



UNHCR

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The topics of primary concern to UNHCR in the maritime realm include rescue at sea, stowaways and related responses to the protection needs of asylum-seekers and refugees who take flight by sea. These issues are reflected in the General Assembly Resolution on Oceans and the law of the sea and the report of the Secretary General by reference to related activities of the International Maritime Organisation. As you are aware from our correspondence on last years report and as a result of your Office's participation in inter-agency discussions convened by the IMO, UNHCR is working very closely with IMO on all of these issues.

During the course of 2003 collaborative efforts focused on the development of guidelines to complement the proposed amendments to the SOLAS and SAR Conventions (noted at paragraph 41 of the GA Resolution A/58/L.19). This is still a work in progress but one which I hope will be finalised during the course of the Sub-Committee on Radiocommunications and Search and Rescue to be held in London from 16-20 February. As the process has yet to be concluded I am not in a position at this stage to provide further details, but will ensure that my colleagues remain in contact with your Office, as I am sure the colleagues from IMO will do also, so that any relevant developments in this regard can be noted in the next report of the Secretary General.

An issue which caught my attention in the latest GA Resolution is the question of flag state responsibility (as noted at paragraphs 28 and 29 of the Resolution and paragraph 12c of the Report of the Open-Ended Informal Consultative Process). I am conscious of the fact that this is a complex legal issue affecting many different aspects of maritime law that go beyond the interest and mandate of UNHCR. It is however a subject upon which UNHCR would like to gain greater understanding, not least to take account of its implications when it comes to assessing the responsibility of flag states in situations of rescue or stowaway incidents involving asylum-seekers and refugees. I would therefore be grateful if your Office could keep me informed of relevant developments in this debate.