritime security threats, including maritime terrorism, weapons and narcotics trafficking, illegal fishing and dumping, and human smuggling operations.⁷⁶ A September 2012 United Nations (UN) Resolution (E/RES/2012/19) issued by the Economic and Social Council recognized the intertwining of trafficking of humans and smuggling of a wide range of contraband.⁷⁷

"My deal with the smuggler was to go directly to Saudi Arabia. Upon arrival on the coast in Yemen I was put in a car going to Jizan, Saudi Arabia. Then the smuggler dumped me in the desert. I was abandoned with no money left on the road between the port of Mokha and Haradh near the Saudi border."

21-year old Oromo migrant in Yemen, interviewed for this research.

A recent report by the RMMS noted that "the formal distinction between smuggling and trafficking is being challenged by events in the Horn of Africa and Yemen." The report goes on to note that the phenomenon currently does not fit classic smuggling or trafficking models and that the criminal activities involved and associated human right abuses are tolerated in all countries.⁷⁸ The 2011 chilling account published by a journalist working for *al-Jazeera* who accompanied smugglers trafficking humans between the Horn of Africa and Yemen highlights the horror of this trade.⁷⁹ The 2010 Chatham House report on the Horn of Africa smuggling trade, noted that profit from human trafficking could annually surpass more than USD20 million.⁸⁰

According to interviews for this study, smugglers in the Horn of Africa receive an advance payment for a traveller as part of a package deal. Previously, this practice included the portion that would be paid to Yemeni smugglers who received the migrants when they entered Yemeni waters. In recent years, this system seems to have broken down or greed has overwhelmed the process and migrants who have paid for the whole journey, passing through the hands of various parties along the way, are

⁷² Smuggling of migrants is defined as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national." Art. 3, *Protocol Against the Smuggling of Migrants by Land, Sea and Air, 2004*.

⁷³ www.al-monitor.com/pulse/originals/2014/03/yemen-smuggling-drugs-weapons-human-trafficking.html#

⁷⁴ Healy, S and Hill, G (2010) "Yemen and Somalia: Terrorism, Shadow Networks and the Limitations of State-Building." Chatham House Briefing Paper. October. p 10.

⁷⁵ Defined as the practice of attacking and robbing ships at sea.

⁷⁶ www.history.navy.mil/library/online/piracy_hornofafrica.htm.

⁷⁷ www.unodc.org/documents/Wildlife/ECOSOC_resolution_2012-19.pdf.

⁷⁸ RMMS (2013) "Migrant Smuggling in the Horn of Africa and Yemen." p 7.

⁷⁹ Johnson, G. (2011) "Sailing to Yemen with human traffickers." Available from: www.aljazeera.com.

⁸⁰ Healy, S and Hill, G (2010) "Yemen and Somalia: Terrorism, Shadow Networks and the Limitations of State-Building." Chatham House Briefing Paper. October.

forced to pay at each stage of the smuggling process. There are reports that when East Africans reach Yemeni shores, Yemeni smugglers use torture and abuse to extort payment.⁸¹

It is also true that individuals such as the emigrant agent (*wakil mughtaribin*), who served as a migration recruiter for labour destinations, shape migration patterns. Until recently, the role of smugglers may have resembled that of a traditional emigrant agent or recruiter. While the individuals filling such roles may traditionally have had exaggerated income earning potential, because they were paid for the number of labourers recruited, their reputation for delivering on promises to both workers and employers was essential. The nature of migration has recently changed as criminal networks have taken over the recruiting and transporting of migrants, appearing willing to go to any length to extort, exploit and torture their fellow humans for a profit. The migration flow across the Red Sea has been hijacked and those simply seeking a better life are being preyed upon by violent smugglers, human traffickers and other criminals.

4. Labour Opportunities in Yemen for Migrants from Africa

There are a variety of reports and research that has been conducted by international organizations, human rights organizations and journalists about the nightmare-like experience of many migrants from the Horn of Africa who are smuggled to or through Yemen. This report will not replicate such coverage. Conversely, little has been written about smuggled African farm labourers in Yemen. This gap is primarily due to the fact that such workers are employed outside of urban areas in a sector that is largely unregulated. Consequently, the circumstances of their employment and treatment remain obscured.

One aspect of the migration journey for many men from the Horn of Africa is seeking temporary work in the informal economy, with one option being to work in agriculture. In Abyan and Aden governorates migrants also find work in garages, in construction and in other daily paid jobs that provide income to help fund their onward journey and stock up on food. Jobs as street cleaners or car-washing earns between 300-500 YR per car (USD1.4 to USD2.33). In Abyan the most lucrative job for migrants is work in Shoqqara, on the coast, where fish is processed earning 1,500 YR per day (USD7). In many urban areas African migrants congregate around what is called a *Farzat al-Omal* (labourers' station) alongside Yemenis seeking work and where employers come to recruit workers. Some migrants may find themselves transferring from place to place in Yemen unsuccessfully searching for work and from many it may take months or even years before sufficient funds have been set aside for travel to Saudi Arabia.⁸²

"I decided to travel to Yemen to work because my country has no jobs and Yemenis are good-hearted people. I love Yemen and I am not going back home."

*Ethiopian Man who Arrived 3 years ago
Interviewed for this research.*

Qat farming is a common labour opportunity in Yemen, for Yemenis and migrants from the Horn of Africa. Many migrants arriving in Yemen already familiar with this tradition from Ethiopia, in particular, Oromo, have experience in cultivating qat. Qat farms in Dhamar, Ibb and al-Bayda governorates are common destinations for migrants from the Horn of Africa as workers are often needed. This was found in earlier research and substantiated by information gathered during this study.⁸³

⁸¹ See Human Rights Watch (2014) "Yemen's Torture Camps: Abuse of Migrants by Human Traffickers in a Climate of Impunity." Available from: www.hrw.org.

⁸² RMMS (2013) "Migrant Smuggling in the Horn of Africa and Yemen: The Political Economy and Protection Risks." Mixed Migration Research Series No 1. May.

⁸³ A recent RMMS study noted "the main employment for Ethiopian men is on qat farms." RMMS (2012) "Desperate Choices: Conditions, Risks, and Protection Failures Affecting Ethiopian Migrants in Yemen."

According to one qat farm owner in Rada', the trend of Ethiopians seeking work in qat began 15 years ago, noting that many migrants left their own qat farms in Ethiopia and so find working with the crop in Yemen to be very familiar. This farmer stated: "Qat is originally from Ethiopia, and Ethiopian qat farmers have excellent experience in such labour." Another Yemeni informant for this research observed that Ethiopian migrants have a reputation as hard workers and so farm owners prefer them over Yemeni laborers. Informants in this research gave widely varying estimates of the number Ethiopian migrants working on qat farms in the area ranging from 150 to thousands, thus making it difficult to give a reasonable approximation.

As a cash crop qat is much more lucrative than other agricultural crops, for both the farmers and the workers. The research team found that on average, workers earned more and had fewer working hours on qat farms in Rada' than on fruit and vegetable farms in Abyan. Qat workers are paid more frequently and their labour is in a much milder climate, as qat grows best in the cooler, wetter mountainous areas. Labourers on qat farms have a shorter lunch break (only two hours long versus other farms where it is three), but they also get free qat and cigarettes.

5. Overview of Yemen's Agrarian History

Yemen's location at the nexus of weather patterns along the equator, Indian Ocean, Mediterranean and Red Sea zones results in bi-annual monsoonal rains which drench the country's mountain slopes. This liquid blessing gave rise to the nomenclature of "Arabia Felix" for Yemen by the Romans for the southwest corner of the Arabian Peninsula.⁸⁴ Yemen's diverse climate zones, topography and geology have produced an amazing diversity of agriculture, flora and fauna.⁸⁵

From the mountain terraces of the north to the coastal plateau of the Tihama region to the eastern desert of the Wadi Hadramaut, Yemen produces a wide range of crops on land that are rain-fed or irrigated via various methods and water sources. The main agricultural products of Yemen include: fruits (mangoes, grapes, citrus fruits, bananas, papayas, and dates); vegetables (tomatoes, potatoes, melons, onions and cucumbers); cereals (maize, wheat, sorghum, millet and barley); and high value cash crops (sesame, cotton, tobacco and coffee, qat and honey). Interestingly, much of Yemen's indigenous flora and fauna bears a striking similarity to that of the Horn of Africa.⁸⁶ One scholar notes that the same grasses and trees are found in both regions. "In short, the whole region may be regarded as an entity where its vegetation is concerned."⁸⁷ This similarity includes incense (frankincense and myrrh) and, of course, coffee and qat.

Coffee and Qat Connection

- Origins – tradition nearly always links these two together in the story of discovery, in both Yemen and Ethiopia claiming that herders noticed their stimulating effect on goats and sometimes adding that Sufis seeking to enhance their devotion to God contributed to the dissemination of the traditions.
- Intercropping – In both the Horn of Africa and Yemen the climate that produces the best coffee yields the best qat as well. In mountain areas farmers on both sides of the Bab al-Mandab Strait typically intercrop the two on their farms, creating efficiencies in irrigation, harvest security and inputs such as fertilizers and pest management.

⁸⁴ The term "Arabia Felix" was one of three regions into which the Romans divided the Arabian Peninsula: Arabia Deserta, Arabia Felix and Arabia Petraea.

⁸⁵ See Annex 5 for details on various climate zones in Yemen.

⁸⁶ One unique area of Yemen is the island of Socotra, a jewel of bio-diversity that is home to nearly 700 endemic species of flora and fauna found nowhere else on earth.

⁸⁷ Raunig, W. (1987) "Yemen and Ethiopia – Ancient Cultural Links between Two Neighbouring Countries on the Red Sea." p 409.

The significance of qat to the current study bears mention as this plant is indigenous to the mountain forests in East Africa. The primary centre of origin is assumed to be in the south-western highlands of Ethiopia. According to scholars qat has been cultivated in Yemen since the later part of the fifteenth century and it is believed to have been imported from East Africa. Arab historians noted that by the fourteenth century qat was already cultivated extensively in areas of Ethiopia.

A. The Rada' Context and Qat

Rada' District is located southwest of Sana'a and Rada' city within the District is the capital of al-Bayda Governorate.⁸⁸ The city of Rada' was once the capital of the indigenous Tahirid dynasty from the mid-fifteenth century until the second decade of the sixteenth century. The Banu Tahir controlled an area that stretched to Aden over most of the southern and some of the northern areas of the country.

Events of the Arab Spring brought Rada' back into the limelight with the brief 2012 incursion of AQAP into Rada'. The conflict was resolved through tribal mediation. In recent years Rada' has also been in the media due to numerous US drone strikes in the area, resulting in civilian casualties in the area including the 2014 tragic death of 12 members of a wedding party.⁹² A number of interviews for this research asserted that Rada' was a central stronghold for AQAP.

Indicator	al-Bayda	National Average
% With access to agricultural land	39.9	31.6
% Share cropped	9.3 ⁸⁹	4.7
Average land holding (in hectares)	1.1	.5
% Irrigated	18.7 ⁹⁰	6.7
% Government salary	13.5 ⁹¹	34.8

World Food Programme CFSS 2012

Rada' boasts one of the oldest and highest out-migration rates in the former YAR. In the twentieth century, men from Rada' migrated to Aden and from there to Europe, the United States of America and East Africa. In the 1980 census 46 per cent of adult males in Rada' were emigrants outside of Yemen.⁹³ Migrants from Rada' comprised a significant contingent of Yemenis working in the car industry in Detroit in the United States during the mid-twentieth century.⁹⁴ However, following the 1973 OPEC-led oil embargo, the booming economies of Saudi Arabia and the Gulf shifted destinations for Rada'i migrants. Everywhere in Yemen, one hears the joke: "When the Americans landed on the moon, they found Rada'is working there."

Al-Bayda Governorate, located in the central highlands of Yemen,⁹⁵ is a very productive agricultural area. Table 3 compares al-Bayda Governorate and national figures on various agricultural indicators. Until the early 1970s, rain was more or less the exclusive source for watering qat. However, the rapid expansion in qat cultivation has subsequently relied heavily on irrigation using water from new wells specifically drilled to support the expansion. In 2012, al-Bayda Governorate had the third-

⁸⁸ Prior to unification, Rada' was in Dhamar Governorate, on the border between the former PDRY and YAR.

⁸⁹ al-Bayda is second highest in country; Rayma first with 9.8 per cent share cropped land.

⁹⁰ al-Bayda is fifth highest in country; Hadramaut 23.4 per cent, Ma'rib 25.9 per cent, Sana'a City 28.8 per cent and al-Mahra 49.9 per cent.

⁹¹ Al-Bayda is second lowest; Hajja was lowest with 12.9 per cent.

⁹² In 2012 a US drone strike targeting AQAP suspects in Rada' killed 13 civilians, including three women. A Yemeni Defense Ministry official later apologized for the strike saying: "This was one of the very few times when our target was completely missed. It was a mistake, but we hope it will not hurt our anti-terror efforts in the region." www.cnn.com/2012/09/03/world/meast/yemen-drone-strike/.

⁹³ Staub, S. (1989) *Yemenis in New York City: A Folklore of Ethnicity*. Associated University Press. p 78.

⁹⁴ In 2010, the US State Department estimated that there were 55,000 US citizens living in Yemen. In the United States large Yemeni-American communities are in Oakland, Fresno, Bakersfield, Dearborn, Brooklyn and Buffalo. Available from: www.merip.org/state-department-taking-passports-away-yemeni-americans.

⁹⁵ Rada' is located in climate zone 4 detailed in Annex 5.

highest percentage of qat production in the country producing 13 per cent of the total.⁹⁶ As with all regions of Yemen suited to qat cultivation, the area in al-Bayda dedicated to qat has increased dramatically, by 8.95 per cent between 2008 and 2012. The significance of qat cultivation in al-Bayda, particularly the area in and around Rada' District, has given rise to a specific type of qat named Rada'i.

Qat contributes to food insecurity in Yemen in a number of salient ways including: diverting scarce household income of the poor to the purchase of a non-food item; the dedication of prime agriculture land for cultivating a cash crop rather than food crops; and the consumption of scarce water resources for irrigating qat. WFP's 2012 Comprehensive Food Security Survey (CFSS) noted that Yemeni households spend an average of 10 per cent of their expenditure on qat – more than on health and education combined.⁹⁷

In much of Yemen, conflicts over water and land are increasing.⁹⁸ In 2010, the General Manager of National Water and Sanitation Authority noted that water resources are being depleted and annual rainwater is decreasing. This government official stated that wells in al-Bayda basin are only 70 metres deep and in Rada' only 800 metres deep, compared to other basins in the country where wells are commonly 1,400 metres deep. He went on to note that there are 4,702 wells dug illegally in Rada' alone with an annual increase of 200 wells every year and that 95 per cent of this scarce water resource is used for irrigating qat.⁹⁹ Additionally, weak regulation, enforcement and strategic planning around water management are significant factors contributing to crisis of this scarce resource in Yemen.

"I cannot call qat cultivation in Rada' an agrarian endeavour. They do not grow qat there, rather they manufacture it."

Yemeni Researcher Interviewed for this research.

A number of factors contribute to the need for agricultural labourers in Yemen in general, and on qat farms specifically. Out-migration of Yemenis from rural areas either to urban areas in the country or abroad has contributed to labour shortages. In the 2012 a WFP study found that 20.2 per cent of al-Bayda households reported remittances from abroad as the main source of income (second highest governorate in the country after Shebwa with 25 per cent, versus the national average of 7.9 per cent) and a further 0.9 per cent noted remittances from inside Yemen.¹⁰⁰

Qat farms everywhere in Yemen need workers. However, this labour shortage is particularly acute in Rada' where Yemeni daily paid manual labourers are few and find such work unappealing. Ethiopian labourers accept such conditions largely due to the better pay than in other agricultural labour, despite having to share tight sleeping quarters with other labourers and having limited food rations. Interviewees for this research claimed that Rada' qat farmers often prefer irregular Ethiopian migrants as they are willing to work longer hours (8-10) hours a day, contrasted with the claim that Yemenis will barely work 4-5 hours. It was also stated that Ethiopians were more careful in work, though wages for Ethiopian and Yemenis are the same.

⁹⁶ Sana'a Governorate was first with 19.66 per cent and Amran Governorate was second with 13.17 per cent. MAI, 2012 statistics.

⁹⁷ WFP (2012) "Yemen: Comprehensive Food Security Survey." Annexes. p 7.

⁹⁸ "According to GOY estimates, violence accompanying land and water disputes results in the deaths of some 4,000 people each year, probably more than the secessionist violence in the south, armed rebellion in the north, and Yemeni al-Qaeda terrorism combined." Hales, G. (2010) "Under Pressure: Social Violence Over Land and Water in Yemen." p 2.

⁹⁹ www.sabanews.net/en/news214203.htm.

¹⁰⁰ WFP (2012) "Yemen: Comprehensive Food Security Survey." Annexes. p 51.

The enormous wealth generated by qat farms in Yemen is concentrated in the hands of a small number of landowners; a 2008 study by the Food and Agriculture Organization (FAO) found that 64 per cent of qat cultivating land is owned by 9 per cent of qat farmers.¹⁰¹ One expert interviewed noted that in Rada' there can be up to an estimated profit of USD500,000 on one hectare of land with the qat harvest season in the area stretching from May to November. Qat from Rada' is primarily sold in the Hadramaut, al-Mahra and other southern governorates.

Out-migration, substantial qat production areas and high profit margins, combined with the labour-intensive, chemical fertilizer-reliant techniques in qat production in Rada' have created a high demand for workers that is not met by Yemeni labourers.

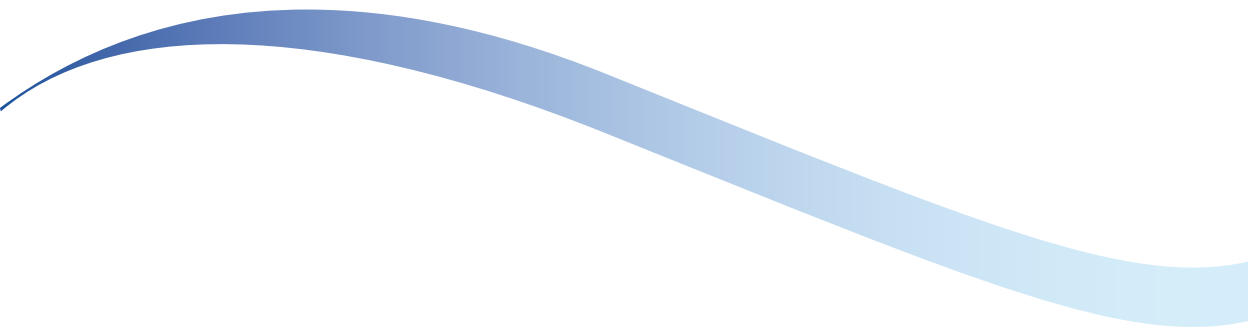
Qat Cultivation in Rada'

The deep red colour and soft succulent twigs of Rada'i qat are distinctive characteristics of this ubiquitous drug in Yemen. Farmers in Rada' trim the plant like a bush, similar to tea cultivation, keeping it low to the ground so it can be covered with long strips of cloth to protect it from frost if need be. Qat farmers in Rada' use huge quantities of chemical fertilizers, replace depleted soil regularly and flood fields with water similar to rice paddy cultivation. Such practices are evident in al-Bayda's dramatically higher production per hectare of qat of 2.6 metric tons, nearly double the national average.

*From interviews and 2012 MAI statistics at:
<http://agricultureyemen.com>.*

¹⁰¹ Gatter, P. (2012). p 29.

III. MIGRANT LABOURERS ON QAT FARMS IN RADA', YEMEN



III. MIGRANT LABOURERS ON QAT FARMS IN RADA'

I. Ethiopians Working on Qat Farms in Yemen – Smuggled or Trafficked?

Trafficking in Persons is “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” Art. 3(a), *UN Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000*.

Smuggling of migrants is defined as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national.” Art. 3, *UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, 2004*.

Alleged cases of forced labour of smuggled migrants from the Horn of Africa on farms in Yemen and reports of this growing phenomenon gave rise to this pilot study. The key focus for this preliminary study was to ascertain whether migrants from Horn of Africa were being smuggled into Yemen for the specific purpose of providing forced labour on qat farms in Rada' in al-Bayda Governorate. And further, if such smuggling occurred did the irregular status of such migrants place them at higher risk of abuse and exploitation.

This study examined the context of migrants from Horn of Africa labouring on qat farms in Rada' through the three constituent elements of human trafficking, as defined by the *UN TIP Protocol*, being¹⁰²:

- **The Act** (What is done) – recruitment, transportation, transfer, harbouring or receipt of persons;
- **The Means** (How it is done) – threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim;
- **The Purpose** (Why it is done) – for the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

A. The Act and Means: Smuggling or Trafficking

During the rapid scanning of the situation of migrants from Horn of Africa working on qat farms for the field research for this pilot study, no evidence was uncovered that these irregular migrants were trafficked for forced labour, although this does not mean that such practices¹⁰³ do not occur. This preliminary conclusion does not absolve the smugglers of wrong-doing, their actions are still illegal under international and Yemeni law, and deception is often clearly an aspect of the smuggling process. However, each case of potential trafficking would need to be examined to determine if the trafficking criteria had been met – that is the act, the means and the purpose.

Throughout the research for this pilot study, Ethiopian labourers in Rada' stated that they found their positions on qat farms through friends who facilitated their recruitment process. No one interviewed had found their way to farms with the promise of a job. Moreover, none of those interviewed by the

¹⁰² Available from: www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html.

¹⁰³ The word “practice” is used here because in Yemen there is no law criminalizing human trafficking.

research team had made arrangements with smugglers for work. The only component of their agreement with smugglers was transportation to Yemen.

When the research team asked community members in Rada' if farm owners who employ migrants had any relation with the human traffickers such allegations were denied. Police officers in Zinjubar, Basateen and Rada' also confirmed they have not received complaints that suggest such a relationship. The freedom of movement of Ethiopian workers observed by the research team on farms also suggests that farmers are not a part of network to bring in forced labor. Ethiopian workers in Rada' interviewed stated that they go to the market almost every day either to purchase items or to socialize with other Ethiopians. However, such freedom of movement off farm is likely dependent on proximity to urban areas, as well as availability of transportation. Yemen is a heavily armed country¹⁰⁴ and qat farms are heavily guarded, due to the valuable nature of the crop. However, there were no reports in this study of forced labour or limited mobility imposed by farm owners.

"I was arrested by the police in Yemen once, and when I showed the permit that UNHCR had issued me, the police officer said, 'You are free to go now and find a job for yourself. May God bless you.'"

28-year old Ethiopian migrant in Rada' interviewed for this research.

In the RMMS report "Desperate Choices" it was noted that "...since 2010, the local population reported that there are tens of thousands of Ethiopians coming to Rada' and the surrounding areas to work in the qat farms. They come with the intention of working for five months to earn enough money to pay to be smuggled to Saudi Arabia. They travel directly from the coast to the qat farms. All those interviewed had chosen to work on the farms and were being paid for their work."¹⁰⁵

One Yemeni interviewee in Rada' stated that he had seen a decline in the number of Ethiopian migrants making their way to farms in his area over the past two years. He believed that this was due to increased opportunities to enter Saudi directly without transiting Yemen, particularly as Yemen is going through many political and security difficulties. He also felt that the uncertainty during Yemen's transition phase and particular risks of terrorism and conflict in Rada' may have discouraged some Ethiopians from seeking employment in qat in the area.

B. The Purpose: Exploitation or Labour Opportunity

This study found that migrants from Horn of Africa who come to Yemen to work in qat do so because such work is relatively well-compensated, with food and housing provided, thus enabling them to send money back home and save for their onward journey. According to most interviewees, work conditions for Ethiopian and Yemeni labourers are the same on farms in Rada' and other places in the country. One Yemeni interviewee in Rada' noted, however, that there was a clear division of labour between Yemeni and non-Yemeni workers, with the Ethiopian labourers carrying out the more labour-intensive and heavier tasks. One Ethiopian working as a guard on a qat farm in Rada' stated in an interview for this research, "As an Ethiopian farm guard, I have the same number of working hours and wages as Yemeni guards have on other farms." Although the RMMS (2012) publication stated that "Ethiopians working as daily labourers,

"I came to Yemen to work, and I do not know how long I will stay. I think despite all the problems in Yemen there are more work opportunities here than in my country."

Ethiopian man who arrived four months ago and was interviewed for this research.

¹⁰⁴ It is commonly estimated that Yemen is home to some 6-9 million weapons, making it one of the most heavily armed populations in the world (Miller, D. (2003), "Demand, Stockpiles and Social Controls: Small Arms in Yemen."

¹⁰⁵ RMMS (2012) "Desperate Choices." p 28.

particularly those working on the qat farms, claimed that they were paid less at the end of the day than they had been promised at the beginning.”¹⁰⁶

Table 4 is a summary of the various labour conditions for agricultural workers which are generally better than for daily labourers in sectors such as fish processing, another common opportunity for African migrants.¹⁰⁷ The significance of the information presented demonstrates that although work on qat farms is difficult, pay and conditions are decent enough to enable labourers to save and/or remit some wages.

Table 4: Farm Labour Conditions¹⁰⁸		
	Vegetable/Fruit Farms	Rada’ Qat Farms
Wages	Fixed wage of 20,000 YR (USD93) per month	1,000 YR (USD4.60) per day, with recent increases up to 1,500 YR (USD7) per day
Working Hours	8 to 9 hours daily from 6 to 11 am and from 2 to 6 pm	Eight hours daily from 7 am to 12 noon and from 2 to 5 pm
Work week and holidays	6-day work week with Fridays off, time off for ‘Eid and religious holidays.	6-day work week with Fridays off.
Food	Labourers cook for themselves with the farm owner providing free food supplies. However, quantity is insufficient and quality is poor with labourers claiming to suffer from food shortages.	Farm owners provide free bread, stew, rice and vegetables daily and a chicken weekly cooked by the women in the family. However, quantity is insufficient and quality is poor with labourers claiming to suffer from food shortage.
Accommodations	Free shared sleeping quarters, but relatively spacious.	Free but labourers typically sleep in a <i>nuba</i> (round fortified guard or lookout tower) overlooking qat fields to prevent theft. Crowded as too many labourers share the space, as it was designed for guarding not housing.
Health care and medical emergencies	Health services and medication are not covered by farm owner and most farms lack even basic occupational safety equipment. Yemeni labourers may access government health services in urban areas, but not usually African migrants. If near an urban centre with international or local organizations that have services for the poor, both Yemenis and non-Yemenis can usually use such programmes. Unpaid sick leave allowed if of a short duration.	

Indicating the generally positive labour conditions for Ethiopians working on qat farms in Yemen was that according to a number of interviewees, some Ethiopian migrants have brought their families from home and settled in Rada’ and established sharecropping partnerships with Yemeni farmers. While such arrangements are not the norm, this may be changing. One interviewee who owns a qat farm in Ibb stated that he has such respect for the ethics and hard work of Ethiopian farm labourers that he is seriously considering replacing his Yemeni sharecropping farmer with an Ethiopian. When asked why, he responded that Ethiopian farmers really care and work hard to make a profit asserting that a Yemeni qat farm sharecropper may produce one million YR (USD4,653) a year in profit, while an Ethiopian will produce two million YR (USD9,306) in profit.

¹⁰⁶ Ibid. p 30.

¹⁰⁷ Interviews for this research noted that while sometimes better paid than agricultural work (though depending on the type of work and if they are independently recruited or through a labour dealer or broker), such work is physically difficult, can be dirty and dangerous (cutting and cleaning fish for packaging) and workers are not provided housing, toilets or food. Workers in this sector are treated poorly by employers and vulnerable to abuse.

¹⁰⁸ Information in this table is compiled from interviews for this study, conditions apply to irregular migrant workers and Yemeni farm labourers.

C. Protection Risks for Migrants from Horn of Africa in Yemen

A publication by IOM and UNHCR about protection issues for refugees and migrants in Western Africa highlights several factors contributing to migrants' vulnerability, such as the forced nature of movement, unprepared departure and involuntary separation from family members, lack of support networks and resources, and past traumatic experiences. The publication says that persons on the move may also be forced to interrupt their journey, for instance due to lack of resources or adequate documentation, and become stranded.¹⁰⁹

These factors are also present in the Horn of Africa and Yemen migration context. Additionally, according to research published by RMMS, there are a variety of protection risks for migrants from Horn of Africa in Yemen which include racism, discrimination, human rights abuses and exploitation,¹¹⁰ as well as increased vulnerability to threats to their health, well-being and freedom of movement. Additionally, many migrants, both regular and irregular, lack income-earning opportunities which contributes to poverty, hunger and homelessness, particularly if such individuals lack connections and support networks.¹¹¹ Furthermore, migrants are at risk of exploitation by employers. Other studies in Yemen have found that Ethiopians in urban areas state that they are often paid less than Yemenis for the same work, or that they are paid less than originally agreed.¹¹² However, in this study this was not the case with most informants stating that Yemen and non-Yemeni qat farm labourers are paid the same. Moreover, irregular migrants who lack local patronage are at risk of becoming the victim of crimes or when encountering security, military or justice authorities, are susceptible to various forms of abuse, extortion or exploitation.

"Smugglers are monsters. They are not humans at all. I met some Ethiopians who had sustained head and leg injuries. Some had scars on their body as a result of severe beatings. Some had scars on their legs as well because they had been chained up in jails for many days."

*Yemeni Police Officer in Zinjubar
Interviewed for the Research.*

While it appears that the local population tends to treat Ethiopian migrant workers relatively well, one interviewee noted that even with the higher wages on qat farms, it is very physically challenging and thus not attractive to Yemeni labourers. Therefore, Yemeni workers generally do not feel threatened by these migrants taking their place in jobs. However, this changes when the stakes are higher, for example when share cropping arrangements are made with Ethiopians. One civil society activist had worked on a case in which a tribal dispute between the tribe of the landowner and the tribe of the crop-sharing partner developed. It turned into an armed conflict leaving a number of injured. Working through tribal conflict resolution practices the case has yet to be resolved.

Although it is frequently maintained that qat is resistant to many types of insects,¹¹³ according to the country's 2002 agricultural census, 72 per cent of qat farmers use pesticides, including highly

¹⁰⁹ IOM/UNHCR (2011), p.16

¹¹⁰ For a list of protection risks faced by migrants from Ethiopia see the study by RMMS (2012) "Desperate Choices," p 6-7.

¹¹¹ In the RMMS (2012) publication "Desperate Choices" it is noted that the distinction between regular and irregular status is less relevant than the "distinction between migrants with the resources and connections to exploit the opportunities offered by corruption, as well as the possibility of moving between regularity and irregularity, and those migrants who, due to their social and economic vulnerability, are simply exploited by these same forces." Ibid. p 7.

¹¹² Ibid.

¹¹³ According to Varisco (2007, p 241] because qat is cultivated for its new growth few pests attack it and its wood is resistant to termites, thus used in construction in Ethiopia. Kennedy (1987, p 140) notes that Yemenis consistently claim that dreaded locust swarms that have plagued Yemen for millennia find qat repugnant.

poisonous ones that have been smuggled into the country containing DDT and other toxic agents.¹¹⁴ Furthermore, due to the profitable nature of qat cultivation, pesticide/fertilizer smuggling is a lucrative business and hard to control.¹¹⁵ Use of pesticides and fungicides in qat cultivation is not only widespread but highly irrational with farmers often ignoring usage guidelines and instructions in an effort to maximize profit thus putting consumers of qat as well as farm workers at risk.¹¹⁶ According to the Ministry of Public Health and Population, such pesticides are responsible for 70 per cent of cancer cases in the country, indicating that mouth cancer is very common in Yemen.¹¹⁷ In 2007, according to an FAO study, qat farmers in al-Bayda had the highest usage levels of pesticides in the country.¹¹⁸ The use of chemical fertilizers and pesticides is a growing concern in Yemen, particularly as through qat such toxins enter the body directly through the mouth.

A further risk of exploitation for smuggled farm labourers is as a result of their entanglement in politics and conflicts due to their vulnerability as irregular migrants. For example, one police officer interviewed for this research mentioned that there had been Ethiopians fighting with Ansar al-Shari'a who were arrested during the conflict with the government. The veracity of this assertion and the circumstances of the Ethiopians' involvement, and if coercion or exploitation was involved, are unknown. While no verified reports were encountered during this research, it is not farfetched that migrants became embroiled in areas such as Abyan and Rada' where terrorism networks have been active in recent years.

In one interview for this research, a Yemeni health worker at a Government hospital in Rada' noted that Ethiopian labourers on qat farms suffer from a number of illnesses affecting their income earning abilities including: chronic constipation due to the absence of toilets and regular consumption of qat; poor health due to a limited diet and quantities of food; headaches from working long hours in the sun; gunshot wounds from conflicts that sometimes result in death; and injuries and death from car accidents or jumping from moving trucks in order to avoid paying for transportation. However, it must be noted that many of the above health risks are also common amongst Yemeni farm workers. This informant added that injuries consistent with exposure to toxic chemical fertilizers and pesticides are rare among farm labourers, as owners usually handle such tasks because the substances are expensive. This informant also noted that when an Ethiopian migrant dies, there are complex bureaucratic procedures required and limited morgue facilities thus dis-incentivizing reporting such deaths and leading to burials in unmarked graves in the area.

One Ethiopian migrant farm labourer in Rada' said "Yemeni people are good people, I love Yemen. Without the help of Yemeni people I would not be alive." Farm owners said that generally there is no stigma associated with non-Yemeni migrant labourers. One informant maintained that customary Yemeni tribal laws and practices also apply to Ethiopian migrants who are victims of violence. They receive compensation in accordance to the justice system which applies to Yemenis. However, it must be noted that while this position was maintained by a number of interviewees, in general, Yemenis view both formal and informal legal systems as weak and inadequate.¹¹⁹ If migrants from Horn of Africa interact with police or security personnel in Yemen, they do so at a high risk of abuse

¹¹⁴ Gatter, P. (2013) "The Politics of Qat: How One Plant Explains Yemen's Dysfunction Photo Essay." Foreign Policy. 18 February.

¹¹⁵ http://siteresources.worldbank.org/INTYEMEN/Resources/MAI_Qat_Workshop_2008Report.pdf.

¹¹⁶ FAO and MAI (2008) "Qat Production in Yemen: Water Use, Competitiveness and Possible Policy Options for Change." p 46.

¹¹⁷ Assamiee, M. August 2009 "Most Pesticides Coming to Yemen for Qat." www.sabanews.net.

¹¹⁸ FAO and MAI (2008), p 50.

¹¹⁹ A recent study noted that "Yemeni citizens complain about increased corruption and poor performance of the judiciary and state impotence before increasing criminality, gangs and armed groups." Gaston, E. and al-Dawsari, N. (2014) "Justice in Transition in Yemen." United States Institute for Peace. p 3.

or exploitation (illegal detention, lack of due process under the law or petty corruption), although, in Yemen, reports of such incidents are not usually typified as violent.¹²⁰

It is clear from the study that due to the irregular nature of the status of working in qat farms in Yemen, Ethiopian labourers working on qat farms, similar to other agricultural migrants, are at risk of abuse and exploitation. Furthermore, if such workers encounter abuse their irregular status, combined with general perceptions of corruption and inefficiency in the legal and security systems in the country, makes it highly unlikely that they will seek redress from the authorities.

A further protection concern with regards to labour and qat in Yemen is the use of children for smuggling and transportation of qat. The authors of this study believe that such reports warrant further research and investigation into this potential category of trafficking in persons.

2. The Role of the Government of Yemen

A. Maritime Authority

Yemen has an estimated 2,000 km of coastline (1,200 miles), which poses a significant challenge to secure from smugglers, piracy, human traffickers, criminals or terrorists. Yemen's Navy was created in 1990 when the country unified, strengthened significantly in 2006 with the purchase of 10 Bay-class patrol boats. However, the Yemeni Coast Guard, founded in 2003, has the constabulary and navigation role in ports and regional waters tasked to provide "security and not military functions, including keeping order in Yemeni ports and launching patrols in Yemeni coasts and regional waters. Other tasks are limiting illegal immigration, protecting national waters against indiscriminate fishing, protecting environment against pollution, fighting piracy, rescue and search activities."¹²¹

Yemen's Maritime Affairs Authority (MAA) commenced operations on 30 December 2001 under the Presidential Decree (352) of 2001, self-funded and with independent administration. MAA is also charged with implementing maritime international conventions and treaties to which the Republic of Yemen is party.¹²² MAA is a potential key actor in law enforcement targeting the smuggling of refugees, asylum-seekers and migrants from the Horn of Africa, across the Arabian and Red seas. However, since its creation it has faced considerable management and fiscal challenges and primarily focused supporting Yemen's anti-terrorism efforts, rather than the protection and regulation of migration flows.

November 2014, in recognition of the threats posed by maritime piracy the Yemen Government called for increased coordination at the regional and international levels in order to strengthen eradication efforts. This clear statement of the challenge was issued by the then Yemen Minister of Foreign Affairs in Dubai at the United Arab Emirates Counter-Piracy Conference, highlighting the threat to the country's national security.

B. Regulating Legal Framework of Labour

Yemen's Labour Code, Act No. 5 of 1995,¹²³ Article 3 notes that the provisions of the law exclude a number of categories of workers including: "persons employed in agriculture and pastoral work." There exists a legal framework for occupational safety and health for non-agricultural work, albeit

¹²⁰ RMMS (2012) "Desperate choices." p 27.

¹²¹ Interview with Commander of Yemeni Coast Guard Forces Ali Ahmed Ras'ee in the Yemen Post. Available from: www.yemenpost.net/28/InvestigationAndInterview/20081.htm.

¹²² www.maa-yemen.net/en/decisions.php.

¹²³ Available from: www.ilo.org/dyn/natlex/docs/WEBTEXT/44043/65001/E95YEM01.htm.

weak, although with limited inspection and enforcement capacity.¹²⁴ However agricultural labourers in Yemen, who form the vast majority of the labour force,¹²⁵ are excluded from regulations concerning the conditions of their employment or occupational safety and health.¹²⁶

This lack of protection has been clearly noted by a variety of organizations and activists with regards to the situation of women and children as key contributors to the agriculture sector. The US Department of Labour, Bureau of International Labour Affairs in 2013 noted progress in the Government's efforts to eliminate the worst forms of child labour, however the agriculture sector was highlighted as one of grave concern, particularly in qat cultivation.¹²⁷

Yemen has ratified thirty ILO conventions, however Convention No. 129 on Labour Inspection (including agriculture) and Convention No. 155 on Occupational Safety and Health are not among them.¹²⁸ The Ministry of Social Affairs and Labour (MOSAL) is the responsible government entity for labour regulation and inspection, but currently the Ministry does not have the capacity to address such needs in the agriculture sector for Yemeni labourers, much less for non-Yemeni.

Migrants arriving in Yemen are allowed a 20-day grace period agreed by the Yemeni government, enabling individuals to register and initiate the process of seeking asylum. However, it was noted in a recent study by RMMS "that Ethiopian arrivals often accept the letter of attestation as it allows them to remain in Yemen legally for that period while they make their way to a registration centre to apply for asylum - even if they have little actual intention of exploring this option."¹³⁰ The process to secure a legal work permit in Yemen is onerous and one that neither migrant workers nor their employers are willing to bear the cost of or invest the effort required, particularly in the agricultural sector. This reality is illustrated in Table 5 which notes the miniscule number of legal work permits secured in the agriculture sector in illustrative years. None of the paltry number of secured permits included in Table 5 were in al-Bayda.

Table 5: Labour Permits	
Year	Permits in Agriculture, Poultry & Hunting¹²⁹
2010	29
2011	16
2012	70
Total:	115
<i>From: Yemen Central Statistical Organization Statistical Yearbook 2012</i>	

Reports of government and security personnel involvement in migrant smuggling and human trafficking of refugees, asylum-seekers and migrants are common. With an abysmal record of corruption,¹³¹ such allegations are highly probable though to date there have been no verified convictions.¹³² Allegations against government officials range from bribery for turning a blind eye to migrant smuggling and human trafficking, to direct involvement in torture, rape and extortion.

¹²⁴ For a succinct summary of Yemen's occupational safety and health laws, capacities and gaps see: www.ilo.org/wcmsp5/groups/public/-ed_protect/-protrav/-safework/documents/policy/wcms_186109.pdf.

¹²⁵ Approximately 54 per cent of the labour force is employed in agriculture. MAI (2012) "A Promising Sector for Diversified Economy: National Agriculture Sector Strategy 2012-16." p 10.

¹²⁶ ILO (2009) "Yemen Labour Inspection Audit Joint Outcome on Labour Inspection." p 4.

¹²⁷ Available from: www.dol.gov/ilab/reports/child-labor/yemen.htm.

¹²⁸ ILO (2009) "Yemen Labour Inspection Audit Joint Outcome on Labour Inspection." p 8.

¹²⁹ Arab and Foreign Workers with Official Work Permits from the MOSAL by Main Occupation: 2010-2012. Available from: www.cso-yemen.org

¹³⁰ RMMS (2012) "Desperate Choices." p 32.

¹³¹ In 2013 Yemen was ranked 167 out of 177 (177 being the most corrupt) by Transparency International's "Corruption Perceptions Index." Available from: www.transparency.org.

¹³² "Although the government reported that it convicted and sentenced 17 trafficking offenders in 2012, despite multiple efforts to gain more information, Human Rights Watch was unable to verify the convictions or determine for which crimes the individuals were convicted." HRW (2014) "Yemen's Torture Camps: Abuse of Migrants by Human Traffickers in a Climate of Impunity." p 74-75.

According to a police officer in Basateen interviewed for this research there are many individuals involved in abusing migrants. In addition to the smugglers themselves, checkpoint soldiers, coast guard personnel, the police and military have been accused of abusing migrants. Allegations of virtual slave markets in Yemen where migrants from Horn of Africa are literally sold have surfaced time and again. It is anticipated that the law against human trafficking currently pending in parliament could impact a situation that appears to be escalating in abuse.

C. Regulating Legal Framework of Occupational Safety and Health

As noted above, the Yemen Government has no legal framework related to occupational safety and health in agricultural sectors for both Yemeni and non-Yemeni labourers. Since 1999 the Government has issued a number of decrees on qat and pesticide use, aimed at improving consumer safety including:¹³³

- Seven cabinet decrees passed in May 2002, aimed at spreading awareness, promoting alternative means of leisure, regulating qat consumption and the use of chemicals for qat production (Decrees 135 to 140 in 2002).
- In February 2007, the Cabinet passed Decree (No. 72) limiting qat cultivation to certain agricultural areas of Amran, Ibb, Dhamar, Sana'a and al-Bayda governorates.

However, the enforcement of such regulations has been limited due to a variety of circumstances including the significant government revenue generated by qat as a result of increased production yields, as well as low capacity of authorities to regulate use in rural areas.

D. Framework to Respond to Migrant Smuggling and Human Trafficking

In 2013 the Government of Yemen hosted and agreed to the principles and recommendations of the *Sana'a Declaration* which emerged from the Regional Conference on Asylum and Migration, 11-13 November 2013.¹³⁴ This conference brought together representation from Horn of Africa countries (Djibouti, Eritrea, Ethiopia and Somalia), the Arab League, GCC states (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates), UNHCR and IOM. A number of outcomes of this conference are of relevance to this study including: addressing the need to provide information about the realities of irregular migration; law enforcement; creation of employment opportunities; awareness-raising campaigns; refugee protection; regional and international cooperation; and data collection and analysis. Follow up on agreements achieved in the *Sana'a Declaration* is critical to address root causes of migration and to protect the human rights of refugees, asylum-seekers and migrants, while at the same time recognizing the constraints of states to address such issues.

Pending Legislation Combating Human Trafficking

If approved, the draft legislation seeks to achieve the following objectives:

- Prevent and combat human trafficking in all of its forms and manifestations with a heavy emphasis on criminalization and sanctions with 15 out of 44 articles focusing on such aspects.
- Protect victims of human trafficking by providing the necessary care and ensuring the respect of their rights and human dignity.
- Educate and raise awareness on the dangers of human trafficking so as to contribute to combat and prevention.
- Promote and coordinate national and international cooperation on preventing and combating human trafficking.

Summary of Draft Legislation.

The National Dialogue Conference (NDC) process that lasted ten months engaging 565 representatives and concluding in early 2014 was the cornerstone of the political transition process in Yemen. The Rights and Freedoms Working Group outcome number 101 noted, "Forced labour,

¹³³ FAO and MAI (2008) "Qat Production in Yemen: Water Use, Competitiveness and Possible Policy Options for Change." September. p 67.

¹³⁴ See Annex 6 for the full text of the *Sana'a Declaration*.

slavery, all forms of subjugation, slave trade, trafficking of women and children and sex shall be criminalized.”¹³⁵

Yemen has taken commendable measures to ratify international treaties related to a range of issues relevant to this study including human trafficking, child protection, maritime rescue at sea and labour conventions. However, substantial work remains in implementing the national legal, administrative and enforcement systems needed to fulfil such obligations. It is hoped that in the coming period substantive progress will be made in this direction.

3. Conclusion

According to the US State Department’s TIP report in 2012, the Yemen Government-funded anti-trafficking public-awareness and education campaigns halted because of the political crisis.¹³⁶ However, there have been increasing reports in the media and social networks about the trafficking of persons from Horn of Africa and the increasing incidence, or at least coverage, of the horrors of torture, abuse, rape and extortion. Despite the many challenges facing Yemen, civil society activists, human rights organizations, journalists, and some government officials are actively seeking ways to combat such crimes.

In recent years there have been a number of Yemeni organizations established that are focusing directly on human trafficking issues. The Yemen Organization for Combatting Human Trafficking¹³⁷ is a key civil society organization, although a number of more well-established organizations have been involved in human rights issues for some time, specifically seeking to uphold refugee, asylum-seeker and migrant women and children’s rights. Such organizations have been active in promoting smuggled migrants’ rights and seeking prosecution of smugglers, as well as seeking to raise awareness in broader Yemeni society of such human rights abuses.

One caveat to this research is that while no evidence was uncovered of forced labour camps, instances of forced labour, or trafficking of migrants for labour on qat farms, this does not mean that such practices do not exist. The vast territory of Yemen and the remote location of most farms make it impossible to conclude that reports of such practices are merely rumours. Some interviewees for this study reported they had heard of slave markets in Yemen where migrants from the Horn of Africa are sold. However, there were no first-hand accounts nor were those that noted such practices able to direct the researchers to informants that had been directly affected. While no reports of minors from the Horn of Africa working on qat farms were encountered, it would be surprising if there were no such incidents given the youthful composition of those travelling from the Horn of Africa.

It is imperative that populations in the Horn of Africa hear about the good and bad dimensions of the migration experience to make an informed decision about making the journey. However, as Table 1 illustrates there is still a lack of freedom of expression and an open media in the countries of concern. The cooperation among the countries on the Horn of Africa and the Arabian Peninsula is essential to address the network of migrant smugglers and human traffickers by focusing on organized criminal elements through an integrated and holistic approach, such as the *Sana’a Declaration*. Research conducted by RMMS in June of 2014 indicates that many Ethiopian migrants who embark on the journey to Yemen were already aware of the risks before their departure.¹³⁸ This RMMS publication noted that “mere awareness raising campaigns on the protection risks of irregular

¹³⁵ Available from: www.yemenintransition.com.

¹³⁶ Available from: www.refworld.org/docid/4fe30c8237.html.

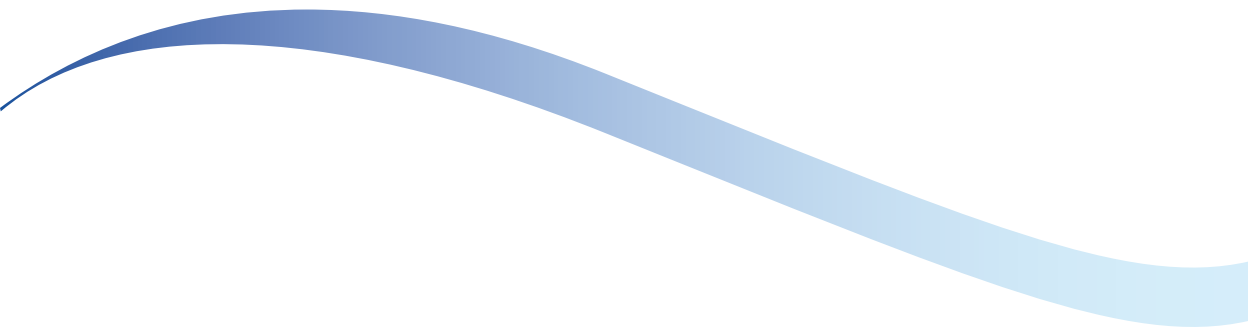
¹³⁷ Facebook: www.facebook.com/yemenocht/info?ref=page_internal. Website: www.yocht.org.

¹³⁸ RMMS (2014) “Blinded by Hope.” p 8.

migration may instil fear and apprehension, but for most, these misgivings are not strong enough to make them stay at home.”¹³⁹

¹³⁹ Ibid.

IV. RECOMMENDATIONS FOR DISCUSSIONS



IV. RECOMMENDATIONS FOR DISCUSSIONS

I. Recommendations

The recommendations below are organized around the three main areas recognized internationally¹⁴⁰ as key to combat human trafficking and which have been adjusted to the national context and features of the context of smuggling of farm labourers from Horn of Africa. These areas of actions are i) knowledge and research, ii) capacity-building and development, and iii) monitoring and evaluation.

To the Government of Yemen

To combat human trafficking and abuse of migrants, in particular those from the Horn of Africa, travelling to, or through, Yemen:

- Sign and ratify the *UN TIP Protocol* as it is evident that the government has acknowledged human trafficking as a serious issue from the decree of the Cabinet on forming a committee, resulting in the drafting of national legislation. Furthermore, accede to the *Protocol Against the Smuggling of Migrants by Land, Sea and Air* and the *1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* and the *P029 - Protocol of 2014 to the Forced Labour Convention 1930* adopted in June 2014.
- Approve, enact and operationalize the pending national legislation to prevent and counter human trafficking.
- Revise the Penal Code to criminalize human trafficking for prosecution because, as a single-piece law, anti-trafficking legislation is insufficient to combat human trafficking.
- Follow through on commitments made in the *Sana'a Declaration* and seek to engage other regional and international stakeholders to address migration issues in the region in the holistic and integrated approach that this document embodies.
- Strengthen cooperation within the Government of Yemen and with other States relevant to migration in the region including Yemen's Maritime Affairs Authority as a key actor in law enforcement targeting the smuggling of African refugees, asylum-seekers and migrants across the Arabian and Red seas.
- Accede to the *1979 International Convention on Maritime Search and Rescue* and ensure that rescue-at-sea operations involving refugees, asylum-seekers and migrants are consistent with international law, particularly, by guaranteeing them access to appropriate asylum procedures.

To address labour conditions and basic services in the agricultural sector generally and specifically on qat farms:

- Expand the legal framework to promote decent work standards, occupational health and safety regulations, and labour inspections in the agricultural sector in order to address the needs all labourers (Yemeni and non-Yemeni). Such legislation should include protection and regulation of child labourers.
- Facilitate the issuing of legal work permits to non-Yemeni agricultural labourers in order to better monitor labour conditions.
- Define residual levels of pesticides in qat leaves and forbid the transportation and sale of qat which exceeds allowable levels.
- Implement the decree on pesticide use (Cabinet Decree No. 135 of 2002) aimed at improving consumer safety.

¹⁴⁰ "International Framework for Action: To Implement the Trafficking in Persons Protocol." United Nations Office on Drugs and Crime. Vienna, 2009.

To international organizations

To combat human trafficking and abuse of migrants, in particular those from the Horn of Africa, travelling to, or through, Yemen:

- Support the Government of Yemen and other Governments in the region to fulfil their obligations to the *Sana'a Declaration*.
- Provide technical support and financial resources to increase Government of Yemen's recognition of, and capacity to, respond to human trafficking issues.
- Bring regional experience to Yemen with a similar social and cultural context to enable national authorities to develop a comprehensive a national strategy on prevention, persecution and protection for cases related to human trafficking.

To address labour conditions and basic services in the agriculture sector generally and specifically on qat farms:

- Support the Government of Yemen to promote decent work standards, occupational safety and health regulations and labour inspection in the agriculture sector to address the needs all labourers (Yemeni and non-Yemeni). Such legislation should include protection and regulation of child labourers.
- Promote implementation of the recommendations of the World Bank Yemen Qat Dialogue Task force and support efforts of the Qat Unit in the Ministry of Agriculture and Irrigation.¹⁴¹
- Work with local government health-care services and civil society organizations to provide services to agricultural labourers, Yemeni and non-Yemeni, in rural communities.

To national civil society organizations

- Work with local journalists to improve quality and quantity of coverage on human trafficking.
- Engage in the debate on qat cultivation and usage by working with the World Bank Yemen Qat Task force and support the efforts of the Qat Unit in the Ministry of Agriculture and Irrigation, Agricultural Research and Extension Authority.
- Work with local government health-care services and international organizations to provide services to agricultural labourers in rural communities.
- Network with peer Ethiopian civil society organizations to raise awareness about the risks of human trafficking for irregular migration across the Red Sea.

2. Recommended Topics for Further Study

Over the course of this research it became clear that a more consistent and in-depth study of the topic of smuggled African farm labourers is needed. It is believed that this rapid assessment provided a glimpse of the risks and vulnerabilities of migrants in Rada' working in qat farms. However, a thorough assessment was beyond the scope of this study and would require the sensitive cooperation of the Yemeni Government as well as a range of other stakeholders. The isolated nature of many agricultural communities makes such a study difficult as the circumstances of such labourers is difficult to assess given their irregular status.

One aspect of labour related to qat in Yemen that warrants further focused research and which was beyond the scope of this study, is the involvement of children.¹⁴² Anecdotal reports were encountered of children (Yemeni and non-Yemeni) being used to smuggle qat into Saudi Arabia under very harsh circumstances that may constitute child trafficking according to the internationally

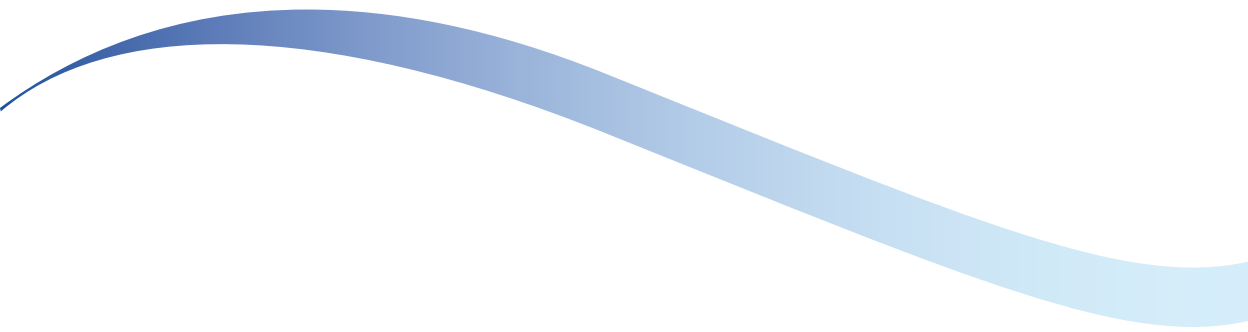
¹⁴¹ http://www.yemenwater.org/wp-content/uploads/2013/03/YEMEN-WorldBank_Response_to_QatConsumption.pdf.

¹⁴² "...a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." *Art. 1, Convention on the Rights of the Child, 1990.*

-recognized definition: “The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.”¹⁴³ In the opinion of the authors of this pilot study such reports bear further research.

¹⁴³ Definition from: *Art. 3(c), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000.*

ANNEXES



Annex I: Research Methodology

Initially, it was anticipated that this study would focus on the smuggling of farm labourers in Abyan Governorate. However, as the study evolved and after consultation with IOM, reports of irregular Ethiopian migrant labour on qat farms in Rada', al-Bayda Governorate, emerged as a focus of the study. Research inquiries (telephone interviews, literature review and face-to-face interviews with informants in Rada' and Sana'a) were made exploring the use on qat farms of irregular migrant labourers from the Horn of Africa.

As noted in the Preface to this study, due to the sensitive nature of this research topic the names of interviewees and participants in this pilot study will not be used, but instead will be referred to by more generic identifiers (gender and profession).

1. Literature Review

A thorough literature review of the topic of Smuggled Farm Labourers from Horn of Africa in Yemen was conducted by the research team including reviewing English and Arabic language publications. The types of documents reviewed included books, peer-reviewed articles, international treaties, academic and technical studies, national legislations, open source media and some social media sites. Also reflected in the study is the professional profile of the authors combined decades of working in Yemen on various aspects of development and humanitarian programming.

2. Field Visit

A rapid assessment was conducted from 16 June to 7 July 2014, in Abyan Governorate, Aden city and Rada' region in al-Bayda Governorate. In Abyan the research team visited the villages of al-Misemeer, al-Khamela and Kafer al-Shaikh. Such field work entailed visiting a number of rural and urban locations to interview and meet with Yemeni farmers, Ethiopian migrant farm labourers, other Ethiopians, community leaders and local officials to better understand the phenomenon.

3. Focus Group Discussions

One Focus Group Discussion was organized with nine Yemeni farm workers in Abyan in al-Misemeer village. The session probed questions related to the knowledge these men about the presence of Ethiopian farm labourers in their area, where they worked and sought to understand their perspective on the practice.

4. Key Informant Interviews

Key stakeholder interviews were conducted with 18 men face-to-face and by telephone in four geographic locations in Yemen (Governorates of Abyan, Aden, al-Bayda and Sana'a). The preferred method was in person and, of the 18 individuals interviewed, 14 were face-to-face. Various government offices were visited as part of the study including the Ministry of Agriculture and Irrigation and three police stations in Abyan, Aden and al-Bayda. Interviews included: irregular migrants in Basateen in Aden; Ethiopian farm workers; Yemeni farm owners; civil society activists; independent researcher; Yemeni academics; civil servants; and police officers in Basateen in Aden Governorate, Zinjubar in Abyan Governorate and Rada' in al-Bayda Governorate.

Interview Questions

Questions for interviews were based on three hypotheses which shaped this study, although not all questions were asked of each interviewee. Lines of inquiry were guided by the profile of the informant. The following are the hypotheses that shaped the research:

- Hypothesis 1: Smuggling of migrants from Horn of Africa to Yemen occurs for purposes of providing labour on qat farms in Rada' in al-Bayda Governorate.
- Hypothesis 2: The irregular status of such migrants from Horn of Africa places them at higher risk of abuse and exploitation.

Hypothesis 1: Smuggling of migrants from Horn of Africa to Yemen occurs for purposes of providing farm labour in Abyan and Rada’.

- Have you heard about the practice of smuggling (arriving by boat) migrants from Horn of Africa to Abyan? If yes, please provide details?
- What happens to the migrant when he arrives in Yemen? Where do they go? How do they get there?
- Do you know of anyone that has been directly involved in such practices? If yes, please provide details?
- Do you know of examples of this practice in your community or other communities nearby? If yes, please provide details?
- When was the first time that you heard about an incidence of this practice?

Hypothesis 2: *The irregular status of such migrants from Horn of Africa places them at higher risk of abuse and exploitation (the following are only to be asked if the individual has had direct contact with such practices if interviewing).*

- What risks do you think there are for the migrants from Horn of Africa during the transportation phase of the smuggling?
- What risks do you think there are for the migrants from Horn of Africa while they are working illegally in Yemen?
- What risks do you think there are for the migrants from Horn of Africa when they return to their homeland?
- What were the terms of the agreement between the African worker and those smuggling them into Yemen?
- Were the terms of the agreement fulfilled by the smugglers? By the employer?
- Where discrepancies due to deception on the part of either the smugglers or the employer?
- How were the migrants from Horn of Africa recruited in their home country or community?
- Was there any coercion or abuse in the transportation process?
- Has there been any coercion or abuse during their employment?
- How would you describe the relations between such individuals and Yemenis (employers, co-workers, community members, authorities)?

Questions to Migrant:

- Did you want to come to Yemen to work? If yes, for how long have you been here? Why Yemen?
- When you were in your home country, were you offered a job to work in Yemen? Explain the job offer. How were you recruited to come to work in Yemen?
- When you were recruited what were you told about the sort of work you would do in Yemen? Was there a discrepancy between what you were told and the reality when you arrived (conditions, payment, etc.)? Do you feel that you were lied to?
- Describe the transportation process from your home to your current location?
- Did you pay any advance money to the recruiters or smugglers? If no, what arrangements were made for paying back the cost of travel and arrangements to come to Yemen?
- Can you please describe a normal work day for you from the time that you wake up until you go to sleep at night?
- What work do you do on a daily basis?
- What were your hours?
- Do you receive rest, bathroom and meal breaks?
- Was this the kind of work/condition you were told you would have?

- Were you ever threatened with violence or subjected to violence during the transportation process? If so, please describe.
- Were you ever threatened with violence or subjected to violence since you arrived at your destination? If so, please describe.
- Are you allowed to leave the farm/work location? If yes, under what conditions?
- At any time during your recruitment, transportation or employment in Yemen have you encountered Yemeni authorities? How would you describe such interactions?
- Do you get paid for work? If yes, how much and how often? How are payments made to you? Have there been any unexpected deductions made from your pay for any expenses (food, lodging, etc.)?
- Do you owe a debt to anyone? If yes, explain.
- For the money that you earn, did you send it back to your family? If so, how did you send it – through what group or institution? How did your relatives receive the money? How much did you send back (what is the average amount) and how much did you have to pay to send the money?
- What happens if you are feeling sick? Are you required to work? Have you received medical treatment?
- Are there any dangers/risks in the work that you perform? If yes, does your employer support you in taking precautions to avoid such dangers?
- Since arriving at your work have you received any training in performing your duties?

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Annex 3: Yemen's Treaty Signatory Status¹⁴⁴

Yemen's legal framework is complex, emerging from a diverse political historical context. Although derived from pluralistic sources, the formal legal system in Yemen has developed into a single unified body of law. Yemen's legal code incorporates elements from *shari`a*,¹⁴⁵ customary or tribal law (*'urf qabali*¹⁴⁶), excerpts from Egyptian and other Arab laws, elements from Ottoman or Turkish traditions, infusions from the Socialist legal system in the former PDRY and international principles. "All of these formal, informal, modern, and traditional norms and actors come together in a continuous and complex dynamic of interaction. Considering that almost 80 per cent of Yemenis are not within reach of the official courts, or for other reasons adhere to tribal customary rules or informally administered Islamic norms, state law is not the supreme law in Yemen, neither effectively nor in the perception of most Yemenis."¹⁴⁷

Yemen is the only country in the Arab Peninsula that is a State party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). The Government has not yet incorporated its obligations under the *1951 Convention* into national refugee-specific legislation or established a refugee status determination (RSD) procedure. In the absence of such legislation, the legal status of asylum-seekers and refugees is governed by a mix of decrees and provisions, *inter alia*, the Republican Decree Number 47 of 1991 on the entry and residence of foreigners. The Ministry of Foreign Affairs is the main governmental institution in charge of refugee protection and the Bureau of Refugee Affairs (BRA) supports UNHCR by implementing some protection and assistance activities.

Yemen has not ratified the *2000 Protocol on Human Trafficking and Smuggling* that supplements the *UN Convention against Transnational Organized Crime* (UNTOC) and current Yemeni legislation does not cover all forms of exploitation indicated in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. In addition, the Government has not acceded to the *1979 International Convention on Maritime Search and Rescue* (SAR Convention). At the end of 2012, the Government acknowledged the magnitude of the problem and established two technical Committees for combating human trafficking and drafting the forthcoming anti-trafficking legislation. UNHCR, in its capacity as an observer, has attended the Committee for Combating Human Trafficking, which is an institution expected to develop a national strategy in 2013.

¹⁴⁴ Available from: [https://treaties.un.org/pages/HistoricalInfo.aspx?#\"Yemen](https://treaties.un.org/pages/HistoricalInfo.aspx?#\)".

¹⁴⁵ Islamic or canonical law is based on four official sources: the *Qur'an*; the *Sunna* of the Prophet Mohammed (the normative model behaviour of the Prophet Mohammed evidenced in what he did, and those actions that he permitted) as evinced in *hadith*; *ijtihad* (analogical reasoning); and *ijma'* (consensus of the community of legal scholars or religious authorities).

¹⁴⁶ *'Urf*, from the root meaning 'to know or to be aware', refers to common knowledge embodied in age-old practices, precedence, agreements and the wisdom of judges and mediators. Transmitted through oral and written texts, at the most basic level *'urf* functions to channel, minimize and resolve conflicts between individuals and groups.

¹⁴⁷ Al-Zwaini, L. (2012) "The Rule of Law in Yemen Prospects and Challenges." Hiil Rule of Law Quick Scan Series. September. Available from: www.hiil.org.

At the end of 2011, the Government pledged to consider acceding to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.¹⁴⁸

Republic of Yemen's International Treaty Obligations

In a letter dated 19 May 1990, the Ministers of Foreign Affairs of the Yemen Arab Republic and the People's Democratic Republic of Yemen informed the Secretary-General of the following:

"... The People's Democratic Republic of Yemen and the Yemen Arab Republic will merge in a single sovereign State called the Republic of Yemen' (short form: Yemen) with Sana'a as its capital, as soon as it is proclaimed on Tuesday, 22 May 1990. The Republic of Yemen will have single membership in the United Nations and be bound by the provisions of the Charter. All treaties and agreements concluded between either the Yemen Arab Republic or the People's Democratic Republic of Yemen and other States and international organizations in accordance with international law which are in force on 22 May 1990 will remain in effect, and international relations existing on 22 May 1990 between the People's Democratic Republic of Yemen and the Yemen Arab Republic and other States will continue."

As concerns the treaties concluded prior to their union by the Yemen Arab Republic or the People's Democratic Republic of Yemen, the Republic of Yemen (as now united) is accordingly to be considered as a party to those treaties as from the date when one of these States first became a party to those treaties. Accordingly, the tables showing the status of treaties will now indicate under the designation "Yemen" the date of the formalities (signatures, ratifications, accessions, declarations and reservations, etc.) effected by the State which first became a party, those eventually effected by the other being described in a footnote.

The People's Democratic Republic of Yemen was admitted to the United Nations by Resolution No. 2310 (XXII) of 14 December 1967 registered under No. 8861. For the text of the declaration of acceptance of the obligations contained in the Charter of the United Nations made by the People's Democratic Republic of Yemen, see United Nations, Treaty Series, vol. 614, p. 21. The People's Democratic Republic of Yemen was successively listed in the previous editions as "Southern Yemen", "People's Republic of Southern Yemen", "People's Democratic Republic of Yemen" and "Democratic Republic of Yemen."

¹⁴⁸ "Submission by UNHCR for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Republic of Yemen." www.refworld.org/pdfid/51c945bf4.pdf.

Annex 4: Role of Remittances in Yemen and Ethiopia

The 1973 Organization of the Petroleum Exporting Countries (OPEC) oil embargo powering a vast expansion of labour markets in GCC countries and provided a significant pull factor and Yemen constituted a substantial proportion of such labourers.¹⁴⁹ Thus, economic and development achievements in Yemen in the 1970s were initially fuelled by citizen-controlled remittances¹⁵⁰ and reoriented the Yemeni economy towards the importation of foreign consumer goods. Remittances began tapering off in the mid-1980s and their 1990 level of 26.53 per cent of GDP was abruptly curtailed with the expulsion of an estimated 800,000 to 1 million Yemenis from Saudi Arabia and other Gulf countries as a result of Yemen's perceived support for Iraq in the 1990-91 war. However, since then remittances have risen again (though constituting a lower percentage of GDP due to increasing petroleum-related revenues following the mid-1980s discovery of oil) and are currently an important source of foreign exchange and household incomes.¹⁵¹ In 2010, according to the World Bank remittance inflows to Yemen were a massive USD1,471 million, constituting 4.92 per cent of GDP.¹⁵²

In Ethiopia, inward remittance flows have significantly increased and, according to the World Bank, are expected to grow more than 50 per cent in the next three years. In 2010 remittances as a percentage of GDP in Ethiopia was 1.3 per cent, slightly lower from the peak of 1.87 per cent of GDP in 2007, though substantially more than in 1990, when it represented just 0.04 per cent. In 2002, the Government of Ethiopia recognized the importance of remittances in economic development and established the Ethiopian Diaspora Directorate.¹⁵³

Table 6: Migration Country Comparison¹⁵⁴

Indicator	Djibouti	Eritrea	Ethiopia	Somalia	Yemen
Population (millions USD, 2009)	.9	5.1	82.8	9.1	23.6
Stock of Emigrants/% of population	13,500 / 1.5	941,200 / 18	620,100 / 0.7	812,700 / 8.7	1.1 million / 4.7
Top destination countries	France, Ethiopia, Canada, Egypt, UK, USA, Belgium, Germany, Australia, Italy	Sudan, Ethiopia, Saudi Arabia, Italy, USA, UK, Canada, Germany, Sweden, Australia	Sudan, USA, Israel, Djibouti, Kenya, Saudi Arabia, Canada, Germany, Italy, Sweden	Ethiopia, UK, USA, Yemen, Djibouti, Kenya, Egypt, Saudi Arabia, Canada, Sweden	Saudi Arabia, United Arab Emirates, USA, Israel, Jordan, UK, West Bank /Gaza, Sudan, Germany, France
Emigration, tertiary-educated (2000)	11%	34%	10.1%	32.7%	6%
Emigration, physicians born in country	23.2% (2006)	36.2% (2006)	29.7% (2006)	32.8% (2006)	1.3% (2010)

¹⁴⁹ It is estimated that in the 1970s one fifth of the YAR and one third of the PDRY labour force worked abroad.

¹⁵⁰ In 1976, the YAR government implemented 1,877 rural projects and Local Development Associations (LDAs) built 6,366. In 1981, State construction of roads, schools and water projects was 4,507 and LDAs more than 20,000. In 1986, State-sponsored projects totalled 7,821 and LDAs 23,344 (Carapico 1998. p 113).

¹⁵¹ In 2012 WFP found 7.9 per cent of households nationally noted remittances from abroad as the main source of income. WFP (2012) "Yemen: Comprehensive Food Security Survey." Annexes. p 51.

¹⁵² Yemen's highest value since 1990 was 26.53 per cent in 1990 and its lowest value was 4.16 per cent in 2011.

¹⁵³ Services include a web portal with information on investment and trade opportunities and development projects. www.irinnews.org/report/99436/beyond-remittances-diaspora-and-development.

¹⁵⁴ Table compiled from: <http://siteresources.worldbank.org/INTLAC/Resources/Factbook2011-Ebook.pdf>. An emigrant is someone who leaves their country of origin to live in another country and an immigrant lives in the country of reference (a category including refugees, asylum-seekers and migrants).

Emigration, nurses born in country	2.1%	38%	16.8%	9.9%	n/a
Inward remittances (millions USD, 2003)	25	n/a	46	n/a	1,270
Inward (millions USD, 2006)	28	n/a	172	n/a	1,283
Inward (millions USD, 2010)/% of GDP ¹⁵⁵	28 3.09 ¹⁵⁶	n/a / 0.52 ¹⁵⁷	387 / 1.3	n/a / 2.96 ¹⁵⁸	1,471 / 4.92
Stock of Immigrants/% of population	114,100 / 13	16,500 / 0.3	548,000 / 0.6	22,800 / 0.2	517,900 / 2.1
Females as % of immigrants	45.9%	45.9%	47.1%	45.9%	38.3%
Refugees as % of immigrants	7%	29.3%	16.6%	3.4%	20.6%
Top source countries	Somalia, Ethiopia, Yemen	n/a	Eritrea, Somalia, Sudan, Djibouti, Kenya	n/a	Sudan, Somalia, Egypt, Iraq, West Bank/Gaza, Syrian Arab Republic
Outward remittances (millions USD, 2003)	5	n/a	17	n/a	60
Outward remittances (millions USD, 2005)	5	n/a	14	n/a	120
Outward remittances (millions USD, 2009)	5	n/a	21	n/a	337

¹⁵⁵ Available from: www.indexmundi.com.

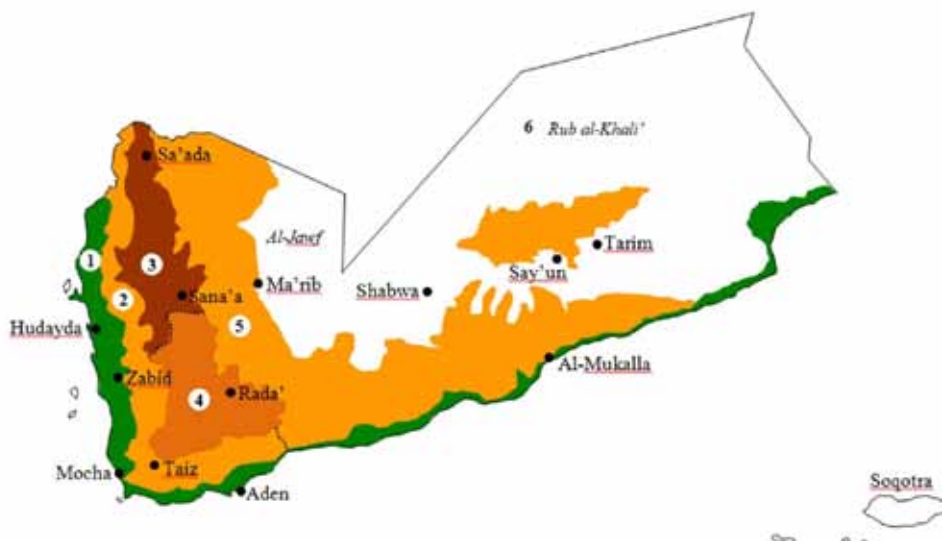
¹⁵⁶ 2009. Djibouti's highest value was 4.08 per cent in 1993, while its lowest value was 2.09 per cent in 2001.

¹⁵⁷ 2000, latest year of available data.

¹⁵⁸ 1983, latest year of available data.

Annex 5: Yemen Geography and Climate Zones¹⁵⁹

Table 7: Yemen Geographic Zones and Characteristics			
Zone	Elevation Range	Approximate Annual Rainfall	Additional Comments
1. Coastal	0-200 m	0-100 mm	<i>Wadi</i> agriculture, larger land holdings with substantial levels of sharecropping
2. Western Escarpment	200-1,500 m	300-1,000 mm	Terraced rain-fed farming ideal for coffee and <i>qat</i> , some sharecropping
3. Northern Highlands	1,500-3,600 m	100-500 mm	Subsistence farming, livestock rearing, irrigation on plateaus, predominantly tribal
4. South-Central Highlands	1,500-2,500 m	300-1,500 mm	Irrigated and rain-fed, densely populated, some sharecropping
5. Eastern Slopes	1,000-1,500 m	50-200 mm	Predominantly <i>wadi</i> agriculture, otherwise scarcely populated pastoral/nomadic lifestyle
6. Desert	500-1,000 m	0-50 mm	Scarce population sustaining largely pastoral/nomadic lifestyle



¹⁵⁹ This Annex (map and table) is from Colburn, M. (2002) *The ROY: Development Challenges in the 21st Century*. CIIR, Stacey International. p 3.

Annex 6: The Sana'a Declaration

Regional Conference on Asylum and Migration, 11-13 November 2013

The Government of the Republic of Yemen called for a regional conference on Asylum and Migration from the Horn of Africa to Yemen, with the participation of the Kingdom of Bahrain, the Republic of Djibouti, the State of Eritrea, the Federal Democratic Republic of Ethiopia, the State of Kuwait, the Sultanate of Oman, the State of Qatar, the Kingdom of Saudi Arabia, the Federal Republic of Somalia, the United Arab Emirates, in addition to the Arab League, the Cooperation Council for the Arab States of the Gulf (GCC), the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migrations (IOM);

All participants,

Recognizing with appreciation that Yemen continues to maintain its humane and generous approach towards refugees, asylum-seekers and migrants in spite of the challenges Yemen faces;

Recalling the 2008 Regional Conference on Refugee Protection and International Migration in the Gulf of Aden held in Sana'a, that the United Nations High Commissioner for Refugees organized in co-operation with the Mixed Migration Task Force in Somalia;

Recognizing with satisfaction that the 2008 Regional Conference has raised the international profile of the asylum and migration situation in Yemen and in the region, as part of an effort to encourage greater solidarity and burden sharing;

Having reviewed the relevant issues related to mixed migration flows from the Horn of Africa to Yemen;

Noting that, since 2008, the context of asylum and migration to Yemen has significantly altered, with significant change in nationality of origin and large increases in arrivals due to the increase of smuggling and human trafficking activities and networks;

Aware that individuals continue to leave their countries of origin for a variety of reasons, including conflict, persecution, poverty, unemployment and natural disasters;

Alarmed by mounting evidence that a large number of such individuals are at serious risk of becoming victims of smuggling, trafficking and other human rights abuses and face risks while on the move;

Recognizing with satisfaction the progress achieved towards better management of refugee issues and migration by various bilateral and multilateral meetings held between the parties concerned prior to the Regional Conference on Asylum and Migration;

Recognizing that effective management of refugee issues and migration requires further action based on international and regional co-operation, and enhancing the role and support of UNHCR, IOM, Non-governmental organizations (NGOs) and other stakeholders;

Acknowledging that further actions must be taken – in the context of national laws, regional agreements and international standards – to make progress in the following key areas:

- (a) Law enforcement against smuggling and trafficking networks in sending, transit and receiving countries;

- (b) Public sensitization efforts in communities of sending, transit and receiving countries to raise awareness of the risks associated with irregular migration and possible alternatives to it;
- (c) Working to provide necessary support for the implementation of return programmes addressing irregular migration flows;

Recognizing that addressing the refugee and migration issues could contribute positively to peace and stability in the region and vice-versa;

Commending efforts exerted by countries in the region to address root causes of asylum and migration and encouraging further efforts in this regard;

Have solemnly resolved to adopt the following recommendations.

I. Root causes

1. Countries of origin of migrants, with the support of the international community, will continue to strive to address the root causes of mixed migration of asylum-seekers, refugees and migrants from the Horn of Africa to Yemen, particularly the conflicts, economic and social challenges as well as deceptive information through, inter-alia:

- (a) Supporting the peace and stability process in Somalia as well as in other conflict-affected areas;
- (b) Addressing economic and social challenges through concrete support to countries of origin in their efforts at fostering comprehensive and equitable development thus helping people to overcome poverty, achieve resilience and settle in their own countries;
- (c) Redoubling efforts to create conditions conducive to safe and sustainable voluntary return;
- (d) Ensuring that accurate information about the realities of irregular migration is available, including in curricula.

2. International support to anti-poverty programmes in countries of origin, including safety nets and job creation schemes, should be increased in order both to facilitate the sustainable reintegration of returning migrants and address the root causes of irregular migration.

II. Law enforcement

3. Law enforcement on issues related to irregular migration, including smuggling and trafficking, will be strengthened in sending, transit and receiving countries, through the following measures:

- (a) Emphasizing the importance of international instruments¹⁶⁰ on migration, asylum and related issues of smuggling and trafficking for States signatories;
- (b) For States signatories, translating the obligations contained in the international instruments on asylum, migration, rescue at sea and other related issues into national laws, strategies and practices;
- (c) Strengthening regional co-operation and existing mechanisms to combat the phenomena of smuggling and human trafficking in the region, including through enhanced coordination

¹⁶⁰ The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol; the 2000 United Nations Convention against Transnational Organized Crime; the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the 2000 Protocol against Smuggling by Land, Sea and Air; The maritime conventions relating to rescue at sea, including the 1948 International Maritime Organization Convention (IMO Convention) and its amendments; the 1974 International Convention for the Safety of Life at Sea (SOLAS Convention) and the 1988 amendments; as well as the 1979 International Convention on Maritime Search and Rescue (SAR Convention); The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- among the security and legal apparatus resulting in the effective prosecution of perpetrators and the protection of victims;
- (d) Establishing and implementing a capacity-building strategy to improve national law enforcement mechanisms in sending, transit and destination countries, including the strengthening of an effective border police force and of a fair and well-functioning judicial system, within a protection sensitive border management system;
 - (e) Increasing international support and strengthening Rescue- and Protection-at-Sea mechanisms by further improving Search and Rescue Capacities in the Gulf of Aden, the Red Sea and the Arabian Sea, expanding the operational effectiveness of Coast Guards and maritime forces of Yemen and other countries, raising awareness of international maritime agreements and conventions and of the human rights of migrants. This should also include development of national action plans, improving procedures-at-sea for life-saving, disembarkation, identification, assistance and referral.

III. Increased support for return programmes

4. Increased regional and international support for Yemen and other affected countries is necessary to alleviate the burden related to the flows of migrants as well as to ensure effective implementation of humane and orderly return arrangements in a humane and orderly manner, including:

- (a) Developing a communication strategy that includes measures designed to raise the international profile of the asylum and migration situation in Yemen and in the region to increase donor support;
- (b) Providing necessary regional and international support and appropriate programmes in order to facilitate the implementation of voluntary repatriation for Somali refugees in a safe and dignified manner with the coordination of the Somali and Yemeni governments and UNHCR;
- (c) Encouraging donors' future support to Yemen and countries in the region;
- (d) Providing necessary contributions, including logistical assistance, to fund return programmes of irregular migrants;
- (e) Conducting regular institutionalized meetings among affected countries with donors and relevant international agencies.

IV. Enhancing cooperation in Employment Opportunities

5. Particular attention will be devoted to the following measures:

- (a) Supporting economic development projects in countries of origin while focusing on the sectors where there appears to be significant demand for labour;
- (b) Exploring possibilities for bilateral and/or multilateral agreements between countries of origin and destination in the employment sector and developing related areas based on regulations and needs of each state.

V. Awareness-raising campaigns

6. Mass information campaigns amongst communities are essential to spread awareness of the dangers of irregular migration. This must be complemented with information on the possibilities of legal migration and/or job opportunities. In this regard, the following measures will be taken:

- (a) Enhance awareness-raising strategies to sensitize potential migrants in countries of origin, transit and destination, on the risks at sea as well as human rights violations committed by smugglers and traffickers, with a view to reducing the likelihood of people taking life-threatening risks;

- (b) At the same time, campaigns should include clear messages to reflect the realistic opportunities abroad and available legal migration paths, so as to inform potential migrants on possible alternatives to irregular migration;
- (c) The content of the campaigns should include testimonies of returned migrants and victims of human rights abuses, to break the cultural taboo at admitting failure;
- (d) National and regional media should be more strongly engaged and their co-ordination increased with a view to having joint and effective messages on both sides of the Gulf of Aden, the Red Sea, the Arabian Sea and to ensuring the availability of more information en route for migrants and asylum-seekers.

VI. Strengthening the refugee protection system

7. It is critical that the core principle of refugee protection, i.e. *non-refoulement* as indicated in the 1951 Refugee Convention is respected and duly implemented. Burden-sharing arrangements in the region should be further enhanced.

In this context, States that ratified the 1951 Refugee Convention and its 1967 Protocol intend to:

- (a) Develop protection-sensitive entry systems which ensure that practical protection safeguards are put in place and that as appropriate border management system is taken into consideration;
- (b) Enhance knowledge by border authorities of the nature of migratory flows, which could include persons in need of protection (i.e. refugees and asylum-seekers);
- (c) Consider functional reception arrangements that enable the identification of asylum-seekers and refugees amongst mixed migratory flows and facilitate their access to asylum;

VII. Regional and international co-operation

8. Regional and international co-operation will be strengthened through the following measures:

- (a) Enhancing regional co-operation to reduce irregular migration flows, with the support of UNHCR and IOM;
- (b) Increasing the level of co-operation, co-ordination and information-sharing amongst all national, regional and international actors, in particular through strengthened national Mixed Migration Task Forces (MMTFs) and heightened participation by United Nations agencies, non-governmental organizations and government counterparts in their work;
- (c) Strengthening regional contacts between MMTFs and an enhanced role and capacity for the Regional Mixed Migration Secretariat (RMMS) and the Regional Committee on Mixed Migration;
- (d) Continuing regional and international support to Republic of Yemen with the necessary resources in order to assist Yemen to confront the large burden of hosting irregular migrants. This fund will be specially intended to developing a national database, supporting local capacity-building initiatives as well as contributing towards programmes aimed at fostering the socio-economic development of host-communities of those migrants and affected areas.

VIII. Data collection and analysis

9. As part of regional and international co-operation, data collection and analysis is important to facilitate understanding of migration trends and thus to enable the adoption of more effective measures/mechanisms to manage and address mixed migration flows. In this regard, the following measures will be taken:

- (a) Studying establishment of a regional research centre on issues related to asylum and migration with effective cooperation between the concerned countries and international organizations;
- (b) Working towards developing national database through implementing statistical surveys and networking as well as providing regional data on the new arrivals (asylum-seekers, refugees and migrants) and their whereabouts in accordance with the international standards and mechanisms of data exchange.

IX. Follow-up mechanism

10. The implementation of the *Sana'a Declaration* will require continued co-ordination through the following:

- (a) Designating national focal points to follow-up on the implementation of the Declaration;
- (b) Establishing a regular review mechanism to assess progress and to identify obstacles and find solutions to overcome them.

Sana'a, 13 November 2013



International Organization for Migration (IOM)
Organisation internationale pour les migrations (OIM)

المنظمة الدولية للهجرة