

UNHCR Contributions
Report of the Secretary General on Ocean Affairs and the Law of the Sea
August 2014

A. BACKGROUND AND TRENDS

Recurrent tragedies at sea in 2013 and 2014 have brought the longstanding phenomenon of refugees, asylum seekers, stateless persons and migrants risking their lives to make perilous sea journeys sharply into focus. Despite the dangers involved, these movements continue across the globe: in the Mediterranean, the Gulf of Aden and the Red Sea, the Caribbean, the Bay of Bengal and throughout Southeast Asia and the South Pacific.

In many regions, the numbers of people fleeing by sea appear to have significantly increased in 2013 as compared to 2012, and these numbers are further on the rise evidenced in the first half of 2014. However, along some sea routes, numbers may have decreased compared to previous years, but the incidence of violence, exploitation, abduction and trafficking en route or on arrival appears to be rising as do incidents of deaths at sea. Increased numbers of women and unaccompanied or separated children travelling irregularly by sea in some parts of the world are also cause for concern.

There have been notable positive efforts by States and regions to limit loss of life, but also examples of practices that call the need to ensure that responses to irregular sea movements do not take a form that jeopardizes access to protection by those who need it (see below).

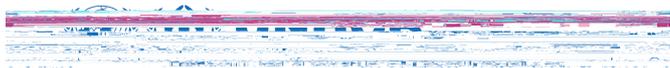
B. GLOBAL INITIATIVE ON PROTECTION AT SEA AND REGIONAL ACTION

The UN Refugee Agency is consulting with a wide variety of stakeholders on a Global Initiative on Protection at Sea, which aims to support action that

- x Prevents loss of life at sea by reinforcing search and rescue and providing alternatives to dangerous sea journeys; and
- x Promotes responses to maritime flight and distress at sea that do not impact adversely on access to international protection by refugees and asylum seekers

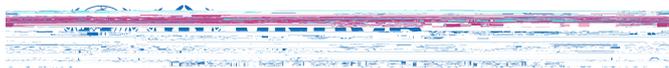
The Global Initiative calls for cooperation and responsibility sharing between coastal and inland states alike, recognizing that the policies, practices and capacities of countries of departure, transit and "destination" all play a significant part in shaping the dynamics and drivers of sea movements and the availability of protection for asylum seekers, refugees, victims of trafficking and others.

In Europe, UNHCR's Central Mediterranean Sea Initiative (CMSI) has proposed a 12-point plan of practical measures aimed at avoiding further deaths at sea in the Mediterranean. UNHCR along with partners has organized several regional conferences in 2014 dealing with rescue and protection at sea issues including in the Bahamas³, Indonesia⁴, Thailand⁵, and Nd TJ ET¹ with



C. HIGH COMMISSIONER'S DIALOGUE ON PROTECTION AT SEA⁷

The UNHCR High Commissioner's



of people travelling by sea to places where their lives or freedom may be threatened, in breach of the non-refoulement principle. The use of interception to shift burdens or frustrate the ability of asylum seekers, refugees and stateless persons to seek safety and protection is also concerning

F. UNHCR POLICY GUIDANCE AND OTHER DEVELOPMENTS

UNHCR has recently issued policy guidelines on “temporary protection or stay arrangements”¹² and on inter-State arrangements for the transfer of asylum seekers.¹³ Both of these are relevant to certain rescue-at-sea situations. Some recent external reception and processing arrangements for asylum seekers travelling regularly by sea in the Asia-Pacific area are of concern, falling below the international standards that UNHCR has set out for such arrangements.¹⁴

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¹² UNHCR, Guidelines on Temporary Protection or Stay Arrangements, February 2014, <http://www.refworld.org/docid/52fba2404.html>

¹³ UNHCR, Guidance Note on bilateral and/or multilateral transfer arrangements of asylum seekers, May 2013, <http://www.refworld.org/docid/51af82794.html>

¹⁴ Ibid.