



MAPPING OF THE EXISTING FRAMEWORK, CAPACITY AND INTERVENTIONS IN MANAGING MIXED MIGRATION FLOWS IN SOMALIA

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Picture from Somaliland – Migrants on the road to Berbera

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ABBREVIATIONS

AAHI	Africa Action Help International
AU	African Union
ASWL	Association of Somali Women Lawyers
AU-HOAI	African Union Horn of Africa Initiative
BMM	Better Managing Migration
BRCiS	Building Resilient Communities in Somalia
CCBRS	Comprehensive Community Based Rehabilitation in Somaliland
CESVI	Cooperazione e Sviluppo
CID	Criminal Investigation Department
COGWO	Coalition for Grassroots Women Organizations
CORE	Community Road Empowerment
CSOs	Civil Society Organizations
CWW	Concern Worldwide
DC	District Commissioner
DDR	Disarmament, Demobilization and Reintegration
DfID	Department for International Development
DMA	Disaster Management Agency
DRA	Department of Refugee Affairs
ECHO	European Commission's Humanitarian Aid and Civil Protection department
EU	European Union
FGS	Federal Government of Somalia
FLASH	Facilitating Sustainable Return through Laying Foundations for Somalia in the Horn of Africa
FMSs	Federated Member States

GISR	Global Initiative on Somali Refugees
GIZ	German Corporation for International Cooperation
GMF	Galkacyo Medical Foundation
HC	Humanitarian Coordinator
HCR	Human Rights Commission
HLP	Housing, Land and Property
HoA	Horn of Africa
HRP	Humanitarian Response Plan
IASC	Inter Agency Standing Committee
IBM	Improvement of Immigration Border Management
ICLA	Information, Counselling and Legal Assistance
ICRC	International Committee of the Red Cross
ICT	Information and Communication Technology
IDLO	International and Development Law Organization
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IHL	International Humanitarian Law
ILO	International Labor Organization
INGO	International Non-Governmental Organization
IOM	International Organization on Migration
IPL	Implementation and Promotion of the Law
IRC	International Rescue Committee
JA	Jubaland Administration
JRIA	Jubaland Refugees and IDPs Affairs

KIIs	Key Informant Interviews
KSC	King Salman Humanitarian Aid and Relief Center
KYDO	Kanava Youth Development Organization
LNGO	Local Non-Governmental Organization
MIDAS	Migration Information and Data Analysis System
MMTF	Mixed Migration Task Force
MoFAIC	Ministry of Foreign Affairs and International Cooperation
MoPIC	Ministry of Planning and International Cooperation
MRC	Migrant Response Center
MRRR	Ministry of Resettlement, Reintegration and Rehabilitation
NCM	National Consultative Mechanism
NDP	National Development Plan
NFI	Non-Food Item
NRC	Norwegian Refugee Council
OCHA	Office for the Coordination of Humanitarian Affairs
PCTB	Puntland Counter Trafficking Board
PRC	Permanent Representative Committee
PRM	Population Refugees and Migration
PRMN	Protection and Return Monitoring Network
PSGs	Peacebuilding and State-building Goals
PUNSAA	Puntland Non-State Actors Association
RAD	Refugee Affairs Department
RC	Resident Coordinator
REC	Regional Economic Community

ReDSS	Regional Durable Solutions Secretariat
RCP	Regional Consultative Process
RE-INTEG	Enhancing Somalia's Responsiveness to the Management and Reintegration of Mixed Migration Flows
RMCC	Regional Migration Coordination Committee
RMMS	Regional Mixed Migration Secretariat
RRMMP	Regional Refugee and Migrant Response Plan
RRR	Return, Reintegration and Resilience
RSD	Refugee Status Determination
SAS	Solutions Alliance Somalia
SFS	Somali Family Services
(S)GBV	(Sexual) Gender Based Violence
SOFTA	Somaliland Skills Training Association
SOSCENSA	Somalia South-Central Non-State Actors
SRA	Secretariat for Refugee Affairs
SRC	Somalia Return Consortium
SWA	South-West Administration
SWLA	Somaliland Women Lawyers Association
TARDO	Talo Rehabilitation and Development Organization
UNCT	UN Country Team
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime

WB	World Bank
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WFP	World Food Program
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1. INTRODUCTION

1.1. CONTEXT

1.1.1. CONTEXT AND MIXED MIGRATION FLOWS IN SOMALIA

More than 20 years of civil war and conflict in Somalia – attributable to clan dynamics, resource distribution and influence of the Islamist movement al-Shabaab – have created a protracted crisis characterized by fragmented and weak institutions, insecurity and widespread vulnerability. Food insecurity has contributed to a continuing humanitarian crisis, with an estimated 731,000 people remaining in “crisis” and “emergency”, according to the latest findings from the Food Security and Nutrition Analysis Unit for Somalia (FSNAU)¹.

Consequently, Somalia has experienced one of the world’s **largest displacement crises** with almost one million registered refugees in the Horn of Africa/Yemen and around 1.1 million internally displaced². Somalia is also an important **country of origin of irregular migrants**, as many Somalis attempt to migrate for both economic and security reasons. Youth and Internally Displaced People (IDPs) are particularly vulnerable in this regard. High levels of youth unemployment, poor public service delivery, social inequality, marginalization, and subsequent risks of radicalism are all drivers of irregular migration and forced displacement.

The geo-political dynamics in the region are also now resulting in a **reverse flow towards Somalia**: civilians fleeing the Yemen crisis³ and returns from the Dadaab refugee camp, after the Kenyan government reiterated its plan to close it, which reportedly pushed some Somali refugees to return to Somalia, for fear of being expelled or abused⁴. These population flows to Somalia are testing its absorption capacity, by placing an additional burden on already strained resources and services.

Somalia is however on the path to emerge from fragility and in the midst of its political and socio-economic reconstruction, with elections scheduled for the second half of 2016. This dynamic relies heavily on stabilization of newly accessible areas, consolidation of the political and administrative structures and the federalism process, rule of law and economic recovery. In this context, **supporting the national authorities to better manage mixed migration flows** is key and part of the peace building effort.

1.1.2. RE-INTEG

In December 2015, the program **RE-INTEG – Enhancing Somalia’s Responsiveness to the Management and Reintegration of Mixed Migration Flows** – was approved in the framework of the European Union (EU) Emergency Trust Fund for Stability and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa.

Under the **Result 2 strand**, the program aims to build national capacities and improve the legal and institutional frameworks to better manage mixed migration flows in Somalia as well as to strengthen the capacity of cross-border operations.

¹ <https://www.wfp.org/countries/somalia/operations/unhas-current-operations>

² Global Trends: Forced Displacement in 2015, UNHCR, 2016, <http://www.unhcr.org/576408cd7.pdf>

³ Pushed and Pulled in Two Directions, An analysis of the bi-directional refugee and migrant flow between the Horn of Africa and Yemen, RMMS, 2016

⁴ Kenya: Involuntary Refugee Returns to Somalia, Human Rights Watch, September 2016, <https://www.hrw.org/news/2016/09/14/kenya-involuntary-refugee-returns-somalia>

As part of the **formative research** for the RE-INTEG program, the EU Delegation to Somalia has contracted the Regional Mixed Migration Secretariat (RMMS), to carry out a mapping exercise on the institutional framework and existing capacities in managing mixed migration flows in Somalia. The RMMS has commissioned Altai Consulting to conduct the research, data collection, compilation of information and report writing.

Note 1: RE-INTEG

The RE-INTEG program will contribute to the **implementation of the Valletta Action Plan**, and in particular its priority domains: (1) "Development benefits of migration and addressing root causes of irregular migration and forced displacement", (3) "Protection and Asylum", and (5) "Return, readmission and reintegration".

The intervention logic of the action aims to support a **sustainable and durable** integration of refugees and IDPs in Somalia and to anchor populations within Somalia. RE-INTEG does not only intend to provide an immediate support to the management of return flows from Kenya, Yemen or other areas of departure, but also envisions to enhance the capacities of the relevant government institutions to assume their primary responsibility for reintegrating their citizens and facilitating their access to basic rights and services within a more adequate framework.

RE-INTEG will also contribute to strengthening cross-border cooperation and to putting in place a more conducive environment for a sustainable return and reintegration of migrants as well as circular migration through an increased accessibility to basic services and the creation of realistic livelihoods opportunities⁵.

1.2. OBJECTIVES OF THE RESEARCH PROJECT

The overall objective of the research was to support the implementation of the RE-INTEG program.

The research was a **mapping exercise to clarify the regulatory landscape in Somalia and identify the key actors in the sector, their area of intervention and current operational capability and level of influence**. The general objective was to define the current roles and responsibilities of the different institutions and determine gaps and needs that can be addressed through the implementation of the RE-INTEG Result 2 strand. The mapping aimed to be as comprehensive as possible and covered a wide range of topics at the macro level. Specific objectives of the research included:

- Increasing a shared understanding of the current institutional and policy framework in managing mixed migration flows in Somalia;
- Mapping actors involved in mixed migration management in Somalia and relevant initiatives;
- Identifying gaps and needs that require intervention;
- Proposing action-oriented recommendations and concrete options for action on:
 - How to improve the regulatory framework;
 - How to clarify roles and responsibilities of actors for a better division of tasks;
 - How to strengthen the capacities of competent authorities to develop and implement integrated and comprehensive responses to mixed migration flows;
- Identifying potential implementing partners for these actions.

⁵ EU Trust Fund RE-INTEG Action Fiche, 2016

Ultimately, the research aims to **provide valuable guidance for the RE-INTEG future programming in Somalia, based on the most pressing gaps and needs identified.**

2. METHODOLOGY

2.1. RESEARCH QUESTIONS

In response to the Terms of Reference issued by the RMMS, the study aimed to answer the research questions presented in the table below:

Table 1: Research Questions

1. Legal and regulatory frameworks	
<ul style="list-style-type: none">▪ What are, if any, the existing policies, approved frameworks and laws governing:<ul style="list-style-type: none">– The situation of displaced populations (including civil registration, land and property rights, other civil rights, provision of services/access to livelihoods, forced evictions)– The situation of returnees (including re-integration strategy and framework, land and property rights, provision of services/access to livelihoods)– The situation of refugees (including registration, freedom of movement and right of <i>non-refoulement</i>, land and property rights, right to work, provision of services/access to livelihoods)– Smuggling and trafficking– Data management on mixed migration flows and information-sharing systems– Cross-border management (including international and bilateral agreements)▪ How were these legal frameworks drafted? What is the political agenda behind them?▪ How do legal frameworks differ at the regional and federal levels as well as from one regional administration to another? What are the opportunities to harmonize the legislation, and what political engagements would it require?▪ What gaps exist in the legal frameworks?▪ Do existing laws give clear tasks to identified institutions?▪ Which elements of a human rights based approach to IDPs, refugees and returnees are incorporated in the legal and regulatory frameworks? Which elements are missing?	
2. Actors and initiatives	
<ul style="list-style-type: none">▪ Who are the key actors involved in managing mixed migration in Somalia?<ul style="list-style-type: none">– In particular, what are the relevant federal and regional institutions with a role in managing mixed migration flows? What are their mandates, roles and responsibilities? How are they structured?– Which non-state actors (international organizations, international and local Non-Governmental Organizations) are also involved? Where are they located? What are their mandates, roles and responsibilities? What assets do they have to fulfil their roles? What are the most important initiatives they currently implement?– What is the level of cooperation and coordination between the key actors?▪ What is the current level of cross-border cooperation with neighboring countries on managing mixed migration flows? In particular:	

- What is the level of cooperation with Kenyan authorities with regards to the return of refugees from Dadaab?
- How is the situation in Yemen (mixed flows of returnees in Somalia and migrants heading to the Gulf) coordinated?
- Is mixed migration management coordinated between Somalia and Somaliland? What would be the opportunities to reinforce this cooperation?
- Is there any collaboration between Somalilander and Ethiopian immigration authorities at the border (e.g. in Wajale)?
- **What are the gaps and needs not addressed by existing actors, structures and mandates?**
- **How can mandates and procedures be institutionalized and less dependent on individuals?**

3. Processes and capacities

- **What is the operational capacity (human resources, equipment/infrastructure) of the main national institutions involved in managing mixed migration in Somalia?**
 - Where are the main national institutions located?
 - To what extent are the approved laws, policies and procedures being enforced? Do the national institutions and local authorities have the capacity to enforce the regulatory frameworks in place?
 - What is the capacity of national institutions in screening new arrivals at the main points of entrance?
 - What is the capacity of national institutions in responding to the needs of IDPs, returnees, refugees and migrants? (e.g. capacity to link refugees and returnees to existing livelihood opportunities)
 - What is the capacity of national institutions in countering trafficking in human beings?
 - What is the capacity of national institutions in collecting information regarding displacements and monitoring the migration flows inside of Somalia and in the regions? Are there mechanisms and processes within the Federal Government and in cooperation with the regional administrations to collect, harmonize and share data?
 - How effective is the dissemination of the approved frameworks, laws and procedures and the communication strategy regarding traffickers and smugglers and the risks for migrants? Are new technologies used to reinforce communication?
 - Are elements of a human rights approach integrated in how the regulatory frameworks are implemented?
- **What are the most important capacity gaps and how the needs in capacity building can be sequenced/prioritized?**
- **How can RE-INTEG best address the identified gaps and needs? Are there best practices that the program can build upon?**
- **How can RE-INTEG further promote a human rights-based approach?**

2.2. RESEARCH MODULES

The study was based on three research modules (activities): 1) Literature review; 2) Field missions and Key Informant Interviews (KIIs); and 3) Analysis and report writing.

Literature Review

The research team started with a comprehensive desk-review based on existing documents and data sources available online. The aim was to **gather information on legal and policy frameworks relevant to mixed migration, as well as programs implemented in Somalia in the field of mixed migration.**

The research team studied existing documents related to migration management frameworks, structures and activities in Somalia at the federal and regional level, including:

- Laws and regulations;
- Project documents;
- Academic papers and statistics on mixed migration flows and trends;
- Documents on existing national actors in the management of mixed migration flows (although limited).

The desk review allowed for a preliminary mapping of existing legal frameworks and policies, and interventions in managing mixed migration flows, along with developing a list of organizations and experts to be consulted throughout the research. All the sources reviewed for this project are detailed in the annex: a) main studies, b) ToRs, project documents and logframes and c) international and national regulatory frameworks.

Field Missions and Key Informant Interviews

The research team interviewed key informants/actors in **Nairobi, Mogadishu, Kismayo, Baidoa, Cadaado, Hargeisa, and Garowe.** The locations in Somalia and Somaliland are strategic and cover several migration routes – a) the migration route from South-Central Somalia to Puntland en route to the Gulf countries, b) the migration route from South-Central Somalia to Ethiopia through Puntland and Somaliland, and c) the migration route from Ethiopia to Somaliland and Puntland.

Objective of the Key Informant Interviews

The research team interviewed **a variety of state and non-state actors** to address the research questions detailed above.

Discussions with government ministries and bodies focused on **regulatory frameworks, political will with regards to mixed migration management and perceived gaps in existing regulations.** The level of enforcement of the **legal and policy frameworks** was assessed, as well as **existing capacities arrangements** for migration management activities.

In particular, the Altai team assessed the capacities of federal and regional administrations to: a) screen new arrivals at the main points of entrance, b) respond to the needs of IDPs, returnees, refugees and migrants, c) counter trafficking in human beings and smuggling, and d) collect, manage, analyze and share data on mixed migratory movements.

In addition, Key Informant Interviews (KIIs) with International and Local organizations and Non-Governmental Organizations (INGOs and LNGOs) enabled the research to **map all the other actors involved in the field and their respective sphere of responsibilities and influence.** Through KIIs with international and local aid actors, the research team tried to determine the **most pressing needs that were not addressed** by existing actors, structures and mandates, notably the main gaps in the assistance delivered to IDPs, returnees, refugees and migrants.

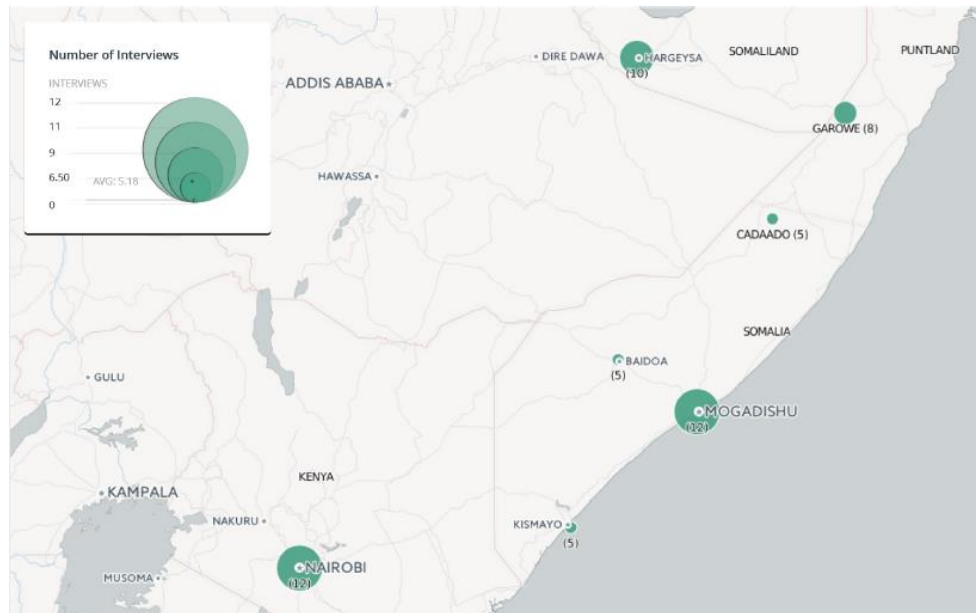
Levels of coordination and cooperation between agencies and institutions, including between the Federal Government and the Federated Member States (FMSs), and between the government and international organizations, were also investigated.

Lastly, the research examined to what extent **elements of a human rights approach** were incorporated into the existing programs and initiatives related to mixed migration management.

Identification of Key Stakeholders

The list of KIIs is detailed in the annex. Actors include **government departments, international organizations, non-governmental organizations, and other identified interlocutors**. In each location, the Altai team interviewed 5 to 10 key stakeholders, except in Mogadishu where the Altai team interviewed 13 stakeholders (Map 1).

Map 1: Number of Key Informant Interviews Conducted per Location



Interviews with Stakeholders

The research team developed specific **guidelines for interviews** of stakeholders. Different questionnaires were drafted for:

- Ministries and public institutions, at the federal and regional levels;
- International agencies/donors/NGOs and intergovernmental organizations;
- Local NGOs/institutions;
- Experts and academics.

The national consultants in Somalia and Somaliland received training on how to administrate these questionnaires and how to tailor and adapt them to the status of the respondent, the specific organization, the field of activity and the location.

Analysis and Report Writing

Building on the literature review, key informant interviews and field visits, the research team compiled two mappings:

- **A mapping of the actors (and their respective interventions) in managing mixed migration flows in Somalia.**
- **A mapping of the existing legal and regulatory frameworks;**

The research team developed a **framework to structure each mapping**.

Mapping 1: Actors Involved in Managing Mixed Migration Flows

For the first mapping, the Altai team analyzed six factors for each actor involved in mixed migration management: a) mandate and objectives, b) roles and responsibilities, c) interventions and operations, d) capacity, e) sphere of influence and f) geographic coverage.

The capacity of national actors is rated on a scale from 1 to 5, based on different criteria: a) capacity of human resources, including training received on topics of interest, b) existence of a recruitment scheme based on specified work plan, needs and meritocracy, and c) equipment/infrastructure in line with activities and operations⁶. All the data is summarized in a framework organized thematically:

- Design of legal and regulatory frameworks;
- Enacting and enforcement of legal and regulatory frameworks;
- Promotion of national and international law;
- Assistance programs to IDPs, returnees, refugees and asylum seekers and migrants;
- Data collection and monitoring of flows;
- Cross-border management;
- Counter-trafficking and smuggling.

Mapping 2: Existing Legal and Regulatory Frameworks

The mapping is structured by: a) international and regional frameworks and action plans, b) national frameworks and actions plans, c) international conventions and agreements, and d) national laws and regulations. The summary framework follows a thematic organization:

- Legal and regulatory frameworks governing the situation of internally displaced populations;
- Legal and regulatory frameworks governing the situation of returnees;
- Legal and regulatory frameworks governing the situation of refugees;
- Legal and regulatory frameworks governing the situation of asylum seekers;
- Legal and regulatory frameworks governing the situation of irregular migrants;
- Legal and regulatory frameworks on smuggling and trafficking;
- Legal and regulatory frameworks on human rights of migrants;
- Legal and regulatory frameworks on data management and information-sharing systems;
- Legal and regulatory frameworks on cross-border management;
- Legal and regulatory frameworks addressing the root causes of migration;
- Legal and regulatory frameworks on legal migration and mobility.

Analysis and Recommendations

The mappings assessed **the gaps in the legal and regulatory frameworks, the most pressing needs in the sector that are not addressed by existing actors, structures and mandates and capacity shortfalls**. Recommendations **on how the government could improve migration management** are formulated, along with propositions **on how the international partners could further support these efforts and what types of coordination should be developed or strengthened**. Recommendations include concrete suggestions for action and potential implementers.

⁶ Depending on the actor, some of the information was not available, in which cases Altai based its assessment on the data collected.

3. MAPPING OF STAKEHOLDERS WITH MIGRATION RELATED ROLES

The structure and capacity of the governments involved in managing mixed migration widely differ. Only Somaliland has a functional interministerial mixed migration coordination body (the Somaliland Mixed Migration Task Force). In parallel, the Federal Government of Somalia (FGS) and the Jubaland Administration are in the process of establishing similar entities (the High Level and Technical Task Forces and the “Madobe” Cabinet respectively). The Puntland Government is also forming a similar body (the Refugee Affairs Committee), and participates (through the Puntland Ministry of Interior, Local Government and Rural Development) in the Puntland Mixed Migration Task Force. The objective of these bodies is to improve the governance structure for mixed migration matters.

Numerous international actors are involved in mixed migration programming in Somalia. UN agencies coordinate on returns from Dadaab and the Yemen crisis through task forces or committees that bring Government and international entities together.

INGOs collaborate through the thematic Humanitarian Clusters which bring together all the INGOs involved in a specific sector. They are also organized in several advisory bodies promoting dialogue and information-sharing, which aim at guiding programming and avoiding overlaps.

Several LNGOs also have an important role in mixed migration programming, and coordinate with UN agencies or INGOs to promote rights, implement programs to support returnees, refugees or IDPs. Some are also involved in raising awareness on the international and national legal framework linked with migration.

UN agencies, especially the United Nations High Commissioner for Refugees (UNHCR) and the International Organization on Migration (IOM) have the lead in the relations with Government institutions, while INGOs often coordinate with these UN agencies. Relations between international actors and Governments mostly happens with the Federal, Puntland and Somaliland Governments rather than with regional Governments.

3.1. GOVERNMENT INSTITUTIONS

3.1.1. FEDERAL GOVERNMENT OF SOMALIA (FGS)

Key Findings - FGS

- **Weak migration governance system** in place, even more problematic as several line ministries are involved in different aspects of migration such as emergencies, forced migration, displacement, migration and development, trafficking in persons and human smuggling, immigration and border management. Absence of a holistic migration management mechanism to address these challenges.
- **Cooperation** between federal and regional authorities only takes place between officials at the highest positions, leaving behind any operational joint work.
- **At the FGS’s level, lack of clarity and redundancies in the ministries’ mandates**, between the Criminal Investigation Department and the Counter Trafficking Unit, and between the National Commission for

Refugees and Internally Displaced People, the Disaster Management Agency and the Immigration and Naturalization Directorate.

- The creation of the three **High Level and Technical Task Forces** could improve the repartition of responsibilities among key institutions and foster communication as they bring together the main migration focal points.
- Overall the **capacity of the staff involved in migration management is low**, and recruitment schemes are not always transparent. Knowledge of the international and national legal frameworks is very narrow, and none of the interviewed departments is engaged in promoting the laws or advocating for the respect of the international and national legal framework linked with migration.
- The Ministry of Justice is responsible for **drafting new laws and/ or revising the ones presented by competent line ministries**. With support from the United Nations Office on Drugs and Crime (UNODC), the Ministry of Justice is currently drafting a new Smuggling and Trafficking Act. Yet, it does not have the capacity to ensure that laws are systematically enforced.
- **Cross-border cooperation** happens between Somalia and Kenya through the 2013 Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya.

a. **Office of the Prime Minister:** Focal office with the responsibility of coordinating the work of all governmental ministry offices on various matters.

- i. **Special Envoy for Children’s and Migrants’ Rights:** Appointed in August 2015, its primary objective is to work with youth, particularly the ones considering *tahriib*⁷, and to address the causal factors of political, livelihood and security challenges that push youth towards irregular migration. The Special Envoy is also the main focal point for the Khartoum Process.

Currently the Special Envoy for Children’s and Migrants’ Rights main role is to ensure that ministries involved in mixed migration work together. The unit is also responsible for the coordination of the three new High Level and Technical Task Forces (see Table 2 below), with the support of IOM, and has drafted the National Strategy for Refugees and Asylum Seekers.

The Special Envoy is for now composed of two permanent staff and is in the process of recruiting a third person. Information on the repartition of roles and responsibilities could not be shared at the time of the research. In addition, ten unpaid volunteers remotely work for the unit: five junior staff and five experts including lawyers and sociologists. Most of these unpaid staff are from Kenya and Uganda and provide support from these locations. The Special Envoy’s ability to coordinate work along mixed migration is largely dependent on its main staff (Mariam Yassin Hagi Yussuf), and the unit has limited human resources, but its capacity is assessed as very high.

b. **New High and Technical Task Forces:** The creation of three Task Forces was announced on May 19th 2016 by the Prime Minister, with the mandate of better managing migration.

⁷ *Tahriib* is an Arabic word that is mainly associated with illegal activities such as smuggling and trafficking. In the contemporary Somali lexicon, the word is mostly used to refer to the emigration of young Somali men (and to a lesser extent women) leaving for Europe via Ethiopia, Sudan and Libya, and then across the Mediterranean Sea. Source: Going on *Tahriib*, Rift Valley Institute.

Table 2: High Level and Technical Task Forces, Federal Government of Somalia

Leading institutions	Responsibility	Members
High Level Task Force on Migration Management		
<p>Lead: Ministry of Internal Security.</p> <p>Co-chair: Ministry of Interior and Federal Affairs (NCRI); Ministry of Foreign Affairs and Investment Promotion.</p> <p>Reports to the Prime Minister.</p>	<p>Setting up policies and relevant legislation on various aspects of migration in respect to international laws, and negotiating with partner countries and stakeholders with regards to legal methods of migration</p>	<p>Ministry of Internal Security; Ministry of Foreign Affairs and Investment Promotion; Ministry of Justice; Ministry of Interior and Federal Affairs; Ministry of Information, Culture and Tourism; Ministry of Planning and International Cooperation; Regional Focal Points and Special Envoy for Children and Migrants' Rights.</p>
Technical Task Force on Human Trafficking and Smuggling		
<p>Lead: Ministry of Internal Security; Ministry of Justice and Judicial Affairs.</p> <p>Reports to the High Level Task Force.</p>	<p>Setting up strategy to implement policies and legislation on migration, setting up programs on the prevention of irregular migration, managing border control and taking measures on the investigation and prosecution of human traffickers and smugglers.</p>	<p>Director General or Technical Expert from: Ministry of Internal Security; the Ministry of Justice; the Ministry of Interior and Federal Affairs; the Ministry of Information, Culture and Tourism; Regional Focal Points and Special Envoy for Children and Migrants' Rights.</p>
Technical Task Force on Return and Readmission		
<p>Lead: Ministry of Internal Security.</p>	<p>N/A: At the time of the research, the responsibilities of the Technical Task Force of Return and Readmission has not been defined.</p>	<p>Director General or Technical Expert from: Ministry of Internal Security; Ministry of Interior and Federal Affairs; Ministry of Justice; Ministry of Foreign Affairs and Investment Promotion; Ministry of Health and Special Envoy for Children and Migrants' Rights.</p>

At the time of the writing the report, the Task Forces were still in the process of being established, and were not functional. Once established, each Task Force will include a regional representative from the Puntland Government, Jubaland Administration, South West Administration and Galmudug State. However, most government institutions outside of the Federal Government are not aware of these coordination bodies. The capacity of the new High Level and Technical Task Forces is therefore hard to assess, but depends on the level of cooperation with existing departments, as well as the risk of redundancies between mandates.

c. **Ministry of Interior and Federal Affairs:** Focal ministry for internal displacement and migration.

- i. **National Commission for Refugees and Internally Displaced People (NCRI):** Tasked with addressing issues relating to returnees, IDPs and refugees, its legal mandate was passed by the Federal Parliament of Somalia on February 14th 2016. The NCRI mostly works together with UNHCR to ensure protection and assistance of returnees, refugees and IDPs, as well as the implementation of reintegration and durable solutions programs.

In collaboration with UNHCR, the NCRI implements the **Coordination of Refugees, Returnees and IDPs in South Central Regions of Somalia Including Registration** program (January-December 2016). The data collected is shared with humanitarian agencies and government institutions.

The NCRI works with the Somali Immigration and Naturalization Directorate, Ministry of Foreign Affairs and Investment Promotion, the Ministry of Planning and International Cooperation (MoPIC) and the Ministry of Justice. However, the NCRI underlined the absence of migration focal points within each Ministry, which would facilitate coordination. The NCRI also underlined the lack of a migration national strategy coming from the Office of the Prime Minister that would guide their work.

The NCRI staff is composed of 59 people, including 19 women across eight departments: Programs, Protection, Finance, Human Resources, Monitoring and Evaluation, Logistics, ICT (Information and Communication Technology) and Legal aid.

Capacity is assessed as high: the recruitment process is based on public advertisement and a hiring panel and the Commission reports having enough computers and equipment. The staff also received trainings on protection programs and finance.

- ii. **Disaster Management Agency (DMA):** Federal-level focal point for humanitarian partners. The DMA handles disaster-induced displacement (e.g. El Nino) with the support of INGOs. The DMA's legal mandate was passed by the Federal Parliament of Somalia on February 14th 2016. The DMA also collaborates with UNHCR and IOM to register returnees coming back from Yemen and Dadaab, and in the implementation of the resettlement and reintegration programs for refugees, IDPs and returnees.

The DMA staff is composed of 213 people, including 47 women.

Capacity is assessed as average: the recruitment process is based on needs and meritocracy assessed by a recruitment panel. Access to ICT is adequate. Yet, the staff has not received any trainings, and are not paid regularly.

d. **Ministry of Internal Security:** Focal ministry for security related issues, immigration, and prevention of irregular migration, human trafficking and smuggling.

- i. **Immigration and Naturalization Directorate:** In charge of all immigration related services, including facilitating population movements into and out the country, issuing Somali passports and granting the Somali citizenship and work permits to foreigners.

The Directorate also collaborates with UNHCR, IOM and the Ministry of Interior and Federal Affairs for the screening and registration of returnees from Dadaab at the main points of entrance. Yet, the Directorate noted the general lack of coordination across the line Ministries involved in mixed migration.

The Directorate staff is composed of 95 people, including 29 women.

Capacity is assessed as low: the staff has not received any training and no recruitment scheme exists. Yet, the Directorate has adequate ICT infrastructure, including an immigration software for the registration of returnees from Dadaab.

- ii. **Police Forces, Criminal Investigation Department (CID):** In charge of conducting criminal investigations, especially on smuggling in persons and human trafficking, and maintaining public safety. The CID collaborates with the Ministry of Interior and Federal Affairs to ensure the security during the registration of returnees from Dadaab.

For security reasons, no information could be shared on the number of staff.

The recruitment scheme is transparent and the CID staff have been trained by AMISOM to improve its capacity on conducting criminal investigations. However, capacity is assessed as very low, limited by a lack of funding (at the time of the research, the staff had not received salary for the past three months).

- iii. **Police Forces, Unit on Organized Crimes and Trafficking:** Created in 2016 in Mogadishu, this small unit aims at reinforcing the fight against smuggling and trafficking by conducting investigations on criminal networks. Recently established, the unit is to benefit from capacity building trainings led by IOM in collaboration with UNODC on smuggling and trafficking.

Capacity is assessed as low; the unit's role as well as its cooperation with relevant government institutions are still to be defined. The difference between its responsibilities and the CID's mandate is unclear and could lead to competition between the two directorates.

- e. **Ministry of Foreign Affairs and Investment Promotion:** Focal ministry for relations with migration host and recipient countries, including negotiating and signing bilateral and multilateral treaties or agreements. In 2013, the Ministry participated in the Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya process with the Government of Kenya and UNHCR.

The Ministry staff is composed of 138 people, including 51 women.

Capacity is assessed as average, the staff has not received any training, but has adequate ICT equipment and a recruitment scheme based on competencies.

- f. **Office of the Attorney General, under the Ministry of Justice:** In charge of strengthening the national legal framework by drafting and enacting laws and policies (the Ministry includes a specific Drafting Unit), and/ or revising the drafts presented by the competent line ministries. The Ministry of Justice also intervenes in cases regarding the prosecution of traffickers, and is collaborating with UNODC on a new act on trafficking and smuggling.

The Ministry of Justice staff is composed of 149 people, including 60 women.

Capacity is assessed as low, as awareness of the international and national legal framework linked with mixed migration is very limited, and the staff has not received any training.

- g. **Ministry of Planning and International Cooperation (MoPIC):** Focal ministry for overall state planning and the collection of migration data. However, no data collection had been undertaken at the time of the research, due to insufficient human and financial resources. There were no mechanisms or processes in place to share or harmonize data in collaboration with the state Governments. Together with the District Commissioners, the MoPIC is in charge of finding new settlements in cases of forced evictions of IDPs, refugees or returnees. The MoPIC also participated in the drafting of the Somalia National Development Plan (2017-2019), aims at providing durable solutions for IDPs.

The MoPIC staff is composed of 119 people, including 35 women, and of 4 directorates: Planning, International Cooperation, Monitoring & Evaluation and National Statistics.

ICT is perceived as adequate, but the overall capacity in the field of mixed migration is assessed as very low, mostly because of insufficient funding and the absence of data sharing or harmonization with the regional MoPICs. In addition, the selection of staff lacks transparency.

- h. Ministry of Women and Human Rights Development:** Focal ministry for women's and human rights issues linked with mixed migration. The Ministry of Women and Human Rights Development does not implement any programs linked with mixed migration, but it works with UNHCR to assist victims of SGBV in IDP camps in Mogadishu. The Ministry highlighted the effective teamwork with Government institutions at the federal and regional levels and Civil Society Organizations (CSOs).

The Ministry staff is composed of 104 people, including 57 women.

Capacity with regards to mixed migration is assessed as average: the staff received trainings on basic human rights, conducting community awareness campaigns and GBV response and prevention. ICT infrastructure is assessed as sufficient, but the selection of staff is not transparent.

- i. Ministry of Youth and Sports:** Focal ministry for youth issues related to migration and the coordination of programs supporting youth empowerment. At the time of the research, the Ministry did not implement any programs explicitly linked with mixed migration, but it works with the Banadir administration and a LNGO (Northern Frontier Youth League) to organize sport events for youth. In November 2014, the Minister for Youth and Sport announced forming a National Youth Policy in consultation with the youth and stakeholders, to highlight the priorities and policies to be adopted by the government to ensure empowerment of the youth. The policy is still pending approval by the Parliament.

The staff is composed of 102 people, including 25 women.

Capacity with regards to mixed migration is assessed as low, mostly because of a lack of funding, a recruitment scheme not always based on needs and competencies, and the low level of skills among the staff, who has not received training.

- j. Banadir Authority, District Commissioner (DC):** The local authority is involved in food distribution to returnees and IDPs in Banadir, in partnership with LNGOs. It cooperates with the MoPIC on forced evictions and relocation matters.

No information could be shared on the number of staff, but the recruitment of new officials was reported to not be systematically based on skills and needs.

Capacity is assessed as high: projects are monitored by an internal Monitoring and Evaluation Unit, the ICT infrastructure is assessed as adequate, and the staff has received a training on human resources from UNDP.

Figure 1: Mapping of Institutions Involved in Mixed Migration, Federal Government of Somalia⁸

Institution	Capacity Assessment (/ 5)						
	Design of legal and regulatory frameworks	Enacting and enforcement of legal and regulatory frameworks	Promotion of national and international law	Assistance programs to IDPs, returnees, refugees, asylum seekers	Data collection, monitoring of flows	Cross-border management	Counter-trafficking and smuggling
Special Envoy for Children’s and Migrants’ Rights - FGS	● (5)						
High Level Task Force on Migration Management - FGS	○					○	
Technical Task Force on Human Trafficking and Smuggling - FGS		○					○
Technical Task Force on Return and Readmission - FGS				○			
National Commission for Refugees and IDPs (Ministry of Interior and Federal Affairs) - FGS				● (4)	● (4)		
Disaster Management Agency (Ministry of Interior and Federal Affairs)- FGS				● (3)	● (3)		
Immigration and Naturalization Directorate (Ministry of Internal Security) - FGS					● (2)		
Criminal Investigation Department (Ministry of Internal Security) - FGS							● (1)
Unit on Organised Crimes and Trafficking (Ministry of Internal Security) - FGS							● (2)
Ministry of Foreign Affairs and Investment Promotion - FGS						● (3)	
Office of the Attorney General, Ministry of Justice - FGS	● (2)	● (2)					
Ministry of Planning and International Cooperation - FGS	● (1)			● (1)			
Ministry of Women and Human Rights Development - FGS				● (3)			
Banadir Authority, District Commissioner - FGS				● (4)			

⁸ A circle illustrates the involvement of the actor in the corresponding matter. Colors give information about Altai’s assessment of the actor’s capacity. A white circle means that the actor is involved but that Altai was not able to assess its capacity (due to a lack of information or because the actor was recently established).

3.1.2. KISMAYO, JUBALAND ADMINISTRATION (JA)

Key Findings - JA

- **The Jubaland Refugees and IDPs Affairs (JRIA)** is the main actor involved in the management of mixed migration, and the only Department which capacity is assessed as high. However, this Department operates without a clear migration strategy and a low leadership of the Jubaland Government on issues related to migration management.
- **Collaboration with the Federal Government is weak:** the data collected by the JRIA is not shared with federal authorities. **Unclear delineation of the roles on data collection**, as the Ministry of Planning and International Cooperation (MoPIC), mandated to collect data, currently does not have any activity and the JRIA is responsible for registering new arrivals in Jubaland.
- **Absence of formal coordination mechanisms for JA ministries/institutions involved in mixed migration.** As such, the Kismayo District Commissioner and the JRIA are both responsible for providing lands to INGOs building shelters to IDPs, refugees and returnees, but they do not work together.
- **The newly established “Madobe” Cabinet could be a pilot coordination mechanism** to manage returns from Dadaab, which could be implemented in the long-term if it proves effective to create synergies.
- None of the interviewed ministries intervenes in the **fight against smuggling and trafficking**, in **cross-border management** or the promotion of **international and national laws** related to migration.
- Overall low capacity and very limited knowledge and understanding of the national or international **regulatory landscape for migration issues**.

- a) **Cabinet Task Force on Refugees, Returnees and Vulnerable Hosting Communities** (known as the **“Madobe”⁹ Cabinet**): Created in September 2016 as a temporary entity to manage the return of the refugees from Dadaab, mainly through the implementation of livelihood opportunities to ensure reintegration. The list of participants is not finalized yet, but the Cabinet should be composed of eight ministers (including the Jubaland Minister of Justice, Constitutional and Religious Affairs as the lead and the Jubaland Minister of Planning and International Cooperation) and five intellectuals.

The Cabinet’s mandate is still unclear and its capacity is difficult to evaluate. If effective coordination mechanisms are set up across the ministries, and in particular with the JRIA, the Cabinet could serve as a centralization body for the Jubaland Government work on migration, particularly on returns from Dadaab.

- b) **Ministry of Planning and International Cooperation (MoPIC)**: Ministry responsible for collecting data, but both the Statistics and M&E Departments and the Data Collection Unit are currently inactive because of a lack of budget. No data collection is currently undertaken.

The Jubaland MoPIC includes a Department of Humanitarian Coordination responsible for registering and coordinating the work of the local and international NGOs. In partnership with the **District Commissioner** and the Jubaland **Ministry of Interior**, the MoPIC issues lands to IOM and the Norwegian Refugee Council (NRC) building shelters for returnees and IDPs.

No information on the number of staff could be shared, but recruitment is publicly advertised. The staff benefitted from in-house trainings on good governance and planning delivered by senior officials from the

⁹ “Madobe” is the nickname of the President of the Jubaland Administration, Ahmed Mohamed Islam.

federal MoPIC. However, the trainings were reported to be insufficient and too short. Overall, the capacity is assessed as very low, mostly undermined by limited funding.

- c) **Jubaland Refugees and IDP Affairs (JRIA)**, under the Jubaland **Ministry of Interior**: Focal point for refugees and IDPs. Under UNHCR technical support and capacity building (January-December 2016), the JRIA conducts IDPs, refugees, returnees and asylum seekers registration in the Jubaland waystations (Dhobley, Kismayo, Luuq and Afmadow), in IDP camps and in its Kismayo office. In each waystation, the registration is overseen by one protection officer and several data entry and assistance officers. The data collected is shared with the Jubaland state Government and UNHCR, but not with the Federal Government of Somalia (FGS).

In addition, the JRIA coordinates with INGOs for the delivery of basic services to IDPs and refugees and organizes public campaigns to raise awareness of the risks of irregular migration. The JRIA is also tasked with supervising the respect of returnees' rights by monitoring the reintegration programs implemented by humanitarian actors. In collaboration with the Jubaland Ministry of Public Works, the JRIA oversees the provision of lands to IOM and GIZ building shelters for IDPs, refugees and returnees.

The JRIA is composed of 37 staff dispatched in four offices: 20 staff in the Kismayo, nine staff in Dhobley, four staff in Luuq and four staff in Afmadow.

The staff received trainings on office management and procurement (UNDP), child protection, SGBV and human rights (UNHCR) and Population Movement Tracking (UNHCR, NRC and DRC). New staff is recruited based on knowledge and experience. The overall capacity is assessed as high, although the JRIA role, particularly the presence of staff at the main entrance points, is negatively impacted by the limited budget available.

- d) **District Commissioner (DC) of Kismayo City**, under the Jubaland **Ministry of Interior**: The Kismayo DC main activities are the conduct of awareness campaigns on the risks of irregular migration with the support of local youth organizations, and advocacy for the rights of returnees and IDPs. The Kismayo DC also collaborates with INGOs by providing lands to build shelters for IDPs, returnees and refugees.

The Kismayo DC staff includes 20 people spread over three departments: Social Affairs, Security, and Finance. The staff received training on good governance by the DAI (Development Alternative Incorporated) Transitional Initiatives for Stabilization (TIS) program. However, the work of the office is hampered by a significant lack of financial resources, which prevents the office from affording internet services. The Kismayo DC capacity is analyzed as low.

- e) **Ministry of Justice, Constitutional and Religious Affairs**: In charge of all judicial and legislative affairs, as well as religious matters contributing to the community development. The Jubaland Ministry of Justice, Constitutional and Religious Affairs is responsible for ensuring the law enforcement and the functioning of judicial institutions, but does not have the mandate to draft new laws. The Ministry does not implement or supervise any programs linked with mixed migration, but its role could become more important as the "Madobe" Cabinet, which it leads, becomes active.

The staff includes 45 government officials, who have not received any trainings and have an overall scant knowledge about national and international laws and policies related to mixed migration, which alter the overall capacity of the ministry, assessed as low.

3.1.1 BAIDOA, SOUTH WEST ADMINISTRATION (SW)

Key Findings - SW

- No Ministry plays the role of the **focal point** for migration issues, and no formal coordination entity exists.
- **Very narrow capacity of the ministries** involved in mixed migration, in terms of knowledge of the regulatory framework, human and material resources. As such, no activity linked with mixed migration is currently implemented.
- None of the interviewed ministries or departments is tasked with **fighting against smuggling and trafficking**, is involved in **cross-border management** or in communication/promotion the national or international laws linked with migration. The South West Administration does not have the mandate to draft new laws.
- Limited coordination with the FGS.

- a) **Ministry of Security:** In charge of ensuring the security of migrants and the respect of their rights. The South West Ministry of Security is particularly involved in supporting migrants' rights in case of forced evictions and supporting IDPs, refugees and returnees' resettlements.

The staff is composed of three permanent staff (including one woman) and three advisors, including one security trainer.

Staff selection relies on competencies and needs, but awareness of national and international laws and policies linked with mixed migration is narrow, as well as the available material and human resources, which significantly limits the overall capacity of the South West Ministry of Security, assessed as low.

- b) **Ministry of Interior and Local Governance:** Focal ministry for the screening and registration of new arrivals and the coordination of humanitarian programs aiming at supporting refugees, returnees and IDPs. However, no data collection is currently undertaken, due to a lack of financial resources.

Six government officials are working for the South West Ministry of Interior and local Governance, and have benefitted from a UNDP-led capacity building program on conducting community awareness campaigns.

The overall capacity is low, affected by restricted financial resources and an ineffective recruitment process, leading to a lack of adequately qualified staff. In addition, the reported roles and responsibilities are not coherent with the trainings received.

- c) **Ministry of Resettlement and Diaspora Affairs:** Focal Ministry for the repatriation and reintegration of returnees. The South West Ministry of Resettlement and Diaspora Affairs is in charge of supervising the resettlement of returnees, the provision of basic services and the implementation of reintegration programs through the provision of livelihood opportunities. However, the ministry currently does not implement or supervise any program linked with mixed migration, due to limited funding and human resources.

The staff is composed of nine people (including two women) who have been trained on conducting awareness campaigns on the risks of illegal migration and smuggling and trafficking using social media. While the selection of staff is based on competencies and needs, the overall capacity of the South West Ministry of Resettlement and Diaspora Affairs is assessed as low, as a result of the scarcity of funding and incoherencies between the mandates and the trainings received.

- d) **Baidoa District, Social Affairs Department:** In charge of protecting and providing humanitarian assistance to IDPs, such as housing, land and property. This department is currently not involved in programs or initiatives linked with mixed migration.

The staff is composed of seven people, who have also been trained on the conduction of awareness campaigns using media. The overall capacity is very low, due to limited expertise on the regulatory framework, including housing land and property rights.

3.1.2 CADAADO, GALMUDUG GOVERNMENT

Key Findings – Galmudug Government

- **Overall very limited capacity, linked to the novelty of Galmudug Government (established in 2015), but also to a lack of human, material and financial resources (Ministries do not have formal offices yet), and a recruitment scheme which lacks transparency.**
- None of the ministries stands as the **focal point** for mixed migration management.
- **The designation of mandates lacks clarity:** as such, both the Galmudug Regional Commission for Refugees and the Galmudug Ministry of Interior Affairs and Local Governance report being tasked with registering migrants and providing support to IDPs, while no partnership/coordination mechanism is in place.
- None of the interviewed ministries oversees **the fight against smuggling and trafficking**, is involved in **cross-border management or in the promotion of the national or international framework** linked with migration. The Galmudug Government does not have the mandate to draft new laws.
- **Absence of formal coordination mechanisms** with the Federal Government, and relations with Puntland Government is currently non-existent due to the Galkacyo conflict.

- a) **Ministry of Interior Affairs and Local Governance:** The Ministry is in charge of collecting data with regards to mixed migration (screening and registration of new arrivals) and responsible for the provision of basic services to IDPs, refugees or returnees (shelter, health, education and Water, Sanitation and Hygiene (WASH)). The long-term mandate of the Galmudug Ministry of Interior Affairs and Local Governance is to support the reintegration of returnees through the implementation of awareness campaigns targeting host communities. At the time of the research, the Ministry does not conduct or supervise any activity or project.

The capacity is very low. The ministry currently has no physical office but is composed of 33 staff, who have not been paid since its establishment.

- b) **Ministry of Humanitarian Aid and Disabilities Care:** In charge of coordinating humanitarian aid, including settlement for IDPs or refugees and livelihood opportunities.

Recently established, it currently only comprises one minister, whose main activity is to compile information about the humanitarian aid at the state level and report to stakeholders operating on the ground (e.g. World Health Organization and United Nations Children's Fund in case of a cholera outbreak).

The capacity is assessed as very low, as a result of a lack of financial and human resources and the absence of an overall clear strategy regarding mixed migration.

- c) **Regional Commission for Refugees:** Established in 2016, it aims at registering all the refugees and IDPs in Galmudug State to inform the humanitarian aid response. The Commission currently has no activity because of limited funding.

The staff is composed of ten people (including four working voluntarily), who have not been paid since the establishment of the Commission and have no official office yet. In terms of skills, the staff has not been received any training. As such, the overall capacity is assessed as very low.

Figure 2: Mapping of Institutions Involved in Mixed Migration, Jubaland Administration, South West Administration and Galmudug State¹⁰

Capacity Assessment (/ 5) ○ : N/A ● : Very low (1) ● : Low (2) ● : Average (3) ● : High (4) ● : Very High (5)	Design of legal and regulatory frameworks	Enacting and enforcement of legal and regulatory frameworks	Promotion of national and international law	Assistance programs to IDPs, returnees, refugees, asylum seekers	Data collection, monitoring of flows	Cross-border management	Counter-trafficking and smuggling
Ministry of Planning and International Cooperation - JA				●	●		
Jubaland Refugees and IDP Affairs (Ministry of Interior - JA)				●	●		
District Commissioner (Ministry of Interior) - IJA				●			
“Madobe” Cabinet - JA				○			
Ministry of Justice, Constitutional and Religious Affairs - JA		●					
Ministry of Security - SW		●					
Ministry of Interior and Local Governance - SW				●	●		
Ministry of Resettlement and Diaspora Affairs - SW				●	●		
Baidoa District, Social Affairs Department - SW				●			
Ministry of Interior Affairs and Local Governance – Galmudug State				●	●		
Ministry of Humanitarian Aid and Disabilities Care – Galmudug State				●			
Regional Commission for Refugees – Galmudug State					●		

¹⁰ A circle illustrates the involvement of the actor in the corresponding matter. Colors give information about Altai’s assessment of the actor’s capacity. A white circle means that the actor is involved but that Altai was not able to assess its capacity (due to a lack of information or because the actor was recently established).

3.1.3 GAROWE, GOVERNMENT OF PUNTLAND

Key Findings – Puntland Government

- The Puntland Ministry of Interior, Local Government and Rural Development **is the focal point** for mixed migration management. It participates in the Puntland Mixed Migration Task Force, co-chaired by UNHCR and IOM. However, its **capacity is significantly hampered** by the lack of resources (at the time of the research, the staff has not received its salary for three months) and the insufficient number of vehicles, which prevents to effectively control at the borders of the state.
- **There is a lack of clarity surrounding mandates** of the Puntland Ministry of Interior, Local Government and Rural Development and the Puntland Ministry of Security and Disarmament, Demobilization and Reintegration, as both report overseeing screening and registration of new arrivals and border controls, but roles are not clearly allocated.
Similarly, mandates of the **Puntland Counter Trafficking Board** and the **Puntland Police Forces (which includes a Counter Trafficking Unit)** overlap, and key stakeholders reported that both institutions do not work well together.
- Coordination and synergies could be improved by the **Refugee Affairs Committee** (under the Puntland Ministry of Interior, Local Government and Rural Development), which will bring together representatives from seven Puntland Ministries involved in mixed migration management and the Puntland UNHCR representative.
- Puntland line ministries have the capacity to **draft new laws under their areas of competencies** and present them in front of the Puntland Parliament. There are no mechanisms to ensure that the regulatory framework is harmonized with the one developed by the FGS or the Somaliland Government.
- None of the interviewed ministries is involved in **cross-border management**.
- Collaboration with the FGS is low and reported to happen only at the highest political level, and not at the operation level.

- a) **Ministry of Interior, Local Government and Rural Development:** Focal Ministry for mixed migration management. The Ministry oversees security screenings, registration of IDPs and border controls in collaboration with the Ministry of Security and with the technical support of UNHCR for data collection. The Ministry also receives technical assistance from UNHCR to develop and strengthen the legislative framework.

The Ministry participates in the IOM and UNHCR led Puntland Mixed Migration Task Force, which fosters coordination between the Puntland Government and international actors (including DRC and OCHA).

The Puntland Ministry of Interior, Local Government and Rural Development includes the **Refugee Affairs Department (RAD)**, composed of 11 staff. The RAD is mandated to protect and promote the rights of refugees and is responsible for drafting the **IDP Policy** (approved in 2014 and defining IDPs' rights), along with the **Refugee Protection Bill**, pending approval from Parliament. The Refugee Protection Bill aims at creating a **Refugee Affairs Committee** to support the RAD, composed of seven Puntland representatives from the Ministry of Interior, Local Government and Rural Development, the Ministry of Security and Disarmament, Demobilization and Reintegration; the Ministry of Women and Family's Affairs; the Ministry of Justice; the Office of Human Rights Defender; the Ministry of Education and Higher Education and the Ministry of Health, with the Puntland UNHCR representative attending all meetings as an observer.

The team includes 82 staff, 18 of whom are women.

The staff recruitment is based on public advertisement and done through a civil service commission. The ministry's capacity is constrained by the lack of resources: at the time of the research, the staff had not been

paid for three months, and complained about the insufficient number of transport vehicles to effectively control the borders. As such, the capacity is assessed as very low.

- b) **Ministry of Security and Disarmament, Demobilization and Reintegration (DDR):** In charge of conducting security screenings, IDPs registration and border controls in collaboration with the Puntland Ministry of Interior, Local Governance and Rural Development.

The staff is composed of 55 people, including 13 women, and has benefitted from trainings on monitoring and evaluation conducted by UNDP: capacity is assessed as average.

- i. **Puntland State Police Forces:** In charge of arresting irregular migrants, ensuring the security of civilians and controlling borders. IOM established a **Counter Trafficking Unit** within the police in Garowe and trained the officers on human trafficking. IOM also donated equipment and a vehicle to assist investigations and established a hotline number for the public to address actual or suspected human trafficking cases. Finally, IOM developed a referral process for victims of trafficking outlining the principles and tools to be used.

The Puntland State Police Forces are composed of nine regional police commanders and more than 300 police officers, 95% being men. The selection of staff is based on qualifications, experience and needs.

The overall capacity of the police forces is assessed as low. The staff has a low proficiency in the migration regulatory framework, and collaboration is described as ineffective between this department and others involved in managing mixed migration. Operations are negatively impacted by a lack of material and financial resources. As such, the entire border control is ensured through three check points: Buuhoble, Galbogob and Bossasso port.

- ii. **Puntland Counter Trafficking Board (PCTB):** Established in Garowe in March 2013 with the support of IOM. The PCTB aims at bringing together efforts of different actors in curbing human trafficking in Puntland.

For security reasons, no information on number of staff could be shared and few information has been communicated on the work of this unit. The staff is trained by IOM on controlling borders and conducting investigations, but the capacity of the unit is difficult to assess.

- c) **Office of the Human Rights Defender:** Established in November 2014, pursuant to the Puntland State Constitution, the Human Rights Defender Act of 2011 and the International Human Rights law and UN Guiding Principles (Paris Principles). Its mandate is to advocate for the respect of human rights to Government institutions and CSOs.

The Puntland Office of the Human Rights Defender is composed of eight people (two officers and six lawyers), including four women.

The recruitment scheme is transparent and based on public advertisement, and the staff has received trainings on Child Rights and Human rights by Save the Children International (SCI) and the United Nations Children's Fund (UNICEF). However, capacity is assessed as average, as the entity suffers from insufficient funding restricting its activities, and from a poor acknowledgement from other Government institutions.

- d) **Regional Governor, Nugaal Region:** Collaborates with the Puntland Ministry of Interior, Local Government and Rural Development and the Puntland Ministry of Security, in particular by giving lands to INGOs building shelters for IDPs or refugees (such as the Norwegian Refugee Council), by supervising the security in the IDP camps and by collaborating with local hospitals to deliver free medicine to IDPs and refugees in the camps.

The Nugaal Regional Governor staff is composed of 21 people, including seven women, and none of them have been involved in capacity building programs.

Capacity with regards to mixed migration is assessed as average: activities and projects are effectively implemented, but the overall involvement with regards to mixed migration is limited.

3.1.4 HARGEISA, GOVERNMENT OF SOMALILAND

Key Findings – Somaliland Government

- The Somaliland MMTF is a **formal coordination mechanism** that brings together all the actors that are involved in managing mixed migration. It eases **information and data sharing** across these institutions. While the establishment of such Task Force is a success per se, **the collaboration is not optimal** and could be enhanced by the presence of permanent members within the Task Force.
- The Somaliland Immigration Department and the Somaliland Ministry of Resettlement, Reintegration and Rehabilitation are the **key actors** involved in the management of mixed migration flows and they collaborate to conduct the registration of new arrivals. Yet, no diplomatic relations exist with the Federal Government, and no data-sharing system is in place.
- **Overall capacity is assessed as average:** roles and responsibilities are clearly defined, and recruitment schemes are based on competencies and needs, but activities are restricted by insufficient staff and financial resources, in particular the control of borders (under the Somaliland Immigration Department) and by a limited awareness of the international and national regulatory framework linked with mixed migration.
- The Somaliland **Office of the Solicitor General** (independent from the Somaliland Ministry of Justice and the Somaliland Office of the Attorney General) has the mandate to **revise laws drafted by line ministries or to initiate new ones**. It is currently working on a new Smuggling and Trafficking Act with the support of UNODC. There is **no collaboration with the Federal Government to harmonize laws**.
- **Cross-border cooperation with Ethiopia**, managed under the Somaliland Ministry of Foreign Affairs and International Cooperation, happens under the Intergovernmental Authority on Development (IGAD) auspices but no bilateral agreements exist between the two Governments.

- a) **Somaliland Mixed Migration Task Force (Somaliland MMTF):** Established by a 2009 presidential decree, and amended in 2010 and 2013, it has the mandate to manage mixed migration. No other national or international entity can work on mixed migration issues and so the MMTF is involved in any program linked with mixed migration.

The Somaliland MMTF is composed of members from six Somaliland Government bodies: the Ministry of Foreign Affairs and International Cooperation, the Ministry of Resettlement, Reintegration and Rehabilitation, the Ministry of Justice, the Human Rights Commission, the Ministry of Interior and National Security and the Immigration Department (under the Ministry of Interior and National Security), as well as seven international partners (IOM, UNHCR, Danish Refugee Council, Norwegian Refugee Council, World Food Program, United Nations Children's Fund and United Nations Development Programme).

Although the Somaliland MMTF does not have a permanent office or members, several mechanisms are in place to ensure an effective coordination, including monthly meetings co-chaired by UNHCR and IOM and the use of new technologies to share key documents and information (including Gmail groups and Dropbox shared folders). Yet, the Somaliland MMTF capacity is assessed as average, as several key stakeholders highlight the lack of teamwork across its members.

- b) **Ministry of Interior and National Security:** Responsible for all security matters, and is also involved in the fight against smuggling and trafficking, through the **Counter trafficking Agency**.

Capacity with regards to mixed migration is assessed as low, mostly because the Somaliland Ministry of Interior and National Security role within the MMTF is not clearly defined. The ministry's ability to prosecute smugglers or traffickers is hampered by the legislative gap on smuggling in persons and human trafficking. Yet, the Somaliland MMTF is drafting a "Trafficking in Persons and Smuggling Act" with the support of UNODC.

- i. **Immigration Department:** Established by the Somaliland Immigration Law of 1995. In collaboration with the Somaliland Ministry of Resettlement, Reintegration and Rehabilitation (MRRR), the Somaliland Immigration Department is involved in border controls, screening new arrivals and referrals to the Migrant Response Center (MRC) or other relevant services (judiciary, humanitarian, police assistance).

Based on screenings, the Somaliland Immigration Department manages a database that is shared with UNHCR, IOM and the MRRR. The Somaliland Immigration Department is also involved in providing official documents such as visas and passports. Since January 1st 2016, the Immigration Department must apply the New Directives on Security and Immigration, a presidential decree reinforcing the legal migration procedures and restrictions against irregular migrants, especially the ones working in Somaliland. However, these new directives are very controversial (cf. section 5.2.5) and are currently not applied.

The Somaliland Immigration Department staff is composed of 260 people, including 35 women.

Capacity is assessed as average: ICT infrastructure is adequate (except for a poor internet connection) and the staff received trainings by UNHCR and IOM on database management, laws and procedures linked with immigration. However, the lack of qualified staff and limited funding, resulting in insufficient vehicles and fuel, hampers the Somaliland Immigration Department ability to effectively control the borders.

- c) **Ministry of Resettlement, Reintegration and Rehabilitation (MRRR):** Focal ministry for all matters linked to refugees, returnees, asylum seekers and IDPs, from the registration of new arrivals, conducted with the technical support of UNHCR and shared with all MMTF members, to the provision of basic services (food, health, shelter, education) and livelihood opportunities (education and vocational training) in collaboration with INGOs.

The Somaliland MRRR is mandated to protect and promote the rights of refugees and promote peace and co-existence, in collaboration with UNHCR. The Somaliland MRRR is also involved in border controls with the Somaliland Immigration Department and distributes lands to INGOs such as the Danish Refugee Council (DRC) and the Norwegian Refugee Council (NRC) who build shelters for IDPs and returnees. The Somaliland MRRR includes a **Refugee and Returnee Department**, an **IDPs Department** and a **Migrant Response Centre (MRC) Department**.

The staff is composed of 117 people, including 37 women.

The Somaliland MRRR complained about the lack of funding which restricted the human resources and the activities implemented, but capacity is assessed as high. Staff are recruited through a specific civil service institute and selection is based on competencies. The staff also received trainings from UNHCR on Refugee Status Determination (RSD) and data collection and entry, and ICT infrastructure is assessed as adequate.

- d) **Human Rights Commission (HCR):** Established in 2010 by the Somaliland National Human Rights Commission Act, it supervises the enforcement of the law and the respect of human rights by the other institutions, and reviews the laws prior to their ratification to ensure their compatibility with human rights. The Somaliland HRC hosts a bureau of complaint, ensures the respect of prisoners' rights, advocates for the respect of human rights to other Government institutions and refer women victims of SGBV to LINGOs such as the Somaliland Women Lawyers Association (SWLA).

The Somaliland HRC staff is composed 32 people, including 11 women. Among the staff, seven commissioners (including two women) are directly appointed by the president through a presidential decree.

While designed to be an independent institution, the nomination of politicians as members of the Commission jeopardizes its independence in practice. As such, its capacity is assessed as low.

- e) **Ministry of Foreign Affairs and International Cooperation (MoFAIC):** Established by a 1995 presidential decree, it is the focal ministry for international relations with regards to mixed migration, including host, transit or recipient countries. The international community does not recognize Somaliland as an independent state, which limits its ability to relate and negotiate with the international community.

The Somaliland MoFAIC is composed of 105 people including 35 women.

ICT is assessed as adequate and the recruitment scheme is based on merit, but the staff has not received any training and the overall capacity is assessed as average.

- f) **Ministry of Justice:** Chair Ministry of the Somaliland MMTF and focal point for all judicial affairs in Somaliland, including the respect of human rights. The Somaliland Ministry of Justice is involved in fighting *tahriib*, and conducts awareness campaigns targeting youth on the risk of irregular migration.

The Somaliland Ministry of Justice staff is composed of 92 people, including 31 women.

Six UNDP consultants provided technical support to the Ministry of Justice, which, even if not directly linked with mixed migration, built the staff skills, particularly in research and investigation, gathering data as well as basics of administration and finance. The recruitment scheme is based on merit, but the overall capacity is assessed as average: the staff remains overall poorly qualified, most of them lacking the capacity to communicate and writing reports in English.

- g) **Committee for Combating *Tahriib* and Job Creation:** Established in June 2013 by a presidential decree, its mandate is to support and advocate for the creation of job opportunities to diminish migration push factors for youth, and to raise awareness of the risks of irregular migration.

The Committee supervised the research "*Affairs of Tahriib*" funded by the Somaliland Government in Hargeisa, Burao and Borama based on KII with key stakeholders (employers, Youth and Women Organizations, young people), and communicated the findings to all Government institutions and through Somaliland television. The objective was to get a better understanding of migration push factors for youth.

This advisory committee is composed of eight Somaliland ministers from the Ministry of Labor and Social Affairs, the Ministry of Youth, Sports and Tourism, the Ministry of Interior and National Security, the Ministry of Religion, the Ministry of Information, Culture and National Guidance, the Ministry of National Planning and Development, the Ministry of Justice and the Ministry of Education.

Capacity is assessed as high, although the Committee currently works as an advisory body rather than an executive entity, its work is restricted by a lack of funding rather than by limited skills.

Figure 3: Mapping of Institutions Involved in Mixed Migration, Puntland and Somaliland Governments¹¹

Institution	Capacity Assessment (/ 5)						
	Design of legal and regulatory frameworks	Enacting and enforcement of legal and regulatory frameworks	Promotion of national and international law	Assistance programs to IDPs, returnees, refugees, asylum seekers	Data collection, monitoring of flows	Cross-border management	Counter-trafficking and smuggling
Ministry of Interior, Local Government and Rural Development - PTLD					● (1)		
Ministry of Security and Disarmament, Demobilization and Reintegration - PTLD					● (3)		
Puntland State Police Forces (Ministry of Security and DDR) - PTLD							● (2)
Puntland Counter Trafficking Board (Ministry of Security and DDR) - PTLD							○
Office of the Human Rights Defender - PTLD			● (3)				
Regional Governor, Nugaal Region - PTLD				● (3)			
Ministry of Interior and National Security - SMLD							● (2)
Immigration Department, Ministry of Interior and National Security - SMLD					● (3)		
Ministry of Resettlement, Reintegration and Rehabilitation - SMLD				● (4)	● (4)		
Human Rights Commission - SMLD		● (2)	● (2)				
Ministry of Foreign Affairs and International Cooperation - SMLD						● (3)	
Ministry of Justice - SMLD							
Committee for Combating "Tahriib" and Job Creation - SMLD					● (4)		

¹¹ A circle illustrates the involvement of the actor in the corresponding matter. Colors give information about Altai's assessment of the actor's capacity. A white circle means that the actor is involved but that Altai was not able to assess its capacity (due to a lack of information or because the actor was recently established).

Key Findings – Government Institutions

The overall capacity of the Somali authorities to manage mixed migration is weak. Mandates often lack clarity, resulting in potential redundancies between ministries. These overlaps are problematic, especially because the coordination between institutions is narrow, heightened by the competition to attract funds.

The capacity of the teams across governments is limited on average, with a low knowledge of the national and international regulatory frameworks on migration. Most Ministries also report a lack of financial resources that hamper their activities.

Beyond this general assessment, Governments have different migration structures and their capacities significantly vary.

Somaliland was the first government to establish a formal coordination body on migration, and it currently has the strongest governance structure on migration matters. The FGS, the JA and the Puntland Government are following the same path, but none of these mechanisms are presently functional and their effectiveness is difficult to evaluate. The FGS has the most ambitious system, with three different Task Forces. In Jubaland, the “Madobe” cabinet was designed as a temporary body focused on returns from Dadaa, and in Puntland, the Refugee Affairs Committee is still under discussion.

Puntland seems to be the most advanced on the fight against smuggling and trafficking, with two specific units dedicated to this issue, and staff benefitting from targeted trainings from IOM. Yet, more coordination between these two units is needed for effective teamwork. A similar challenge exists in the FGS between the CID and the Unit on Organised Crimes and Trafficking. Other Governments (JA, SW and Galmudug) do not have specific units and police forces are usually responsible for smuggling and trafficking.

Overall, the ability of FMS governments (JA, SWA and Galmudug) to manage migration matters is low, undermined by a narrow budget and the lack of human resources, with staff not always recruited in a transparent manner. Galmudug is the most recent FMS (2015), and it does not have the financial, material or human capacity to work on mixed migration matters.

3.2 INTERNATIONAL ACTORS AND LOCAL NON-GOVERNMENTAL ORGANIZATIONS

3.2.1 INTERNATIONAL ORGANIZATIONS

UN Agencies

a) **UNHCR:** Leads and coordinates the work of key stakeholders in terms of protection and refugees.

Returns from Dadaab: Returns from Dadaab are managed by UNHCR under the Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya. The UNHCR **Enhanced Plan of Action for the Voluntary Return and Reintegration of Somali Refugees from the Dadaab Camps in Kenya** is founded on three main pillars:

- Verification of the population in Dadaab, including a return intention survey, in order to clearly identify the actual population of expected returnees to Somalia and therefore better structure the process;
- Provision of substantially enhanced individual return packages on both sides of the border;
- Provision of community-based reintegration support in return areas in Somalia.

Return Help-Desks were established in Dadaab and are managed jointly by UNHCR, NRC and the Kenyan Secretariat for Refugee Affairs (SRA). They provide information and guidance, and facilitate the registration of Somali refugees who wish to return to Somalia and receive the return and reintegration support offered.

The IOM-managed Dhobley **border way station** provides returnees with information related to the journey, the situation in the areas of return, access to emergency medical services and shelter for one night before departure from Dhobley.

There are four **home way stations**, located in areas of return: Luuq, managed by DRC; Baidoa, managed by INTERSOS, Kismayo, managed by Mercy Corps and Mogadishu, managed by NRC. They handle the final verification, provide returnees with information about the area, assist them with emergency medical services, shelter for one night and holds the distribution of the **Reintegration Support Package** (detailed in Table 3).

Table 3: Composition of the UNHCR Reintegration Support Package

Location	Composition of the reintegration support package
In Home Way Station (one-off distribution)	– \$ 200 USD per family member
	– Transportation to return area
In return area	– \$ 200 USD per family member
	– Non-Food Item kit
	– World Food Program food vouchers of \$ 15 USD per family member for six months
	– Up to \$ 1,000 USD per households for shelter
	– \$ 200 USD per family for six months from second month upon arrival
	– Up to \$ 25 USD per school going child per month for a school year (9 months)

UNHCR has a presence in several **return areas:** Somaliland, Puntland, Beletweyne, Luuq, Baidoa, Kismayo and Mogadishu, where they implement livelihood programs that returnees can benefit from. UNHCR manages the initial phase of return, but programming is then coordinated by OCHA and the respective humanitarian

clusters. The Durable Solutions Initiative and the UN-RCO (Resident Coordinator's Office) manage the more long-term approach of reintegration.

Yemen Situation: UNHCR collaborates with local authorities and implementing partners to support new arrivals fleeing the Yemen crisis. The Governments of Puntland, Somaliland and the Federal Government of Somalia have declared that all Yemeni nationals seeking asylum will be recognized as prima facie refugees upon arrival. Coordination is ensured through the UNHCR and IOM-led Inter Agency Task Force on the Yemen Situation and UNHCR and IOM-led field-level Yemen Task Forces.

At the ports of entry, newcomers receive medical assistance, vaccinations, screening for diseases of epidemic potential, fitness for travel assessment, referral services, refreshments, protection assessment and transportation to the relevant reception centers where they are registered by UNHCR and the Government authorities.

There are **three reception centers**: two set up by UNHCR in Bossasso and Berbera, and one set up by IOM in Mogadishu. The reception centers provide information about conditions in places of return, a temporary shelter for up to three nights, as well as food and water, core relief items, and basic services including healthcare, water and sanitation facilities, hygiene promotion, nutrition screening and treatment, psychosocial support and family tracing.

UNHCR also distribute a return package to Yemenis. While the objective was to give the same package as the refugees from Dadaab, this is currently not possible due to a lack of funding.

- b) **UNODC:** Lead agency for the fight against criminal groups involved in smuggling in persons and human trafficking. UNODC's main objective in Somalia is to promote the ratification process of the UN Convention against Transnational Organized Crime and the Smuggling Protocol. The rationale is twofold: enhance the Government political will and create a legal framework for the Government to prosecute and investigate crimes and criminals, and for Somalia to cooperate with its neighboring countries.

UNODC also conducts capacity building for Somaliland and FGS institutions (Ministry of Justice and the Office of the General Attorney, and police forces under the Ministry of Security) on law enforcement, prosecution, investigation, prevention and rights of the victims. It also supports the Federal and the Somililand Governments in developing new Smuggling and Trafficking Acts.

- c) **OCHA:** Mandate focuses on coordination, information management, resource mobilization and advocacy. In 2015, UNHCR and OCHA finalized an agreement to integrate response to returning refugees, once in areas of return, across the cluster system. OCHA coordinates the Inter-Cluster Coordination Group (ICCG) and therefore aims at strengthening information sharing and analysis of the needs of returning refugees by closely liaising with UNHCR.

OCHA undertakes the formulation of the Somalia Humanitarian Response Plan (HRP), for which partners submit projects under their respective clusters to respond to the needs of different beneficiary groups, including refugee returnees.

- d) **UN-Habitat:** In Puntland, UN-Habitat implements with IOM the project **Achieving Local Solutions to Displacement Crises in Somalia**, (January 2017-2019, funded by HSTF), which includes participatory and inclusive community-driven activities to enhance social cohesion and trust among diverse population groups and with local authorities.

In January 2017, and for one year, UN-Habitat will start the program **Innovative Solutions for the IDPs in Mogadishu and for Reintegration in Kismayo**. In Kismayo, the objective is to tackle the rapid urbanization process, support returns and local reintegration by increasing the social cohesion and promoting low-cost housing development. In Mogadishu, it aims at enabling selected IDP families at risk of evictions to secure a

housing solution, by engaging in livelihoods activities and participating in saving schemes and training. The program also includes trainings for Government authorities on creating and administering a rental subsidy scheme at the level of the municipality.

- e) **IOM:** Collaborates with UHNCR to manage the main coordination bodies supporting refugees and returnees from Yemen and Kenya. Overall, IOM has strong links with the FGS, the Somaliland and the Puntland Governments, as well as with the Jubaland Administration, and plans to strengthen its work with the South West Administration.

IOM manages two **MRCs** in Bossasso and Hargeisa, notably with the project **Improving the Protection of Migrants** (October 2015-September 2016), funded by the US Population Refugees and Migration (PRM). The program aims at improving access to information, increasing protection services for migrants and potential migrants, and delivering assistance to voluntary return for stranded migrants.

IOM also manages the Dhobley border way station. In Dhobley, IOM implements the program **Management of Dhobley Way Station and Transit Assistance in Mogadishu to Support Voluntary Repatriation of Somali Refugees from Kenya** (January-December 2016, funded by a pool of donors¹²).

IOM conducts several capacity building programs with Government institutions:

- **Facilitating Sustainable Return through Laying Foundations for Somalia in the Horn of Africa (FLASH): as part of the RE-INTEG program (result 1)**, FLASH is a 24-month project which started in September 2016, funded by the EU Emergency Trust Fund (€ 5 million). The objective is to contribute to a sustainable and durable reintegration of refugees and IDPs in Somalia and to anchor populations within Somalia by increasing the capacity of the Government to provide immediate assistance to the returning population and deliver reintegration support. IOM aims to a) increase the capacity of the government to provide immediate assistance to the returning population and deliver reintegration support, b) improve data collection, monitoring of, and planning for population movements, and c) support the inter-ministerial working group on migration towards developing a Migration Governance Framework.
- **Improvement of Immigration Border Management (IBM) through Capacity Building for Migration Management** with the Puntland Government and the FGS (November 2015-March 2017, funded by the Foreign and Commonwealth Office), through which it provides necessary technical equipment at seven ports of entry and enhances the capacity of frontline immigration officers in IT and data capturing and entry. IOM also sensitizes senior immigration and Government officials on Migration Information and Data Analysis System (MIDAS) data analysis and reporting, and aims at fostering operational collaboration between the FGS and Puntland.
- **Support to Enhancing Institutional Capacity of Department of Immigration** (December 2013-2016, with funds from the Government of Norway). It contributes to enhancing the institutional capacity of the FGS Department of Immigration and Naturalization Directorate (under the Ministry of Internal Security), the Somaliland Immigration Department (under the Ministry of Interior and National Security) and the Puntland Refugee Affairs Department (under the Ministry of Interior, Local Government and Rural Development) as more effective institutions with capability to deliver and maintain the services in a more self-reliant manner.
- **Building the Capacity of the FGS Office of Diaspora Affairs to Strengthen Linkages with the Somali Diaspora and Support Development in Somalia** (December 2015-February 2017, IOM Development Fund).

¹² USA, Canada, ECHO, Germany, Japan, KSC and Department for International Development (DfID)

Finally, with the Somali Family Services (SFS), IOM promotes the security of migrants and mobile populations in Somalia by promoting a humanitarian border management through the secondment of diaspora experts for capacity building in Ministries at the federal level, the Jubaland Administration and the South West Administration (March 2016-2017, with funding from the Japan Permanent Mission to the UN).

International Labor Organization (ILO)

In the South-Central Bay region, and in collaboration with Community Road Empowerment (CORE), ILO implemented the program **Durable Solutions for Somali refugee returnees through Repatriation, Assistance and Promoting Sustainable Livelihood** (April 2015-July 2016, funded by the Government of Japan).

International and Development Law Organization (IDLO)

IDLO builds the capacity of the Somali private bar to represent their clients' interests and rights in the justice system, particularly vulnerable groups, through the program **Strengthening the Linkages between the Formal Justice System and the Traditional Dispute Resolution System to Improve Stability and Access to Justice in Somalia** (August 2014-July 2016, funds from the US Government).

The project aims at:

- Improving the knowledge and skills of 40 lawyers in the areas of human rights (particularly as they relate to women and juvenile justice), substantive laws, and procedural laws;
- Re-establishing the Somalia Bar Association (SBA) in Mogadishu, and establish a first-year strategic plan for its continued growth;
- Developing legal training manuals for Somali lawyers;
- Conducting training seminars on key and emergent issues of Somali law;
- Strengthening the legal community and develop protocols relating to an attorney's ethical and professional obligations;
- Assisting the SBA in drafting an Amended Advocates Act to present to Parliament;
- Finalizing rules of professional responsibility to be adopted and implemented by the SBA;
- Establishing a formal revised structure for the SBA to be approved and adopted by the SBA.

3.2.2 INTERGOVERNMENTAL BODIES

IGAD

IGAD has the mission of promoting regional cooperation and integration in the Horn of Africa. It is supporting the establishment of several coordination bodies in the migration sector. In July 2016, IGAD and the World Bank (WB) signed a \$5 million USD agreement to help mitigate the impact of forced displacement on communities hosting refugee populations in East Africa, and created a **Regional Secretariat for Forced Displacement** to support a holistic regional response, backed by data, and influence interventions in both refugee-hosting and refugee-producing countries. On November 10th 2016 will be launched in Kampala the **Sectoral Ministerial Committee on Migration** to achieve higher political engagement and ensure the decisions and recommendations that emanate both from the Regional Consultative Process meetings and from the Regional Migration Coordination Committee meetings are endorsed and being implemented.

In collaboration with IOM, IGAD currently conducts border management capacity building for all its member states. The objective is to provide a common understanding and framework to control borders; and the training workshops focus on how to manage borders following a regional approach. In Somalia, the Immigration Department (under the Ministry of Internal Security) and the Ministry of Labor will attend.

African Union (AU)

The AU Permanent Representative Committee (PRC) Sub-Committee on Refugees, Returnees and Internally Displaced Persons in Africa is a decision-making body and supports the work of the AU Commission in matters of forced displacement. The AU engages with its member state governments through defining migration strategy guidelines in two main policy documents: the African Common Position and the African Union Migration Policy Framework for Africa. These two documents set the tone for a unified continent in which migration and integration are linked positively to development, but, neither have a dedicated institutional mechanism for guiding or monitoring AU member states' compliance with their content.

EU

Activities coordinated under the EU Horn of Africa Regional Action Plan. The Action Plan, adopted in October 2015, outlines the EU's approach to address key issues throughout the region. It calls for the EU to focus on regional security and stability, migration and forced displacement, counter-radicalization and violent extremism, youth and employment, and human rights, rule of law and democratic governance. It says eradication of poverty is a precondition to addressing these challenges effectively and that will remain the central objective of the EU's development co-operation.

The EU Emergency Trust Fund (EU Trust Fund) was established at the Migration Summit in Valletta (Malta) in November 2015. With a total budget of €370 million, the 20 funded projects (six regional, three in Ethiopia, two in Kenya, two in Somalia, one in South Sudan, four in Sudan and two in Uganda) address the root causes of instability, irregular migration and forced displacement, and have a specific focus on refugees and migratory movements. Apart from RE-INTEG, the project Promoting a Culture of Tolerance and Dialogue in Somalia will be implemented.

German Corporation for International Cooperation (GIZ)

GIZ implements the regional EU-Trust Fund **Better Managing Migration (BMM)** for €40 million. BMM aims at improving migration management in the Horn of Africa and curb smuggling in persons and human trafficking. A key focus of the project is to strengthen migrants' rights and protection from violence, abuse and exploitation. From January 2015 to December 2017, GIZ also implements a German Federal Government-funded program aiming at improving the livelihood opportunities of returning refugees, IDPs and host communities through a community-oriented approach to reintegration in Somalia.

Kenyan Secretariat for Refugee Affairs (SRA)

The SRA replaced the Kenyan Department of Refugee Affairs (DRA), disbanded in May 2016. It oversees the registration and refugee status determination.

3.2.3 INTERNATIONAL AND GOVERNMENTAL BODIES

Yemen situation response:

- The UNHCR and IOM-led **Inter Agency Task Force on the Yemen Situation**, set up in April 2015, is the main body coordinating the response to the needs of people fleeing the Yemen crisis. In addition, **field-level Yemen Task Forces** were formed and co-led by UNHCR and IOM, with participation by Government authorities in Somaliland (Berbera), Puntland (Bossasso) and South Central (Mogadishu - joint national Yemen Task Force), partners and local business community, to ensure effective response and coordination.

The field-level Task Forces were formed based on the pre-existing structures of the Mixed Migration Task Force (MMTF) to coordinate the responses in Berbera and Bossasso specifically for the Yemen situation. While meetings have been less frequent compared to during the peak of the Yemen crisis, the Inter-Agency Task Force on the Yemen Situation is having a meeting in November 2016.

- The Response Plan January-December 2016 aims at assisting new arrivals from the ports of entry to their areas of return/choice (for returnees) or refuge (for refugees), under the 2016 Somalia Humanitarian Response Plan refugee chapter, together with UNHCR's existing refugee program.
- For refugees (Yemenis or others): Upon arrival in areas of refuge, they fall under the UNHCR-led refugee/asylum seeker program, in line with the Refugee Coordination Model.
- For Somali returnees: Upon arrival in areas of return (areas of origin or choice) and inclusion into the local communities, the UNHCR and IOM-led **Inter Agency Task Force on the Yemen Situation** coordinates the humanitarian assistance in areas of return.

Returns from Dadaab:

- **Tripartite Commission for the Voluntary Repatriation of Somali Refugees from Kenya to Somalia:** established in April 2015 as the main operational and implementing arm of the 2013 Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya, it brings together the FGS, the Kenyan Government and UNHCR. Regional Governments are included, although their representation varies between the meetings.

3.2.4 NON-GOVERNMENTAL BODIES

Somalia Mixed Migration Task Force (MMTF)

In early 2007, under the auspices of the Inter Agency Standing Committee's (IASC) Protection Cluster, a MMTF was established with UNHCR and IOM acting as co-chairs. The Somalia MMTF membership includes the Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Development Programme (UNDP), UNICEF, the World Food Program (WFP), DRC and NRC.

The purpose of the MMTF is to provide a more focused, rights-based strategy for response to protection and humanitarian needs of migrants and asylum seekers transiting through Somalia. All activities and outputs resulting from the work of the MMTF are overseen directly by the **IASC** with regular consultations with the **Somalia UN Country Team** (UNCT).

Puntland MMTF

Co-chaired by IOM and UNHCR, The Puntland MMTF includes the Puntland Ministry of Interior, Local Government and Development and involves DRC, OCHA and the Migrant Reponse Centre. At the time of the research, the Puntland MMTF was meeting regularly.

Somalia Return Consortium (SRC)

Formed in 2012 and led by UNHCR, with Mercy Corps, DRC and INTERSOS as the members, this consortium offers coordinated, standardized and comprehensive assistance to IDPs wishing to return to their areas of origin. The aim is to ensure that IDP returns are voluntary and based on informed decisions, and that returning IDPs are guided and supported throughout the whole process.

Two advisory groups were created in 2013 within the SRC: the **Technical Working Group**, led by UNHCR and in charge of reporting and guiding the daily work of the SRC, and the **Steering Committee Group**, gathering the most senior staff of all member agencies to draw the strategy of the SRC. The SRC has not organized any meetings recently and currently has a minor role as a coordination body.

Building Resilient Communities in Somalia (BRCiS)

NRC-led humanitarian consortium supporting Somali communities in developing their capacity to resist and absorb minor shocks without undermining their ability to move out of poverty. Created in 2013, the consortium is composed of five international NGOs: Cooperazione e Sviluppo (CESVI), Concern Worldwide (CWW), the International Rescue Committee (IRC), NRC and SCI.

Regional Durable Solutions Secretariat (ReDSS)

Launched in 2014, the ReDSS network is managed through an Advisory Group comprising of 11 NGOs: IRC and DRC forming the steering committee, NRC, World Vision, CARE International, SCI, OXFAM, ACTED, INTERSOS, Mercy Corps and Refugee Consortium of Kenya. ReDSS acts like a platform for coordination and dialogue, advocating and guiding NGOs in following a durable solutions approach in their respective programming.

Solutions Alliance Somalia (SAS)

Launched in April 2014, SAS is a coalition of humanitarian actors, development organizations, affected states, donor nations, academics, the private sector, civil society and other actors working together to promote and enable the transition for displaced person away from dependency toward increased resilience, self-reliance, and development.

The SAS aims to: a) support innovative solutions and concrete operations in selected displacement situations; b) help shape the global policy agenda, including the post-2015 development agenda and the New Deal process, to recognize displacement as a development challenge as well as a humanitarian and protection issue; and c) ensure that a diverse and growing group of partners form a vibrant network and maximize the impact of their individual efforts. Members include the World Bank, UNHCR, Danida and RedSS.

Somalia NGO Consortium

Established in 1999, this network of NGOs aims at improving international aid coordination and raise the presence and profile of NGO representation within the aid coordination structure for Somalia. The NGO Consortium has offices in Hargeisa, Garowe, Mogadishu and Nairobi.

Protection Cluster

Among the Humanitarian Clusters, the Protection cluster is very active in the field of mixed migration. Led by UNHCR and composed of 4 sub-clusters, each having different focal point agencies: Child Protection (UNICEF); Gender-Based Violence (United Nations Population Fund/ UNICEF); Land, Housing and Property (NRC/ International Committee of the Red Cross) and Mine Action (United Nations Mine Action Service). The Protection cluster leads the **durable solutions initiative** which aims at ensuring that the different policies and frameworks designed by the Governments are embedded in a durable solutions approach that includes a progressive Government take-over.

Humanitarian Clusters

Thematic coordination bodies composed of INGOs active in each sector and designated by the Inter-Agency Standing Committee (IASC). The clusters are not executive but advisory bodies; they support centralization and communication. The different clusters are: Education, Enabling Programs, Food Security, Health, Logistics, Non-Food Items (NFIs), Nutrition, Shelter, WASH. Coordination between the different clusters is ensured through the OCHA-led **Inter-Cluster Coordination Team**, which gathers all the clusters coordinators.

Humanitarian Country Team

Coordination body gathering NGO country representatives, UN/International Organization Heads of Agency or Country representatives and Heads of cluster Lead Agency. The Humanitarian Country Team is coordinated by the Resident Coordinator (RC), the Humanitarian Coordinator (HC) and OCHA.

3.2.5 INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS (INGOs)

UN agencies are working in partnership with several INGOs including:

NRC

Implements programs to support IDPs, host communities, refugees and returnees throughout the whole country, built around its five core competencies: education, food security and livelihood, WASH, shelter and **Information Counselling and Legal Assistance (ICLA)**. This last strand includes a **Housing, Land and Property (HLP)** component, aiming at informing people about their rights and providing them with the right documents to avoid evictions from their lands.

In terms of data collection and monitoring of migration flows, NRC implements the UNHCR-funded **Protection and Return Monitoring Network (PRMN)**, a trend analysis project that aims at monitoring movements of IDPs into and within Somalia. This is done by NRC and 37 local partners in South Central regions, Puntland and Somaliland, who collect data through interviews with refugees, returnees, IDPs and host communities, conducted at strategic locations along travel routes. Reports are verified and published by UNHCR to broaden insight into movement trends for analytical and programmatic purposes. As part of the BRCIS, NRC aims at supporting durable resilience:

- **Return, Reintegration and Resilience (RRR)** program for returnees from Dadaab (January-June 2016)¹³ follows a long-term reintegration approach, with vocational trainings and ICLA in Dadaab, and start-up grants in Somalia;
- NRC also supports local integrated IDPs or vulnerable host communities in Garowe and Galkacyo by providing them permanent shelters, with the support Puntland local authorities giving NRC lands;
- NRC provides basic education services to refugees (having access to public or Government schools) in Somaliland (January-December 2016)¹⁴.

DRC

Very active in mixed migration in Somalia, DRC implements project supporting the protection, resilience, and (re)integration of returnees, refugees and IDPS. DRC also manages the Luuq home way station.

DRC implements the **Integrated Emergency Response** (December 2015-November 2016, funded by Switzerland), which objective is to ensure that IDPs and host communities access their rights, including to physical security and justice. The program builds awareness of women, girls, boys and men on their rights, and increases the capacity of duty-bearers responsible for upholding these rights. DRC also implements several programs aiming at favoring the (re)integration of migrants:

- Supporting the resilience of IDPs living in permanent settlements in Hargeisa and of refugees in Puntland by facilitating the access to self-employment and business through cash grants and community mobilization (from March 2016 to 2017 in Hargeisa and from January to December 2016 in Puntland)¹⁵;
- **Provision of Basic Services (health) to Yemen Refugees, Access to Self-Employment/Business Facilitated and Reception Centre Management** (January-December 2016);
- **Reintegration Assistance for refugee returnees in Baidoa** program (January-December 2016);

¹³ With funding from USA, Canada, ECHO, Germany, Japan, KSC and DfID

¹⁴ Idem

¹⁵ Idem

- **Strengthening sustainable reintegration and peaceful coexistence mechanisms for Somali returnees and home communities** in Beletweyne (August-December 2016);
- **Enhanced self-reliance, livelihoods, and coexistence for IDPs in Galkacyo** (September-December 2016);
- **Transit and Reintegration Assistance to Somali Refugee Returns in Luuq** (January-December 2016)¹⁶.

IRC

Supports refugees and returnees in Mogadishu through the program **Provision of Essential Healthcare Services and Subsistence Allowance to Refugees and Returnees in Mogadishu**, from April to December 2016 and with funds from King Salman Humanitarian Aid and Relief Center (KSC), Japan and European Commission's Humanitarian Aid and Civil Protection department (ECHO).

INTERSOS

Manages the Baidoa home way station. In 2016, INTERSOS also supports the voluntary and informed return and reintegration of Somali Refugees from Kenya, Yemen, Ethiopia and Eritrea to Baidoa, Jowhar and Mogadishu districts, in South Central.

CWW

Focus on supporting IDPs and the extreme vulnerable, through programs following three transversal strands: education, nutrition and resilience (as a member of BRCiS). Concern implements programs throughout the whole Somalia, and has an office in Mogadishu.

Mercy Corps

Supporting IDPs and returnees in transversal sectors: livelihood, education, WASH and shelter. As part of the ReDSS, Mercy Corps tries to build resilience and contribute to durable solutions in the whole Somalia. Mercy Corps also manages the Kismayo home way station under the UNHCR-led return and reintegration plan for returnees from Dadaab. In complement of the UNHCR return package, Mercy Corps gives 20 USD per family to buy school material and uniform and pays school fees for the months of October, November and December 2016. Mercy Corps is also active in Afgooye and Wanla Wyne to support voluntary returns and repatriation for Somali refugees from Kenya, Ethiopia and Yemen.

International Committee of the Red Cross (ICRC)

Through their key program **Implementation and Promotion of the Law (IPL)**, ICRC aims at assessing the teaching capacity of International Humanitarian Law (IHL) in Somalia, while strengthening this in Somalia universities. At the time of the research, ICRC was implementing two pilot projects in Garowe and Mogadishu universities. Through its "people on the move" strand, IPL also aims at translating the Kampala Conventions in Somali and advocating the texts to the Member of Parliaments.

SCI

Active in the Shabelle IDP camp in Mogadishu, through the program **Integrated Humanitarian Assistance for Vulnerable Groups in the Shabelle Camp for Internally Displaced People** (March 2016-August 2017, funded by the German Federal Government), which aims at reducing the vulnerability of IDPs, especially women and children.

Africa Action Help International (AAHI)

Implements the program **Promoting livelihoods and Self-resilience for Refugees in Somaliland and Peaceful Co-existence Centre Management** (January-December 2016)¹⁷. The objectives are to promote and facilitate the

¹⁶ idem

¹⁷ With funding from USA, Canada, ECHO, Germany, Japan, KSC and DfID

access to self-employment and business opportunities through grants while promoting peace and co-existence within local communities. AAHI also works in the education sector through supporting urban refugees from Yemen access basic primary education through cash based interventions (January-December 2016)¹⁸.

3.2.6 LOCAL NON-GOVERNMENTAL ORGANIZATIONS (LNGOs)

Several LNGOs are actively involved in mixed migration projects:

Puntland Non-State Actors Association (PUNSAA, Garowe)

PUNSAA organizes non-state actors' cooperation. The main activity is advocacy and lobbying to both Government institutions and local community, including business actors, for the needs of the disadvantaged groups, including migrants.

Capacity is assessed as high: PUNSAA staff includes 73 people, with headquarters in Garowe. The ICT infrastructure is assessed as adequate and the staff received trainings from SaferWorld.

Comprehensive Community Based Rehabilitation in Somaliland (CCBRS, Hargeisa)

CCBRS provides assistance (health, food, shelter) to migrants in emergency situations. CCBRS is attached to UNICEF for responding to Gender Based Violence (GBV) and to UNHCR for the refugee support. In collaboration with UNHCR¹⁹, CCBRS provides basic facilities (health facilities, primary schools, market places, police posts and solar energy) in permanent IDP settlements in Hargeisa. In addition, CCBRS conducts SGBV prevention, response, counselling and assistance to refugees and IDPs in Hargeisa and at the Reception Centers, with UNHCR support (January-December 2016)²⁰.

Capacity is assessed as high: CCBRS staff has received capacity building from UNICEF, and report having adequate and sufficient ICT infrastructure.

Kanava Youth Development Organization (KYDO, Baidoa)

KYDO collaborates with INGOs and UN agencies on youth-related projects, for example with OXFAM/UNICEF on child protection monitoring project. KYDO focuses on out-of-school vulnerable children, but doesn't implement specific programs linked with mixed migration.

Capacity is assessed as average. KYDO only works in Baidoa and reports to have adequate equipment and ICT infrastructure.

Talo Rehabilitation and Development Organization (TARDO, Cadaado)

TARDO is engaged in creating opportunities for refugees and returnees and IDPs (such as cash for work or food for work projects), especially for pastoralists arriving in Cadaado because of droughts. TARDO also conducts awareness campaigns targeting host communities to promote integration of returnees, refugees or IDPs.

Capacity is assessed as high: TARDO has offices in Nairobi, Mogadishu, Dhusamareeb and Cadaado, staffs received in-door training on conducting awareness campaigns and implement programs supporting returnees, refugees and IDPs, and ICT infrastructure is assessed as adequate.

¹⁸ Idem

¹⁹ With funding from USA, Canada, ECHO, Germany, Japan, KSC and DfID

²⁰ Idem

Sedhuro (Kismayo)

Sedhuro works with NRC to collect data about displacements for the Protection Return Monitoring Network (PRMN). In this context, Sedhuro collects data in Dhobley border way station and in Kismayo home way station. There are six staff involved in this data collection. Sedhuro also participates in the Identification, Documentation, Tracking and Reunification (IDTR) program that aims at reuniting child or women separated from their families, with the support of UNICEF. Finally, Sedhuro records the violations against returnees, IDPs and the host communities, and monthly shares the data with NRC.

Capacity is assessed as very high, the staff received NRC trainings in human trafficking, GBV and PRMN. The ICT equipment is described as sufficient and adequate, and Sedhuro has offices in Kismayo, Dhobley, Luuq, Bulahawa and Garbaharey districts of Jubaland.

Iftiin Education and Development Association (Cadaado)

Iftiin Education and Development supports access to education for IDPs, refugees or returnees that cannot afford school fees, and implements education awareness campaigns in Galmudug State.

Somalia South-Central Non-State Actors (SOSCENSA, Mogadishu)

SOSCENSA implements awareness campaigns targeting host communities on the risk of illegal migration and targeting IDP camps about GBV.

Capacity with regards to mixed migration is assessed as low; the staff has not received any training and is currently not implementing any program targeting mixed migration. Although ICT is reported to be adequate, SOSCENSA only has an office in Mogadishu.

Association of Somali Women Lawyers (ASWL, Mogadishu)

Mogadishu-based legal NGO implementing legal counselling for returnees. The legal counselling consists of a one-day group workshop, in which the returnees are informed on the Somali legal system, housing, land, and property rights, and documentation, as well as an individual counselling session, in which specific legal issues relevant to the returnees' situations are tackled.

Somaliland Women Lawyers Association (SWLA, Hargeisa)

Established in December 2007 with support from UNDP. SWLA provides legal aid for vulnerable people and training for peer educators, who in turn conduct campaigns to raise awareness of human rights in IDP Camps in Awdal, Togdheer and Maroodi Jeex regions.

Coalition for Grassroots Women Organizations (COGWO, Mogadishu)

In the Banadir region, COGWO implements a UNDP-funded Legal Aid for Vulnerable People project to provide legal aid free of charge for economically deprived, vulnerable groups, including internally displaced persons (IDPs).

Legal Clinic of Hargeisa University (Hargeisa)

With the support of UNHCR, it provides legal assistance and court presentation to refugees and asylum seekers, with the aim of facilitating the access to legal assistance and legal remedies (January-December 2016²¹).

Galkacyo Medical Foundation (GMF, Galkacyo)

The GMF provides education, health and GBV services for refugees in Galkacyo (January-December 2016, funds from Germany, Japan, UK and USA), with the support of UNHCR.

²¹ With funding from USA, Canada, ECHO, Germany, Japan, KSC and DfID

Somaliland Skills Training Association (SOFTA, Hargeisa)

With technical support from IOM and financial support from Oxfam, SOFTA starts implementing the **Work In Progress! Youth Empowerment, Skills and Knowledge Development in Somaliland** program in January 2016 (until December 2018). The project aims at supporting young people in sustainable income generation to reduce (irregular) migration and the risks of radicalization and conflicts. This is done mainly by creating new jobs through helping existing enterprises grow and supporting entrepreneurship.

KAALO Aid and Development (Garowe)

KAALO focuses on relief, rehabilitation, development and peacebuilding programs. The NGO provides SGBV prevention, response and assistance to IDPs in Bossasso, Qardho and Garowe IDP settlements. KAALO Aid and Development is also in charge of providing legal assistance and protection services to refugees and asylum seekers in Bossasso, Galkacyo, Gardo and Garowe. Both projects are implemented from January to December 2016, with UNHCR support²².

²² With funding from USA, Canada, ECHO, Germany, Japan, KSC and DfID

Figure 4: Mapping of International Actors and Local Non-Governmental Organizations

	Design of legal and regulatory frameworks	Enacting and enforcement of legal and regulatory frameworks	Promotion of national and international law	Assistance programs to IDPs, returnees, refugees, asylum seekers	Data collection, monitoring of flows	Cross-border management	Counter-trafficking and smuggling
International Organizations	UNODC IOM OCHA IDLO	UNODC	IDLO	UNHCR, UN-Habitat, IOM, ILO	UNHCR, IOM		UNODC, IOM
Government Bodies		EU		EU, GIZ		IGAD, AU	GIZ
International and Government Bodies						Inter-Agency Task Force on the Yemen Situation, Field-level Yemen Task Forces, Tripartite Commission	
Non-Government Bodies	SAS			Somalia MMTF, SRC, ReDSS, BRCIS, SAS, Somalia NGO Consortium, Humanitarian Clusters, Humanitarian Country Team			
International and Local NGOs			NRC, DRC, ICRC ----- ASWL, SWLA, COGWO, Legal Clinic of Hargeisa University; KAALO	NRC, DRC, IRC, INTERSOS, CWW, Mercy Corps, SVI, AAHI ----- PUNSAA, CCBRS, TARDO, Itfin Education and Development, SOSSENSA, Galkayo Medical Foundation, KAALO	NRC ---- Sedhuro		

Key Findings – International Actors and Local Non-Governmental Organizations

▪ **Relations Between Main Actors Involved in Mixed Migration and Coordination with Government Institutions**

The humanitarian clusters are the key coordination bodies for the implementation of humanitarian aid linked with mixed migration. Clusters regularly meet to promote information sharing, enhance synergies and avoid redundancies between the programs their members implement. Yet, this system is hampered by two main factors: the competition embedded in the aid funding system, and limited coordination at donor-level, which sometimes creates redundancies across implementers' interventions.

Beyond the humanitarian clusters, other migration consortiums bringing INGOs together exist, such as the SAS, the ReDSS, the BRCiS, and the Somalia NGO Consortium. These are also organized thematically but service as guiding and dialogue platforms.

Among international organizations, UNHCR and IOM lead and coordinate all actors and activities linked to refugees and returnees from Kenya and Yemen. IOM and UNHCR-led task forces on Yemen coordinate actors and interventions, while the Tripartite Commission handles the returns from Dadaab.

UNHCR and IOM also lead most of the coordination with government institutions, and INGOs usually partner with these UN agencies. Most of the collaboration happens with the FGS and the Governments of Puntland and Somaliland, rather than with regional Governments.

According to key stakeholders, communication between international organizations and INGOs is limited, and INGOs are left behind at the strategic and political levels. Improved coordination and information sharing between UNHCR and the humanitarian clusters is crucial to ensure the quality of needs analysis and identification, and hence response planning.

LNGOs do not directly work with governments but with international organizations or INGOs. Most of their activities focus on supporting refugees, IDPs and returnees, but some LNGOs are also involved in raising awareness on the international and national legal frameworks, or in providing legal assistance to migrants.

▪ **Cross-Border Cooperation**

Cross-border cooperation is low and only happens at the political level. Yet, significant progress has been made under the auspices of IGAD, particularly through the Regional Consultative Process on migration and the Regional Migration Coordination Committee. Cross-border cooperation between Somalia and Kenya is regulated by the Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya. Collaboration between Somaliland and Ethiopia is very limited but the two countries officially recognize the need for bilateral agreements on migration issues. Somalia and Somaliland officially do not cooperate, but the drafting of the Somalia National Development Plan brought together the two Governments. Puntland Government relations with the FGS are limited, and the Galkacyo conflict undermines collaboration with Galmudug FMS.

▪ **Redundancies Among International Actors and Interventions**

Narrow coordination between key international actors leads to some overlaps in the interventions. As such, IOM is involved in the fight against smuggling and trafficking through technical support to draft a new Smuggling and Trafficking Act in Puntland. UNODC leads a similar process in South-Central and Somaliland. Joint efforts between the two actors would be an opportunity to harmonize the legal frameworks, but no partnership currently exists.

Strong collaboration between EU-funded programs Better Migration Management and RE-INTEG will be key to avoid duplicating efforts and maximize synergies. On capacity building, IOM should be a key partner to

capitalise on its experience in training government officials, and RE-INTEG should encourage the exchange of lessons learnt and best practices.

- **Main Areas not Covered by International Actors and Interventions**

The overall gap in funding (only 41.5% of the 2016 Somalia HRP required amount has been funded at the time of the research) limits the assistance provided to refugees, returnees and IDPs.

IDPs suffer from a significant gap between their immediate needs and the interventions, partially due to the recent focus on returnees and refugees. IDPs are targeted by forced evictions and lack of basic services such as education and health. They also suffer from violations of their human rights and SGBV in settlement camps. In the long-term, the stakeholders interviewed noted the absence of (re)integration and livelihood programs for IDPs, who often cannot return to their regions of origin.

There is also a lack of resilience programs targeting vulnerable communities, making these groups even more likely to migrate, especially pastoralist groups in the context of the severe 2016-droughts. This trend could reinforce the volume of internal displacements and increase the needs to support IDPs.

While returnees and refugees' immediate needs are covered under several programs, there is a gap in the provision of longer-term solutions. Considering the diversity of returning migrants' profiles, reintegration interventions could be more tailored to the specific needs of beneficiaries. For example, returnees from Dadaab and Yemen might not have the same necessities and opportunities to reintegrate. While specific solutions may be required, programs should not create (feelings of) inequalities in treatment.

Some gaps also exist in interventions targeting government institutions.

Developing the legislative framework to better manage mixed migration is key to better protect migrants and enhance the government leadership in the formulation and implementation of a clear migration policy. This is done by UNODC and IOM for smuggling and trafficking. Yet, no other actors are involved in developing the legal framework, and no international actor has taken the lead on such interventions, creating an opportunity for RE-INTEG.

In parallel with the development of the legal frameworks, there is a need to improve awareness on laws and policies. Knowledge and understanding of the international and national laws linked with mixed migration is scant within government institutions responsible for law enforcement and/or the respect of human rights. Yet, interventions targeting the promotion/enforcement of the international and national legal frameworks are scarce, and the few existing programs do not focus on government officials. As such, NRC targets communities in need by informing them about their rights (ICLA program), the IDLO builds the capacity of the Somali private bar and ICRC conducts advocacy of the Kampala Convention to Members of Parliament. No actor or consortium has the lead on legal interventions, resulting in limited coordination among these programs.

4. ACTION PLANS, STRATEGIES AND POLICY FRAMEWORKS ON MIGRATION

Most international and regional consultations happen at the regional level, and aim at promoting communication and information sharing on migration issues. IGAD is the most important actor within this regional dialogue agenda. Through the Regional Consultative Process and the Regional Migration Coordination Committee, IGAD advocates for coordination and collaboration. Although these meetings remain highly political and do not always translate at the operational level, they represent a significant progress in the relations in the region.

International and regional frameworks are not legally binding but encourage for more tangible decisions and encourage countries to use the action plans as guiding policies for their national migration strategies. The goal is to work towards consistent national frameworks in the region. This is the case of the IGAD Regional Migration Policy framework and its Migration Action Plan. The Khartoum process and the EU-Africa Migration and Mobility Dialogue include European stakeholders, but pursue the same objectives: strengthen cooperation across members and steer national migration policies.

At the national level, the Somalia National Development Plan (NDP) for 2017-2019 is a key strategic document that in its drafting brought together the Federal, the Somaliland and the Puntland Governments. At the Federal level, the National Strategy for Refugees and Asylum Seekers gives a series of priority actions to better manage migration flows, but fails to link identified institutions and tasks. The drafting of new migration policies (such as the IDP Policy at the Federal, the Puntland and the Somaliland Governments) extend and improve the national regulatory frameworks. Yet, these policies are not legally binding and often fail to clearly allocate responsibilities to existing institutions, making their implementation difficult.

4.1. INTERNATIONAL AND REGIONAL DIALOGUES

Regional Committee on Mixed Migration for the Horn of Africa (HoA) and Yemen

Created by the Governments of Djibouti, Ethiopia, Somalia (Puntland and Somaliland) and Yemen at the conclusion of a Regional Consultation on mixed migration held in Djibouti on December 2010. The overall objective of this committee is to enhance collaboration to address and manage mixed migration flows in the region, in particular to propose and endorse recommendations that will serve as a roadmap for influencing policies affecting migrants, refugees, and asylum seekers in the region. The Regional Committee on Mixed Migration for the HoA and Yemen held regular annual meetings since 2010, the last one being in September 2016.

IGAD Regional Consultative Process (RCP) on Migration

Somalia is a member of the IGAD Regional Consultative Process, an informal, non-binding mechanism with an overall objective of facilitating dialogue and regional cooperation on migration management. Established in 2009, the RCP brings together IGAD member states, relevant transit and destination countries, international organizations and other stakeholders to exchange information on migration issues of common interest. National level dialogues on migration that feed into the RCP are being launched through the **National Consultative Mechanism (NCMs)** on migration, that bring together all agencies with migration related functions to a common platform, to understand the inter-linkages between their mandates. Somalia launched its NCM in April 2016, which

recommended in priority the establishment of a policy and technical coordination mechanism, leading to the creation of the three new High Level and technical Task Forces.

IGAD Regional Migration Coordination Committee (RMCC)

Technical platform tasked to be a forum for exchange of information and decision making on migration related issues in the IGAD region to further facilitate and enhance the dialogue initiated through the RCP. Members are the Heads of Immigration and Heads of Labor of all Members States, and meet once per year to exchange challenges and successes, and promote information-sharing on migration.

Khartoum Process

Somalia is covered by the **EU-Horn of Africa Migration Route Initiative**, known as the 'Khartoum Process', launched in November 2014 in Rome, and aiming at establishing a continuous dialogue for more partnership on migration and mobility, while identifying and implementing concrete projects to address trafficking in human beings and the smuggling of migrants between the Horn of Africa and Europe. The participating states work to: a) create a framework for policy and dialogue; b) share knowledge and experiences to strengthen cooperation with the support of international organizations like IOM, UNHCR, and UNODC; and c) seek funding opportunities and facilitate resource mobilization to support concrete projects. The Khartoum Process is led by a Steering Committee comprised of five EU member states (Italy, France, Germany, UK, Malta), five partner countries (Egypt, Eritrea, Ethiopia, South Sudan, Sudan) as well as the European Commission, the European External Action Service and the AU Commission on the African side.

The African Union Horn of Africa Initiative (AU-HOAI) against Human Trafficking and Smuggling of Migrants

African Union-led initiative, formally launched through the signing of the Khartoum Declaration on October 2014, which brings together more than 15 states to provide a forum for debate and information sharing, including dialogue on good practices to address human trafficking and smuggling of migrants. Somalia included as part of 'neighboring countries' of the core members (Ethiopia, Eritrea, Sudan and Egypt). The African Union endorsed the AU-HOAI on human trafficking and smuggling of migrants by in June 2015.

Global Initiative on Somali Refugees (GISR)

Strategic initiative launched in 2013 and managed by UNHCR in close partnership with representatives in Djibouti, Ethiopia, Kenya, Uganda, Yemen and Somalia. It seeks way to create dialogue across regional host countries to address the most pivotal problems and imperatives of the Somali refugee situation, with an emphasis on finding viable and sustainable solutions. The Initiative is interested in the situation of Somali refugees globally but considers particularly Somali refugees in nearby States (Djibouti, Ethiopia, Kenya, Uganda and Yemen) as well as the situation in Somalia. During a meeting convened by the GISR in August 2014, it was agreed to consider a move from the traditional care and maintenance approach to one that emphasized refugee self-reliance, and to preserve asylum space as long as conditions in Somalia were not conducive to large-scale return.

EU-Africa Migration and Mobility Dialogue

Dialogue forum between the EU and Africa at the continental level, launched during the second Africa-EU Summit of Heads of State and Government in December 2007 in Lisbon. The EU-Africa Summit in April 2014 reiterated the parties shared commitment to, amongst others, fight irregular migration and to address all its relevant aspects, including prevention, strengthened migration and border management, smuggling of migrants, return and readmission, as well as addressing the root causes of irregular migration and increase cooperation to address trafficking of human beings, and offering international protection.

4.2. INTERNATIONAL AND REGIONAL FRAMEWORKS AND ACTION PLANS

African Common Position on Migration and Development (African Common Position) and African Union Migration Policy Framework for Africa

The AU's overarching approach to migration is articulated in two policy documents: the African Common Position on Migration and Development (African Common Position) and the Migration Policy Framework for Africa, both adopted by the Executive Council of the AU in 2006. The Migration Policy Framework identifies nine key thematic migration issues and makes policy recommendations for consideration by AU Member States and Regional Economic Communities (RECs). The migration policy framework provides a comprehensive and integrated policy guideline on the following thematic issues with sub-themes: a) labor migration, b) border management, c) irregular migration, d) forced displacement, e) human rights of migrants, f) internal migration, g) migration data, h) migration and development, and i) inter-state cooperation and partnerships. It also highlights other social ramifications of migration including migration and health, environment, gender, conflict etc. Both documents locate humanitarian principles of migration in international human rights law.

Valetta Action Plan

The Valetta summit (November 2015) on migration brought together European and African Heads of and Government in an effort to strengthen cooperation and address the current challenges but also the opportunities of migration. Leaders participating in the summit adopted a political declaration and an action plan designed to:

- Address the root causes of irregular migration and forced displacement
- Enhance cooperation on legal migration and mobility
- Reinforce the protection of migrants and asylum seekers
- Prevent and fight irregular migration, migrant smuggling and trafficking in human beings
- Work more closely to improve cooperation on return, readmission and reintegration.

IGAD Regional Migration Policy Framework

Developed by the IGAD Secretariat as a guiding framework of migration policies aiming at inspiring its member states to develop and operationalize their national migration frameworks. It provides a template for the development of harmonized or complementary policies, laws and practices within the region. The framework is not legally binding, but member states are encouraged to use it as a framework to create their own national policies. The framework is in direct response to the AU Executive Council Decision (Banjul, 2006) which urges member states and the RECs to use the AU Migration Policy Framework for Africa as a reference document for developing regional and national migration policies. This was pursued and produced with support from IOM, making IGAD the first AU REC to replicate the continental guideline of the Migration Policy Framework for Africa at the regional level.

IGAD Migration Action Plan (2015-2020)

Developed to operationalize the IGAD Regional Migration Policy Framework, it outlines strategic priorities to improve migration governance in the region and subsequently regional integration and development, along with action areas and lists activities to be undertaken by IGAD member states.

Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children

In January 2007, the African Union adopted the Executive Council decision endorsing the Ouagadougou Action Plan (OAP) to Combat Trafficking in Human Beings, Especially Women and Children, adopted by the Ministerial Conference on Migration and Development. The Action Plan aims at developing co-operation, best practices and mechanisms to prevent and combat trafficking in human beings between the European Union and the African Union. It takes a holistic human rights approach and includes measures also to protect the victims and prosecute the traffickers. Somalia is party to the Action Plan as one of the AU member states.

Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya

Signed between the Government of Kenya, the FGS and UNHCR on the voluntary return of refugees from Kenya to Somalia in November 2013. The Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya sets out the legal framework for returns to Somalia. It specifies that all returns should be voluntary and take place in safety and dignity. While the current deadline for the agreement is November 2016, an extension was discussed at the time of the research.

Addis Ababa commitment towards Somali Refugees

Adopted by six regional Governments in August 2014, it focuses on aspects of the refugee crisis. The commitment seeks to preserve asylum space while conditions in Somalia prevent large-scale return, as well as support voluntary spontaneous return to safe areas and improve refugee self-reliance whilst in exile.

Ministerial Pledging Conference on Somali Refugees

The UNHCR and the EU, in partnership with the Republic of Kenya and the Federal Republic of Somalia, hosted a Ministerial Pledging Conference on Somali Refugees in Brussels on 21 October 2015. The conference was attended by over 50 states and organizations. An Action Plan ("Integrated Action Plan for Sustainable Return and Reintegration of Somali Refugees from Kenya to Somalia") was presented at the conference, having been prepared within the framework of the Tripartite Agreement on the Voluntary Return of Refugees from Kenya by the Governments of Kenya and Somalia, and UNHCR.

Yemen Situation Regional Refugee and Migrant Response Plan (2016)

Created to address the needs of persons fleeing Yemen in receiving countries, the plan brings together the respective country plans of Djibouti, Ethiopia, Somalia and Sudan in a Regional Refugee and Migrant Response Plan (RRMRP) for 2016 co-led by UNHCR and IOM. The RRMRP covers the requirements to provide protection and assistance to those fleeing Yemen into Djibouti, Ethiopia, Somalia and Sudan for 2016.

EU-Africa Action Plan on Migration and Mobility 2014-2017

During The EU-Africa Summit in 2014, an action plan 2014-2017 was adopted, focusing on the following priorities: a) trafficking in human beings, b) remittances, c) diaspora, d) mobility and labor migration (including intra-African mobility), e) international protection (including IDPs) and f) irregular migration

4.3. NATIONAL FRAMEWORKS AND ACTION PLANS

National Strategy for Migrants, Asylum Seekers and Refugees – post-Valetta Summit Action Plan, Office of the Special Envoy for Children's and Migrants' Rights

The post-Valetta Summit Action Plan directly follows the Somalia Delegation's participation in the Pre-Valetta Summit preparation meetings where African and European countries came together to develop a joint action plan on migration. It identifies a series of priority actions to be implemented by the Federal Government to support migrants and refugees in Somalia and manage migration in a coordinated effort. The post-Valetta Summit Action Plan is the product of a series of consultations within the Federal Government and between the Government and other stakeholders, including the Somali civil society. The Office of the Special Envoy for Children's and Migrants' Rights is responsible for drafting this policy, approved by the Prime Minister Office, and coordinating its implementation. The Action Plan addresses the Somalia migration crisis through the five distinct approaches elaborated in the Valletta Action Plan:

- Development benefits of migration and addressing root causes of irregular migration and forced displacement
 - Investment in development and poverty reduction
 - Harness benefits of migration
 - Addressing instability and crises

- Facilitation of legal migration and mobility
 - Promoting legal channels for migration
 - Promoting mobility of students, researchers and entrepreneurs
 - Develop strategies on migration and mobility
 - Negotiations on visa facilitation
- International Protection and Asylum
 - Protection of displaced persons and returnees
 - Humanitarian response
- Prevention of and fight against irregular migration, migrant smuggling and trafficking in human beings
- Making progress on return arrangement and readmission agreements

Somali Compact

Within the framework of the **New Deal Compact Peacebuilding and State-building Goals (PSGs)**: Shapes international engagement in South Central Somalia over 2014-2016. Aid is channeled around 5 broad PSGs: a) inclusive politics; b) security; c) justice; d) economic foundations; and e) revenues and services. The Somali Compact only makes mention of displaced communities under the following statement: “The Compact also recognizes the need to address the development needs of the Somali population who are displaced inside the country, or returning from surrounding countries.” Similarly, refugees are only mentioned in the external relations section: “The crisis in Somalia has had spillover effects internationally not least in the areas of terrorism, piracy, trafficking and refugees. A critical challenge for the FGS is to work with international partners to address both threats emanating from Somalia [...]”.

Somalia National Development Plan (NDP), 2017-2019

Drafted by the federal and the regional MoPICs, the NDP defines a strategic plan for Somalia for the next three years, following the end of the Somali Compact (2016). The NDP has a special focus on women and youth, and aims at providing durable solutions for IDPs. While being the first key strategic document resulting from an inclusive process between South Central Somalia, Somaliland and Puntland in the last three decades, it is deemed as unrealistic by many stakeholders considering the fragile economic and security context, and was perceived to be significantly centered on South-Central Somalia.

IDP Policy

Policy Frameworks on internal displacement exist in Puntland (Puntland Government of Somalia, Ministry of Interior, Local Governments and Rural Development, Puntland Guidelines on Implementation of National IDP Policy; Local Integration for IDPs – National Strategic Framework 2016 – 2018) and Somaliland (Republic of Somaliland, MRRR, Somaliland Internal Displacement Policy, 2015). At the federal level, a **Policy Framework on Displacement within Somalia** is drafted and pending approval by the Parliament.

These IDP policy frameworks define the various causes of internal displacements in Somalia, define what an IDP is and aims at providing a framework to provide durable solutions in line with international actors and standards. For instance, the Policy Framework on Displacement within Somalia requires the authorities to protect affected communities during evictions and provides legal standards to which any evictions must adhere, largely in line with international law. The framework also has relevant provisions on freedom of movement and free legal assistance in the matter of Housing, Land and Property for IDPs and returning refugees. In terms of institutional capacity, the Policy Framework on Displacements within Somalia plans the establishment of an **Agency on Internal Displacement and Refugee Affairs**, under the Ministry of Interior and Federal Affairs, in charge of matters of internal displacement and returning refugee affairs.

Somalia's Returnees Policy

Drafted by the Ministry of Internal Security and the Ministry of Foreign Affairs and Investment Promotion, this policy, approved by the Parliament, details the conditions in which involuntary returns can happen. The objective is to safeguard the security gains made in Somalia while upholding the Human rights of citizens and returnees. The Returnees Policy stresses that while progress in Somalia is clearly occurring in all forms, there is still much to be done to create the conducive security and social environment to make involuntary returns possible. "Somalia is willing to accept rejected asylum seekers and others below mentioned categories of returnees through a strict case-by-case policy. Somalia will reject the repatriation of any category of persons who may pose an actual or potential risk to Somali national security and stability in all its forms. However, in certain circumstances, the Government of the Federal Republic of Somalia is willing to work with partner nations on the return of a select group of returnees who satisfy [a certain number of conditions]."

National Youth Policy

Youth policies exist in the autonomous regions of Somaliland and Puntland (2011). The development of the Somali National Youth Policy began in October 2014 with consultations at the UN Inter Agencies Stakeholders Forum in Nairobi, led by United Nations Population Fund (UNFPA) and UN Habitat, upon request from the FGS. The objective is to create a framework that will enable youth in Somalia to address issues that are unique to them and their communities through dialogue. The National Youth Policy has been drafted through a consultative process involving the youth but is still pending approval from the Parliament.

Diaspora Policy

In January 2015, the 'Diaspora Policy Consultation Conference for Development in Somalia' in Rwanda brought together representatives of Somalia's diverse and influential Diaspora to discuss key elements of a policy that will streamline their contribution to their country's rebirth. Initiated by the Office of Diaspora Affairs under the Ministry of Foreign Affairs and Investment Promotion. Participants focused on working group discussions and compiling suggestions that are expected to form the proposed pillars and thematic areas of the Diaspora Policy, which is still being drafted.

Policy Prioritizing the Local Workforce

In April 2015, the Federal Cabinet passed a new policy prioritizing the local workforce and restricting the reliance on foreign labor, in a bid to encourage local workforce and create opportunities for the youth. The policy stipulates that foreign workers must obtain a work visa before entering in Somalia, and that "foreigners cannot take jobs which local are willing to do". Yet, no clear repercussions on the labor market were witnessed at the time of the research.

Federal Government of Somalia Human Rights Commission Bill 2016

Approved in June 2016 and paving the way for the establishment of a **National Commission for Human Rights**, which was established by a presidential decree in August 2016. The commission is supposed to consist of nine members, including three women, with headquarters in Mogadishu.

Puntland Refugee Protection Bill

In March 2016, the Puntland Ministry of Interior finalized the Refugee Bill draft, which was pending approval from the Parliament at the time of the research.

Somalia Humanitarian Response Plan (HRP)

Coordinated by OCHA with inputs provided by humanitarian partners under their respective clusters. The 2016 HRP seeks \$ 885 million USD to reach 3.5 million people. It is guided by three strategic priorities: a) address humanitarian

needs by providing lifesaving and life-sustaining assistance to people in need, prioritizing the most vulnerable; b) restore and strengthen livelihoods and basic service delivery to build resilience to recurrent shocks; and, c) strengthen the protection of the displaced and other vulnerable groups, and catalyze durable solutions.

In particular, the HRP aims to deploy solutions to the large and protracted refugee returnees crisis, by addressing multi-sector humanitarian needs upon arrival and initial reintegration in areas of return²³. The HRP includes a **Refugee Response Plan** that defines priority needs for refugees and asylum seekers: a) life-saving protection and assistance; b) improved registration, identity and civil status documentation including birth certificates for refugee children by authorities; c) improved access and integration within national systems for basic services such as health and education; d) enhancing self-reliance through livelihoods and programs to help refugees and asylum seekers develop their coping mechanisms and avoid destitution, and e) development of refugee legislation, policy and procedures and capacity-building of national and regional institutions to support effective implementation.

At the time of the research, the HRP funding reaches 41.5% of the required amount. In addition, projects focusing on resilience-building received limited resources, increasing the pressure on vulnerable communities. Development funding focused on rule of law or security, meaning that infrastructure and basic services projects also benefited from restricted funding.

²³ Due to the limited humanitarian access, concrete reintegration support and assistance can only be provided in areas of the country with relative stability and where UNHCR and partners are currently present, and/or can establish operations. As such, reintegration programs will be undertaken in Somaliland, Puntland and in selected districts of southern and central regions including Afgooye, Afmadow, Baidoa, Balcad, Baardheere, Beletweyne, Jowhar, Kismayo, Luuq, Mogadishu and Wanla Weyn. Source: Humanitarian Response Plan 2016 for Somalia.

5. LEGAL FRAMEWORK ON MIGRATION

Part of the legal framework arises from pre-1991 laws, and is still applicable in the whole Somalia. Consequently, some of the laws are outdated and do not respond to current migration challenges, especially internal displacements and the conditions of returns from Yemen or Dadaab. The FGS and the Governments of Somaliland and Puntland now have the mandate to draft new policies and laws. Regional governments cannot create their own regulatory frameworks, which ensures that there is a legal harmonization across South-Central regions. Yet, there are no mechanisms to guarantee the consistency of the new laws or policies between South-Central, Somaliland and Puntland. This leads to the existence of legal grey zones, especially on the refugee status and citizenship between Somalia and Somaliland.

5.1. INTERNATIONAL LAWS AND REGULATIONS

5.1.1. RATIFIED BY SOMALIA

- **UNHCR 1951 Geneva Convention**, relating to the Status of Refugees and the **1967 Protocol** (Somalia ratified both in 1978). The Convention prohibits refoulement, the return of a refugee “in any manner whatsoever” to a place where their life or freedom would be threatened.

The Convention recognises that refugee status ends under certain clearly defined conditions. Under Article 1C of the 1951 Convention, refugee status may cease either through the actions of the refugee, such as by re-establishment in his or her country of origin, or through fundamental changes in the objective circumstances in the country of origin upon which refugee status was based. These are known as the “**general cessation**” clauses.

- **Forced Labor Convention, 1930**: Somalia ratified it in 1960 and **Abolition of Forced Labor Convention: Somalia** ratified it in 1961. Yet, Somalia has not ratified the **Protocol of 2014 to the Forced Labor Convention**.
- **Convention on the Rights of the Child**: Somalia ratified it on October 2015.

5.1.2. SIGNED BUT NOT RATIFIED BY SOMALIA

- **OAU (Organization of African Unity) Convention Governing Specific Aspects of Refugee Problems in Africa** (Somalia signed it in 1969, has not ratified it).
- **Kampala Convention (formally the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa)**: Framework of the African Union that addresses internal displacement caused by armed conflict, violence, natural disasters and human rights abuses in Africa. Adopted in 2009, it is the world’s first continental instrument that legally binds Governments to protect the rights and wellbeing of people forced to flee their homes. Article 5(4) specifically establishes state responsibilities for the protection and assistance of internally displaced persons, whose displacement is the result of “natural or human made disasters, including climate change”. Somalia was part of the signatories but has not yet ratified it.

5.1.3. NOT SIGNED OR RATIFIED BY SOMALIA

- **The UN Convention against Transnational Organized Crime and the UN Protocols against the Smuggling of Migrant by Land, Sea and Air**.

- **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, supplementing the United Nations Convention against Transnational Organized Crime.
- **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2003.**

5.1.4. OTHERS

- **Cotonou Agreement:** Article 13 for its signatory parties to readmit its own nationals in full respect of human dignity and of the principle of non-refoulement. Somalia signed in 2013. (No need for ratification).
- **Refugees Act of Kenya, 2006:** “A person shall be a statutory refugee ... if such person, owing to a well-founded fear of being persecuted for reasons of race, religion, sex, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or not having a nationality and being outside the country of his former habitual residence, is unable or owing to a well-founded fear of being persecuted for any of the [above] reasons is unwilling to return to it.” In summary: A refugee in Kenya is a person who, because they cannot find safety in their own country or the country where they had been living, is granted protection in Kenya by the Government (until a long-lasting solution is found).
- **IGAD Draft Protocol on Free Movement of People:** Anchored in the Agreement establishing IGAD, it mandates the IGAD to facilitate the free movement of persons and right of establishment and residence of their respective nationals in the IGAD region. While the protocol benefits from an expressed political will from IGAD member states and was in negotiations at the time of research, it was perceived as unrealistic and was not signed or ratified.

5.2. NATIONAL LAWS AND REGULATIONS

5.2.1. CONSTITUTIONAL LAW

- **Provisional Constitution of the Federal Republic of Somalia, 2012:** Defines the equality of citizens, independent of their “color, clan, birth, language, gender [...]” (article 8), and the status of refugees and asylum seekers (articles 35 and 37). The Constitution also states that the allocation of powers and resources between the Federal Government and the Federal Republic of Somalia's constituent Federal Member States shall be negotiated and agreed upon by the Federal Government and the Federal Member States, except in matters pertaining to citizenship and immigration, foreign affairs, national defense, and monetary policy (article 54).
- **Somaliland Constitution, 2001:** Expresses that “All the laws which were current and which did not conflict with the Islamic Sharia, individual rights and fundamental freedoms shall remain in force in the country of the Republic of Somaliland until the promulgation of laws which are in accord with the Constitution of the Republic of Somaliland. At the same time, laws which conform to the Constitution shall be prepared, and each such law shall be presented within minimum time scales set by the House”, article 130(5). It also defines the status of asylum seekers: “Any foreigner who enters the country lawfully or is lawfully resident in the country and who requests political asylum may be accorded asylum if he fulfils the conditions set out in the law governing asylum”, article 35(1).

5.2.2. LABOR CODES

- **Labor Code, 1972: South Central Somalia:** Registration of workers “Every person wishing to be found employment in the service of another shall cause his name to be registered in the general employment register kept by the competent district inspectorate.”
- **Somaliland Labor Law, 2010:** In relation with mixed migration, the law defines the procedures an employer must follow to hire a foreign worker.

- **Puntland Labor Law, 2011**

5.2.3. PENAL LAW

- **Penal Code, 1962: FGS, Somaliland and Puntland:** Outlaws forced labor and other forms of trafficking. "Art 464 (Compulsory Labor) – Apart from the cases of military or civil emergency, or the cases in which compulsory labor is expressly provided by the law, whoever forces another to compulsory labor or avails himself of the services of persons forced to compulsory labor, shall be punished, where the act does not constitute a more serious offense, with imprisonment, from six months to five years and fine."²⁴

5.2.4. CITIZENSHIP LAW

- **Citizenship Act, 1962: FGS and Puntland:** Defines the different ways of acquiring or losing Somali Citizenship.
- **Somaliland Citizenship Law, 2002:** Defines the different ways of acquiring or losing Somaliland citizenship. This law has the potential to create stateless persons (that will not have the Somalia or Somalilander citizenships), for example children born to non-Somalilander fathers (independent of the mother's citizenship). Women marrying foreigners have to chose between their Somaliland citizenship or their husbands' (yet, this rule does not apply to men marrying foreigners). Consequently, the UNHCR is promoting a modification of the law, but no concrete steps have been taken at the time of the research.

5.2.5. IMMIGRATION

- **Immigration Act, 1961: FGS and Puntland:** Details all the procedures linked with legal migration. At the time of the research, the Immigration Department, under the Ministry of Interior and Federal Affairs of the FGS, is drafting a new immigration act.
- **Somaliland Immigration Law, 1995:** Details all the procedures linked with legal migration, including visa requirements, as well as the situation of irregular migrants.
- **Somaliland New Directives on Security and Immigration, 2016:** This presidential decree passed on January 1st 2016 reinforces the control on migration movements between the Republic of Somaliland and Somalia, the security of Somaliland's frontiers and borders, strengthen the policies regarding the migration of foreigners through Somaliland and establishes automatic deportations of all illegal migrants in Somaliland (except those coming from Somalia). Due to national and international pressure to modify the Somaliland New Directives rules on deportation, these are not being implemented at the time of the research.

5.2.6. REFUGEE STATUS

- **Somali Provisional Refugees and Asylum Act, Presidential Decree, 1984:** on Determination of Refugee Status. As no laws on refugees were passed after 1991, the Somali Provisional Refugees and Asylum Act is still valid at the FGS level, in Puntland and Somaliland.
- In practice, the act has been modified in Somaliland to be coherent with the current constitution of the Republic of Somaliland. As such, Somaliland considers South-Central citizens as refugees, whereas they are recognized as IDPs by the international community. Due to a low capacity within Government institutions, Refugee Status Determination is carried out by UNHCR, while UNHCR and local Governments jointly take care of the registration.

²⁴ Unofficial English translation

5.2.7. HUMAN RIGHTS

- **Federal Government of Somalia Child Protection Act, December 2014:** The Federal Parliament passed a new 54-point national Child Protection Act, which had been formulated by the Ministry for Women Affairs and Human Rights.
- **Smuggling in Person and Human Trafficking Acts:** while this represents a significant gap in the legal framework, UNODC and IOM are collaborating with relevant Government institutions to draft new and adapted laws. With the support of IOM, a new Smuggling in Person and Human Trafficking Act is in process in Puntland, while a similar process led by UNODC is ongoing in Somaliland and at the federal level. Until these new laws are created, the 1962 Penal code articles on slavery (articles 455 and 457) are used.

Table 4: Mapping of International and National Regulatory Frameworks Linked with Mixed Migration

	International / Regional dialogues	International / Regional frameworks and actions plans	National frameworks and actions plans	International laws and regulations	National laws and regulations
Situation of internally displaced populations		<ul style="list-style-type: none"> -AU Migration Policy Framework for Africa -EU-Africa Action Plan on Migration and Mobility 2014-2017 -IGAD Regional Migration Policy Framework and IGAD Migration Action Plan 	<ul style="list-style-type: none"> -National Strategy for Migrants, Asylum Seekers and Refugees (FGS) -Somali Compact (FGS) -IDP Policy (FGS, Puntland, Somaliland) -Somalia Humanitarian Response Plan (FGS, Puntland, Somaliland) -Somalia National Development Plan (FGS, Puntland, Somaliland) 	<ul style="list-style-type: none"> -Kampala Convention 	
Situation of returnees	<ul style="list-style-type: none"> -African Common Position 	<ul style="list-style-type: none"> - Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya -Addis Ababa commitment towards Somali Refugees -Valetta Action Plan 	<ul style="list-style-type: none"> -National Strategy for Migrants, Asylum Seekers and Refugees (FGS) -Somalia HRP (FGS, Puntland, Somaliland) -Somalia's Returnee Policy (FGS) 		
Situation of refugees	<ul style="list-style-type: none"> -Global Initiative on Somali Refugees (GISR) -African Common Position 	<ul style="list-style-type: none"> -Addis Ababa commitment towards Somali Refugees -Ministerial Pledging Conference on Somali Refugees 	<ul style="list-style-type: none"> -Puntland Refugee Protection Bill, 2016 	<ul style="list-style-type: none"> -UNHCR 1951 Geneva Convention (Somalia ratified it in 1978) 	<ul style="list-style-type: none"> -Somali Provisional Refugees and Asylum Act 1984 (FGS, Puntland, Somaliland)

	International / Regional dialogues	International / Regional frameworks and actions plans	National frameworks and actions plans	International laws and regulations	National laws and regulations
Situation of refugees	-Regional Committee on Mixed Migration for the HoA and Yemen	-Yemen Situation Regional Refugee and Migrant Response Plan	-Somalia Humanitarian Response Plan (FGS, Puntland, Somaliland)	-Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa (Somalia signed it in 1969, has not ratified it) -Refugees Act of Kenya, 2006	-Provisional Constitution of the Federal Republic of Somalia, 2012
Situation of asylum seekers	-African Common Position -Regional Committee on Mixed Migration for the HoA and Yemen	-Valetta Action Plan	-National Strategy for Migrants, Asylum Seekers and Refugees (FGS)		-Somaliland Constitution, 2001 -Provisional Constitution of the Federal Republic of Somalia, 2012
Situation of irregular migrants	-EU-Africa Migration and Mobility Dialogue -African Common Position	-AU Migration Policy Framework for Africa - EU-Africa Action Plan on Migration and Mobility 2014-2017 -Valetta Action Plan -IGAD Regional Migration Policy Framework and IGAD Migration Action Plan	-National Strategy for Migrants, Asylum Seekers and Refugees (FGS)		-Somaliland Immigration Law, 1995 -Somaliland New Directives on Security and Immigration, 2016

	International / Regional dialogues	International / Regional frameworks and actions plans	National frameworks and actions plans	International laws and regulations	National laws and regulations
Smuggling and trafficking	<ul style="list-style-type: none"> -Khartoum process -AU-HoA Initiative against Human Trafficking and Smuggling of Migrants -EU-Africa Migration and Mobility Dialogue -African Common Position 	<ul style="list-style-type: none"> -Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children -EU-Africa Action Plan on Migration and Mobility 2014-2017 -Valetta Action Plan 	<ul style="list-style-type: none"> -National Strategy for Migrants, Asylum Seekers and Refugees (FGS) 	<ul style="list-style-type: none"> -Forced Labor Convention 1930 (Somalia ratified it in 1960) Abolition of Forced Labor Convention (Somalia ratified it in 1961) -Protocol of 2014 to the Forced Labor Convention (Somalia has not ratified it) -Convention on the Rights of the Child (Somalia ratified it in 2015) -The UN Convention against Transnational Organized Crime and the UN Protocols against the Smuggling of Migrant by Land, Sea and Air (Somalia has not signed or ratified it) -UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Somalia has not signed or ratified it) 	<ul style="list-style-type: none"> -Penal Code 1962 (FGS, Puntland, Somaliland)

	International / Regional dialogues	International / Regional frameworks and actions plans	National frameworks and actions plans	International laws and regulations	National laws and regulations
Human rights of migrants	-African Common Position	-IGAD Regional Migration Policy Framework and IGAD Migration Action Plan (2015-2020)	-FGS Human Rights Commission Bill, 2016	-Cotonou Agreement (Somalia signed in 2013) -International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2003 (Somalia has not signed or ratified it.)	-FGS Child Protection Act December 2014
Data management, information-sharing systems	-African Common Position	-AU Migration Policy Framework for Africa -IGAD Regional Migration Policy Framework and IGAD Migration Action Plan			
Cross-border management	-IGAD Regional Consultative Process on Migration - IGAD Regional Migration Coordination Committee -Regional Committee on Mixed Migration for the HoA and Yemen	-AU Migration Policy Framework for Africa -IGAD Regional Migration Policy Framework and IGAD Migration Action Plan - Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya			

	International / Regional dialogues	International / Regional frameworks and actions plans	National frameworks and actions plans	International laws and regulations	National laws and regulations
Addressing the root causes of migration	-African Common Position	-Valetta Action Plan	-National Strategy for Migrants, Asylum Seekers and Refugees (FGS) -National Youth Policy (FGS, Puntland, Somaliland) -Somalia National Development Plan (FGS, Puntland, Somaliland)		
Legal migration and mobility		-Valetta Action Plan -EU-Africa Action Plan on Migration and Mobility 2014-2017 -IGAD Regional Migration Policy Framework and IGAD Migration Action Plan	-National Strategy for Migrants, Asylum Seekers and Refugees (FGS) -Policy Prioritizing the Local Workforce (FGS)		-Labor codes (FGS 1972, Puntland 2011, Somaliland 2010) -Citizenship Act, 1962 (FGS, Puntland) -Somaliland Citizenship Law, 2002 -Somaliland Immigration Law, 1995 -Somaliland New Directives on Security and Immigration, 2016 -Immigration Act 1961

Key Findings – International and National Regulatory Frameworks Linked with Mixed Migration

▪ **Drafting, Enacting and Enforcing Laws**

All ministries from the Federal Government of Somalia, the Somaliland and Puntland Governments have the legal mandates to draft new laws in their respective areas of competency. At the Federal level, the Ministry of Justice can also initiate new laws and must revise the ones presented by the line ministries, which must then be approved by the Federal Parliament. In Somaliland, this role is undertaken by the Office of the Solicitor General, and laws then go to the Somaliland Parliament. In Puntland, ministries directly present the laws to the Puntland Parliament for revision. Regional Governments (Jubaland, South West and Galmudug) cannot draft their own regulatory frameworks and apply the laws and policies approved at the federal level.

Law enforcement lays with the respective competent ministries. Yet, most Government institutions have a low understanding of the regulatory framework, and a weak capacity to ensure the rule of law. Consequently, many laws are in practice not enforced.

▪ **Similarities and Differences in the Legal Frameworks**

The pre-1991 regulatory framework is still applied in South Central, Somaliland and Puntland in cases where respective Governments have not created new laws to cover similar regulatory aspects, and if the pre-1991 laws do not enter in conflict with the respective constitutions. As such, while Somaliland and Puntland have new labor codes, the 1972 one is still applied in South-Central. In South-Central, Somaliland and Puntland, the 1962 penal code is still in force, and is notably used to fight smuggling and trafficking until the new acts are enacted and enforced. In terms of refugee status, the 1984 Somali Provisional Refugees and Asylum Act is still applicable in South-Central, Somaliland and Puntland. In the same vein, the 1962 citizenship act and the 1961 immigration act are still applicable in South-Central and Puntland, while Somaliland has its own citizenship and immigration acts.

While this ensures a certain harmonization between the legal frameworks, most of the pre-1991 laws are outdated and not well-known by Governments or international actors, which challenges the capacity to enforce these laws.

▪ **Harmonization of the Legal Frameworks between the Federal Government, the Government of Somaliland and the Government of Puntland.**

There are no processes to harmonize the legislative frameworks between South Central Somalia, Somaliland and Puntland. There is an opportunity for international actors involved in developing the legal frameworks to coordinate to ensure that national policies and laws are not contradictory. With the aim of coordinating actors and interventions, there is the need for one actor to take the lead on this process of developing and harmonizing the legal frameworks. For example, IGAD, which is already involved in advocating for regional harmonization of the regulatory landscapes, could take the lead, supported by Somali legal experts.

▪ **Cross-Border Cooperation**

The only initiative that fixes a legal framework for cross-border relations is the Tripartite Agreement signed in 2013 between the Governments of Kenya and Somalia and UNHCR for the return of refugees from Kenya.

Other international and regional dialogues, frameworks and actions plans are not legally binding, but are platforms for cooperation and dialogue, information sharing, exchange of best practices and lessons learnt. This is the case of key international and regional frameworks such as the Khartoum process, the African Union Horn of Africa Initiative (AU-HOAI) against Human Trafficking and Smuggling of Migrants, the EU-Africa Migration and Mobility Dialogue, the African Common Position, etc.

International and regional frameworks push for more partnerships between neighboring countries, and call for more practical actions, most often under the auspices of IGAD. This is the case of the Regional Migration Policy Framework, which encourages IGAD countries to adopt harmonized national migration policies, and which is supported by the Regional Consultative Process and the annual meetings of the Regional Migration Coordination Committee. In parallel, countries meet through the Regional Committee on Mixed Migration for the HoA and Yemen, which stressed, during its last meeting (September 2016), the need for more cooperation and for bilateral migration agreements between Somaliland and Ethiopia. Collaboration on

mixed migration currently remains at a political level, but the instauration of regular and formal dialogues between all IGAD countries is per se a significant progress for the relations between countries in the region.

- **Identified Gaps in the Legal Frameworks Linked with Mixed Migration**

Most of the few legal frameworks relating to migration come from pre-1991 laws and are outdated. Sectoral policies on different aspects of migration such as border management, labor migration, recruitment of labor migrants and practices related to managing return and reintegration are non-existent.

In addition, the few existing legal frameworks do not give clear tasks to identified institutions. This is for example the case of the newly established National Strategy for Refugees and Asylum Seekers and of the Policy Framework on Internal Displacements within Somalia at the federal level.

Consequently, there are numerous gaps in the current regulatory frameworks.

The applicable law for the determination of the refugee status is from 1984 and does not provide clear guidance and repartition of roles and responsibilities in the current context, nor do the national constitutions of each of the areas. In addition, the Somaliland Government modified the application of the 1984 law to be coherent with its current Constitution; as such, while Somaliland consider South-Central irregular migrants as refugees, they are considered as IDPs by the international community.

Beyond the recognition of the refugee status, the overall protective environment for refugees remains weak. The lack of a comprehensive national legal framework for refugees increases their vulnerability since their rights and obligations are not effectively enshrined in the national law. The absence of established procedures for reception of mass influxes also undermines Governments' capacities to deal with the returnee refugee crisis.

A similar gap exists in the regulatory framework about asylum seekers, which are mentioned in the Constitutions, but suffer from the absence of a legal framework. Overall, there is no provisions relevant to development issues (property rights, freedom of movement, right to work, and access to services) and the protection of refugees and asylum seekers depends largely upon the discretion of local authorities and communities rather than on a consistent legislative standard of treatment.

The legal framework on returnees also lacks clarity when it comes to the respect of their rights and access to services. There are no laws regulating housing, land and property, or returnees' rights to lands. Civil registration, protection and access to basic services are also undermined by the absence of a regulatory framework.

National policies exist to regulate the rights and situation of IDPs, but policies are not legally binding and therefore often not enforced. As such, IDPs often suffer from forced evictions, violations of their rights and GBV in IDP camps, as well as from restricted access to basic services such as health, education or hygiene.

The fight against smuggling in persons and human trafficking suffers from the absence of a legal framework, and the 1962 penal code relating to slavery is currently the only existing framework that can be applied. Progress in this sector is supported by IOM in Puntland and by UNODC in Somaliland and South-Central, as new smuggling and trafficking Acts are being drafted.

6. KEY FINDINGS AND RECOMMENDATIONS

Over 1.1 million people are internally displaced in Somalia, predominantly in urban centres such as Mogadishu, which hosts more than 400,000 displaced alone. Climatic shocks exacerbated by the El Nino phenomena, continued insecurity and armed conflict heighten internal and cross-border migration. Irregular migration comes with the risks of smuggling and trafficking, that particularly affect women and children.

New migration dynamics have appeared in Somalia, with civilians fleeing the Yemen conflict and the return of Somalia refugees from the Dadaab camp in Kenya. Between December 2014 and October 2016, a total of 31,226 Somali people have voluntarily returned from Kenya, with the majority returning to Baidoa (SWA), Kismayo and Luuq (JA) and Mogadishu. An additional 28,688 people have also returned from Yemen in the same period²⁵. The volume and diversity of mixed migration flows in Somalia requires Governments to develop strong migration governance system. While there is significant progress on state building in Somalia, there is still an opportunity to develop a robust regulatory framework on mixed migration matters and build the capacity of Governments to enforce it.

6.1. CURRENT POLICY AND INSTITUTIONAL FRAMEWORK

Most of the national laws regulating mixed migration are outdated, as they come from the pre-1991 period. This ensures a relative harmonization of the frameworks between South-Central, Somaliland and Puntland, but these laws are not adequate to respond to the current mixed migration challenges.

Significant caveats have been identified in the legal framework. Sectoral policies on different aspects of migration such as border management, labor migration and practices related to managing return and reintegration are non-existent. In the present context, some of the gaps in the legal framework require urgent interventions, such as a law on housing, land and property, regulation on forced evictions, comprehensive policies relating to returnees, refugees and IDPs' status, protection, rights and development-related matters (from civil registration to access to basic services and livelihood opportunities), as well as a framework to tackle smuggling and trafficking.

Another issue is that the few national laws and policies in place that are linked with mixed migration do not sufficiently task government institutions with concrete responsibilities (e.g. the national strategy for refugees and asylum seekers or the IDP policies in South-Central, Somaliland and Puntland). The division of tasks between ministries lacks clarity, leading to gaps or redundancies.

In any case, the enforcement of migration policies is challenging due to the weak capacity of the migration actors, both in terms of equipment and human resources, as well as their low knowledge and understanding of the existing regulatory framework.

6.2. GOVERNMENT CAPACITY IN MANAGING MIXED MIGRATION FLOWS

Overall, federal and regional governments have weak governance structures to manage mixed migration, undermined by limited human and financial resources, and narrow cooperation between ministries, which is worsened by the fact that institutions compete for funding. Knowledge of the legal framework is on average scant, with limited awareness of the existing international and national laws and the gaps in Somalia's regulations.

However, competences widely differ across the governments, along with the structures in place to manage mixed migration flows. Somaliland and its MMTF have the most advanced governance system. The Task Force

²⁵ 2017 Somalia Humanitarian Needs Overview, OCHA

brings together all the institutions that can be involved in mixed migration management. Coordination within this structure is not optimal, but its establishment itself is a success.

The FGS follows a similar path with the creation of the three High Level and Technical Task Forces, led by the Special Envoy for Children's and Migrants' Rights. These new coordination bodies could encourage the line Ministries involved in mixed migration to better work together, but its effectiveness is for now difficult to evaluate, as they are not yet functional.

Overall, FMS perform less well, mostly due to restricted funding and a lack of qualified staff. Yet, capacities also widely differ across them. While reforming regional Governments' (JA, SWA and Galmudug) migration governance structures is seen as a lesser priority, a capacity building action plan is still recommended.

Puntland Government does not have a formal mechanism to manage mixed migration. There is a plan to establish a Refugee Affairs Committee, which will bring together representatives from seven Ministries involved in mixed migration and the Puntland UNHCR representative, but it has not materialized yet. With the support of IOM, Puntland has strengthened its capacity to fight against smuggling and trafficking, (creation of the Counter Trafficking Unit and the Puntland Counter Trafficking Board), but stronger relations between these two units would make their work more effective.

The JA is also setting up a temporary coordination mechanism focused on managing returns from Dadaab. The "Madobe" Cabinet could be viewed as a pilot to test the effectiveness of such entity to improve the management of mixed migration. The SWA has overall a very narrow capacity to manage mixed migration, as no Ministry is defined as a migration focal point. The Galmudug Government is very recent and does not have the financial, material or human capacity to implement any program. Ministries do not have official facilities, are not paid, and overall have narrow skills in this field.

Overall, mandates regarding the management of mixed migration should be clarified between the FGS and the FMS. Some migration matters, for example the management of international returns, could only be under the responsibility of the FGS.

6.3. IDENTIFIED GAPS AND NEEDS THAT REQUIRE INTERVENTION

Among Government Institutions

There is a critical need to improve the legal framework and develop new policies and laws to cover the gaps, especially a global framework for refugees, returnees and IDPs, looking at critical issues such as land ownership, protection and access to basic services. There is also the need to develop a common policy on asylum seekers and refugee status determination.

New policies and laws should clearly task institutions to clarify roles and responsibilities.

In parallel, the knowledge and understanding of the regulatory framework should be improved. Interventions could target Government institutions and key actors involved in mixed migration management (international and local NGOs, migrants and potential migrants).

Increasing the capacity of the institutions to enforce the laws will also be key, with priority capacity building for the police forces, judicial bodies and institutions involved in protecting human rights.

At the operational level, coordination needs to be enhanced, especially in screening and registration of migrants, fight against smuggling and trafficking and border control.

Among International Actors and Interventions

There is a gap between the immediate needs of IDPs and current interventions. Severe climatic conditions (drought) in 2016 and the lack of resilience programs throughout the country, may increase the likelihood of vulnerable communities choosing to migrate. This would further increase the needs to support IDPs. Once in

settlements IDPs are subject to violations of their rights, forced evictions, SGBV and restricted access to basic services such as education and health²⁶.

Refugees and returnees are at the center of the interventions by UNHCR and IOM, but there is a gap in terms of reintegration programs and livelihood opportunities implemented in areas of return. Current packages include money for a shelter and education for up to a year, but a longer-term approach is needed.

Differences between returns also need to be integrated: as such, returnees from Yemen may have more resources and opportunities to reintegrate, when returnees from the Dadaab refugee camps may be more vulnerable. Specific reintegration programs should also be designed for children that started their education under the Kenyan system, have never lived in Somalia and do not speak the language.

6.4. RECOMMENDATIONS

6.4.1. IMPROVE THE LEGAL FRAMEWORK

Technical support to draft new policies and laws: High Priority

Government institutions need technical support to improve the legislative framework and draft new laws. In this process, it will be key to involve national legal experts who know the frameworks and the specificities of the Somali culture to avoid inconsistencies or contradictions with existing oral or written laws.

Competent line ministries (also from the FMSs) should be involved in the drafting, to ensure their buy-in and that the laws answer the challenges they experience at the local level. Parliament committees need to be associated to the drafting and negotiation process, to avoid the often-slow processes of Parliament approvals.

To facilitate the process, competent federal ministries should take the lead, while FMS ministries and Parliament committees should have an advisory role.

Priority legal gaps to tackle are:

- Comprehensive policies on the status of IDPs, returnees and refugees, from screening and registration to access to basic services and respect of human rights.
- Refugee Status Determination and the procedures to be followed for asylum seekers.
- Land: need to draft a law defining properties' rights, which documents prove the property, the competent local authorities to deliver such documents and arbitrate potential issues.

Coordination with IOM and UNODC, who are already involved in developing the legal framework, will be essential and will be able to generate lessons learnt. UNHCR and humanitarian clusters should also be consulted to ensure that drafted frameworks guarantee the respect of the migrants' human rights, and that policies are applicable in practice.

Ensure that the legal frameworks clarify roles and responsibilities: High Priority

New policies and laws should link ministries and departments with tasks and responsibilities. Clarifying roles will render teamwork more effective and will diminish potential competition for funding between government institutions that currently lead to overlaps in activities. The repartition of tasks and mandates should follow a top-bottom approach: In South-Central, this should be done by the federal Prime Minister Office in collaboration with the FMSs Presidents. In Somaliland, the president should be leading the repartition of tasks, in coordination with the Somaliland MMTF.

²⁶ Hostages of the Gatekeepers, Abuses against Internally Displaced in Mogadishu, Somalia, Human Rights Watch 2013; "Here, Rape is Normal", A Five-Point Plan to Curtail Sexual Violence in Somalia, Human Rights Watch 2014

Ensure that the legal frameworks create or reinforce migration coordination bodies: High Priority

New policies and laws should build on the existing (or under establishment) governance structures to manage mixed migration. The development of the legal framework can also aim at reinforcing these bodies. For example, in Somaliland, collaboration between the MMTF members could be strengthened by hiring permanent members whose first role would be coordination. In South-Central, the High Level and Technical Task Forces could include a wider representation of FMSs to reinforce cooperation between the Federal Government and the Jubaland Administration.

When such bodies do not exist (SWA and Galmudug FMS), the legal framework should aim at establishing one. Except in Somaliland, such bodies are not functional and have not demonstrated yet their ability to respond to mixed migration challenges. However, one of the biggest need is to clarify the division of tasks and to reinforce teamwork within and across Governments, which is why formal coordination bodies should be prioritized.

A short-term objective is to share information, particularly on border controls, new arrivals, and criminal networks (smugglers and traffickers). In the long terms, the goal is to promote quality data collection, data sharing and organize joint-border patrols.

Encourage legal framework harmonization between South-Central, Somaliland and Puntland and across neighboring countries: Average Priority

Considering that the FGS and the Puntland and Somaliland Governments are developing their own migration regulatory frameworks (e.g. anti-smuggling and trafficking acts), there is a need to ensure that policies and laws are consistent across Governments.

Technical support to improve the legal framework should be divided thematically, so that one organization works on similar themes across Governments. Alternatively, international actors involved in supporting the drafting of new laws and policies should partner and advocate for coordination between the Governments. Joint efforts will be facilitated if one actor or one consortium of actors take the lead in the improvement of the legal framework and establish formal teamwork processes.

Another way to influence harmonization across the legal frameworks is to conduct regional capacity buildings for Government officials on human rights. This would incite actors to consider a regional approach in the drafting of new policies and laws. On this dimension, IGAD is a potential implementing partner, in line with its experience in organizing regional capacity buildings and given its role in harmonizing regulatory frameworks across the region.

6.4.2. RAISE AWARENESS ON THE LEGAL FRAMEWORK

Legal awareness for Government institutions: High Priority

As analysed above, government institutions' knowledge on the legal frameworks needs to be strengthened. The focus should be human rights and International Humanitarian Law, as well as existing policies and laws. Raising the awareness and understanding of government officials can be done through organizing capacity building workshops, tailored to the existing legal frameworks. Some national and international organizations are already involved in this sector, and RE-INTEG could build on the work of NRC and its ICLA program, ICRC through IPL or the IDLO.

Use innovative approaches to raise communities' awareness on the legal framework: Average Priority

Awareness raising should also target migrants and host communities. Migrants should be informed about their rights, the alternatives they have (e.g. legal options) and the support they can get, so they can make informed decisions. Information for host communities should target mixed migration, highlighting the very diverse migrants' profiles, and human rights principles, to diminish potential tensions between host communities and mixed migrants. Aspiring migrants should be informed about the risks of *tahriib*, smuggling in persons and human trafficking.

Innovative approaches could be used, such as using radio programs or social networks as communication channels. Partnerships could also be developed with schools, universities or vocational training centers to target youth. Among LNGOs, the Mogadishu-based Association of Somali Women Lawyers (SWLA) and the Somaliland Women Lawyers Association (SWLA) based in Hargeisa are two key potential partners to implement awareness campaigns and/ or case-by-case legal advice sessions.

Support the institutions in charge of legal migration procedures: Low Priority

One way to reinforce communication on the legal frameworks is to support the institutions dealing with procedures linked with citizenship, legal and labor migration. RE-INTEG could support the establishment of immigration headquarters in Mogadishu, Hargeisa and Garowe that would bring together all the departments in charge, and facilitate access to information and procedures for migrants. In parallel, trainings on the existing laws and required procedures should be conducted.

6.4.3. STRENGTHEN INSTITUTIONS' CAPACITIES TO ENSURE LAW ENFORCEMENT

Once the legal framework is developed, institutions are tasked with clear roles and awareness of the legal framework is raised, the relevant institutions should be trained to ensure that policies and laws are effectively enforced.

Gap assessments should be conducted upstream to ensure the adequacy of the capacity building efforts. This can be done through organizing workshops or through temporarily detaching experts in relevant Ministries. Priority capacity building should be:

- **Land issue: High Priority:** Inform on the rule of law, conducting land and property investigations, build a case and arbitrate on property issues, targeting District Commissioners and Judicial Courts.
- **Smuggling and trafficking: High Priority:** Conduct criminal investigations, arrest and prosecution of criminals. Targeting the Police forces (or specific smuggling and trafficking Units), the judicial courts and the Ministries of Justice.
- **Protection of human rights: High Priority:** Detection of human rights violations, support, counselling, and referral to relevant services. Targeting Ministries of Justice and/ or Human Rights Commissions.
- **Screening and registration: Low Priority:** Data entry, informing on context in return areas, and referring to relevant services. Targeting Ministries of Security, police forces and/ or immigration departments.
- **Civil registration: Low Priority:** Data collection and data entry, informing on the legal procedures and referring to relevant services. Targeting Ministries of Interior.

IOM will be a key partner to coordinate capacity building, share lessons learnt and avoid duplications, as the organization is largely involved in trainings of officials in South-Central, Somaliland and Puntland.

6.4.4. STRENGTHEN COMMUNICATION AMONG INTERNATIONAL ACTORS FOR A BETTER COVERAGE OF THE NEEDS

Communication and concertation between donors should be increased to avoid duplications of work and ensure that the needs of all the migrant (IDPs, refugees, returnees) are covered. RE-INTEG could advocate for the EU to increase coordination and information sharing with other donors, to inform a better allocation of funding. This should be informed by evidence-based data from the ground, to ensure that programs are coherent with the needs.

Concertation should also be increased between program implementers. As such, the design of RE-INTEG activities should take into account the interventions planned under the BMM program in Somalia. Other actors such as IGAD and the World Bank aim at getting involved in capacity building to enhance Somalia's capacity to

respond and manage the reintegration of returnees and refugees. Upstream communication with these actors will be key.

7. ANNEXES

7.1. LIST OF KEY INFORMANT INTERVIEWS

Preliminary List of Stakeholders Interviewed

Federal Government of Somalia

1. Office of the Prime Minister: Special Envoy for Children's and Migrants' Rights
2. Office of the Prime Minister: Humanitarian and Coordinator Solicitor
3. Ministry of Interior and Federal Affairs: National Commission for Refugees and IDPs (NCRI)
4. Ministry of Interior and Federal Affairs: Disaster Management Agency
5. Ministry of Internal Security, Somali Police Forces
6. Ministry of Internal Security: Immigration & Naturalization Directorate
7. Ministry of Foreign Affairs and Investment Promotion
8. Ministry of Planning and International Cooperation (MoPIC)
9. Ministry of Justice, Office of the Attorney General
10. Ministry of Youth and Sports
11. Ministry of Women and Human Rights Development
12. Banadir Authority District Commissioner

Government of Somaliland

1. Ministry of Interior and National Security
2. Immigration Department
3. Ministry of Resettlement, Rehabilitation and Reconstruction (MRRR)
4. Human Rights Commission (HCR)
5. Ministry of Foreign Affairs & International Cooperation (MoFAIC)
6. Migrant Response Centre (MRC)
7. Ministry of Justice
8. Committee for Combatting *Tahriib* and Job Creation

Government of Puntland

1. Puntland State Police
2. Ministry of Interior, Local Government and Rural Development: Refugee Affairs Department
3. Office of the Human Rights Defender

4. Ministry of Security and Disarmament, Demobilization and Reintegration (DDR)
5. Ministry of Justice Religious and Rehabilitation
6. Regional Governor, Nugaal Region

Government of Galmudug

1. Ministry of Humanitarian Aid and Disability care
2. State Ministry of Internal Affairs
3. Regional Commission for Refugees

Government of the Jubaland Administration

1. Jubaland Refugees and IDP Affairs (JRIA)
2. District Commissioner of Kismayo City
3. "Madobe" High Level Committee
4. Ministry of Justice

Government of the South West Administration

1. Ministry of Security
2. Ministry of Interior and local Governance
3. Ministry of resettlement and Diasporas affairs
4. District Commissioner

International agencies/donors/NGOs and intergovernmental authorities

1. UNHCR
2. CONCERN
3. IOM
4. NRC
5. GIZ – Better Migration Management
6. IGAD
7. Protection Cluster
8. Shelter Cluster
9. DfID / FCO
10. OCHA
11. UNODC
12. Mercy Corps

Local NGOs and Expert/Academic

1. Puntland Non-State Actors Association (PUNSAA), Garowe
2. Somalia South-Central Non-State Actors (SOSCENSA), Mogadishu
3. Kanava youth Development Organization (KYDO), Baidoa
4. Socio-Economic Development and Human Rights Organization (SEDHURO), Kismayo
5. Talo Rehabilitation and Development Organization (TARDO), Cadaado
6. Comprehensive Community-based Rehabilitation Services (CCBRS), Hargeisa
7. Human Rights Centre (Hargeisa)

Others

1. Iftiin Education and Development Association (Cadaado)
2. Bossasso University (Garowe)
3. Rift Valley Institute (Nairobi)
4. Horn Legal Consulting services (Mogadishu)

7.2 LITERATURE REVIEW

Table 5: Literature Review, Studies

Title	Author	Year
Rapid Assessment on the National Institutional Frameworks/Mechanisms on Migration Management in the IGAD Region: Somalia	IGAD	2016
Dimensions of Crisis on Migration in Somalia	IOM	2014
A New Deal for Somalia's Displaced?	Samuel Hall for DRC	2014
Report of the High-Level Panel on Somali Refugees	UNHCR	2013
Forced Displacement and Mixed Migration on the Horn of Africa	World Bank/UNHCR	2015
Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts	World Bank	2016
Regional Inter-State Consultation Mechanisms on Migration: Approaches, Recent Activities and Implications for Global Governance of Migration	IOM	2013
Housing, Land and Property Rights in Somalia	UN Habitat	2013
Somalia/Somaliland Country Profiles	RMMS	2016
Closing Dadaab – Forum Meeting Report	Rift Valley Institute	2016
Dadaab's broken promise	NRC	2016
We Kissed the Ground	Rift Valley Institute	2016

Towards Durable Solutions, Achievements and challenges in supporting voluntary returns of IDPs in Somalia	Samuel Hall for UNHCR and the Somalia Return Consortium	
Joint Return Intention Survey Report 2014	IOM and UNHCR	2014
Internal Displacement Profiling in Mogadishu	UNHCR, DRC, IOM and JIPS	2016

Table 6: Literature Review, ToRs, Project Documents and Logframes

Program/Initiative	Organization	Year
RE-INTEG	EU	2016
Addressing Mixed Migration Flows in Eastern Africa	EU/Expertise France	2016
Better Migration Management	EU	2016
Capacity Building for Migration Management	IOM	2015
Immigration and Border Management	IOM	2015
Mixed Migration Task Force	IOM/UNHCR	2016
UNHCR Refugee Coordination Model	UNHCR	2016
Somalia Humanitarian Response Plan	OCHA	2015
Yemen Situation – Regional Refugee and Migrant Response Plan	UNHCR	2016
Inter-Agency Update – August 2016	Somalia Task Force on Yemen Situation	2016

Table 7: Literature Review, Laws, International and National Regulatory Framework

Law/Decree/Convention	Issuing Authority	Year
Establishment of High Level and Technical Task Forces on Somalia Managing Migration	Office of the Prime Minister - FGS	2016
National Strategy for Migrants, Asylum Seekers and Refugees	Office of the Prime Minister - FGS	2016
Policy Paper on Returnees to Somalia	Office of the Prime Minister - FGS	Unknown
Somali Compact	FGS	2014
Somalia National Development Plan (2017-2019)	MoPIC, FGS	2016
Somali Provisional Constitution	Transitional Federal Government	2012
New Directives on Security and Immigration	Republic of Somaliland	2016
Presidential Decree on Determination of Refugee Status	Government of Somalia	1984
Labor Code	Government of Somalia	1972

Penal Code	Government of Somalia	1962
Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya	UNHCR, FGS, Government of the Republic of Kenya	2013
Convention Governing the Specific Aspects of Refugee Problems in Africa	OAU (AU)	1969
Puntland Policy Guidelines on Displacement	Ministry of Interior Government of Puntland	– 2012
Addis Ababa Commitment towards Somali Refugees	UNHCR	2014
The Migration Policy Framework for Africa	AU	2006
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)	AU	2009