

UNHCR Contributions

Report of the Secretary General on Ocean Affairs and the Law of the Sea

June 2015

A. BACKGROUND AND TRENDS

Throughout the reporting period, large numbers of refugees and migrants have continued to embark on dangerous sea journeys across the globe, typically compelled to rely on smugglers in the absence of safe, regular channels to escape armed conflict and persecution, to seek work opportunities, or to rejoin family. Loss of life at sea and other threats to safety and human rights remain a feature of these movements.

This reflects the continuation or, in many cases, the exacerbation, of trends evident in recent years. To a large extent, these movements are one symptom of much larger displacement crises globally, with nearly 60 million people forcibly displaced worldwide as a result of persecution, conflict, generalized violence, or human rights violations at the end of 2014. Countries neighbouring ongoing conflicts have continued to face enormous pressure.

Approximately **128,000** refugees and migrants have arrived by sea to Europe (at 26 June) including some **63,500** to Italy (at 24 June) and over **63,000** to Greece (at 19 June). Some **1,850** people are known to have perished or gone missing at sea in the attempt during the first five months of 2015. There were approximately **219,000** arrivals by sea to Europe over the course of 2014.

In Southeast Asia, approximately **63,000** people (mostly from Myanmar and Bangladesh) are believed to have taken to the sea in the Bay of Bengal in 2014. There were some **25,000** arrivals in the first quarter of 2015 (representing double the number of departures for the same period in 2014).

Some new trends have emerged in 2015. In the Mediterranean, routes have undergone a significant eastward expansion, in response to the situation in Libya and related developments. Sea arrivals in Greece this year (at mid-June) reflect a more than fivefold increase as compared to the same period in 2014.

Since the beginning of the Yemen crisis in late March 2015, approximately **45,000** people (as at 21 June 2015) are reported to have fled to nearby countries. A substantial proportion of these movements have been by sea, principally to Djibouti and Somalia. This represents the reversal of the longstanding trend of large-scale mixed migration by sea—involving both refugees and migrants—from the Horn of Africa *towards* Yemen. Nonetheless, some boat movements to Yemen have continued, despite the difficult security situation there for new arrivals.

‘Deterrent’ and punitive measures, including non-consensual transfer and relocation arrangements between countries, ‘pushbacks’ at sea, and the routine detention of sea arrivals, remained of concern in some regions.

B. HIGH COMMISSIONER’S DIALOGUE ON PROTECTION AT SEA

The High Commissioner for Refugees’ annual Dialogue on Protection Challenges in December 2014 was devoted to the theme of Protection at Sea.¹ It was underpinned by UNHCR’s *Global Initiative on Protection at Sea*,² which advocates for concerted action to save lives and to ensure that people travelling by sea who need international protection can receive it. The Dialogue brought together delegations from States, non-governmental organizations, and intergovernmental organizations; representatives of the international shipping industry, national coastguards and navies; as well as individual experts, academics, and seafarers.

¹ See www.unhcr.org/pages/5357caed6.html

² UNHCR, *Global Initiative on Protection at Sea*, 1 May 2014, www.refworld.org/docid/53abd14d4.html

Discussion focused on the three core themes of search, rescue and disembarkation; addressing drivers and providing safer options; and international cooperation to share burdens and responsibilities. Side events on regional challenges and opportunities allowed for reflection on developments in the Caribbean, the Gulf of Aden, the Mediterranean and the Asia-Pacific region.

A strong view was expressed by many participants that acting unilaterally or focusing only on ‘deterrence’ would not stop the phenomenon of mixed migration by sea, but would instead exacerbate the dangers involved and merely lead to travel routes being displaced. The Dialogue notably reinforced the need for effective State-led search-and-rescue arrangements; continued dialogue with the shipping industry on its role and the challenges it faces; cooperation to improve data collection and analysis on travel routes, profiles and protection needs of those taking to the sea; improved arrangements for the reception and treatment of rescued people; and substantially increased access to alternatives to dangerous sea journeys.

C. GLOBAL INITIATIVE ON PROTECTION AT SEA AND REGIONAL ACTION

UNHCR’s *Global Initiative* is complemented and operationalized through region-specific initiatives that set out proposals, priorities, and operational needs:

- The *Central Mediterranean Sea Initiative*³ proposes a comprehensive suite of actions in the EU, in countries of first asylum and ‘transit’, and in countries of origin. UNHCR has also recently launched a cross-regional *Special Mediterranean Initiative*⁴ to scale up operational responses to the situation in the Mediterranean.
- An inter-agency action plan, *Bay of Bengal and Andaman Sea: Proposals for Action*,⁵ was developed by UNHCR in response to the recent crisis involving large numbers of people stranded at sea in Southeast Asia, and has been supported by IOM and UNODC. UNHCR’s *Bay of Bengal and Andaman Sea Initiative: Enhancing responses and seeking solutions*,⁶ was launched in early June, and is aimed at stepping up UNHCR’s responses to movements by sea in affected countries with a view to (i) meeting the protection needs of rescued persons, (ii) addressing informational and capacity-building needs, and (iii) working towards solutions to root causes of dangerous journeys.

UNHCR is working with States and other partners to support efforts to ensure that those fleeing the conflict in Yemen across the Gulf of Aden and Red Sea are able to reach safety.

The Brazil Declaration and Plan of Action,⁷ which was adopted in December 2014 following the Cartagena+30 process and contemplates the establishment of a Regional Consultative Mechanism in the Caribbean, lays strong foundations for strengthened cooperation on protection at sea in that region.

Efforts to strengthen evidence-based information on mixed movements by sea remain a priority, for instance through the establishment of UNHCR’s *Regional Maritime Movements Monitoring Unit (R3MU)* in Bangkok in 2014. This initiative has already contributed significantly to enabling informed responses during the recent Bay of Bengal and Andaman Sea crisis.

³ See UNHCR, *Central Mediterranean Sea Initiative (CMSI): Action Plan*, March 2015, www.refworld.org/docid/5506a6ae4.html

⁴ UNHCR, *Special Mediterranean Initiative: Plan for an enhanced operational response June-December 2015*, June 2015, www.unhcr.org/557ad7e49.html

⁵ UNHCR, IOM, UNODC, *Bay of Bengal and Andaman Sea: Proposals for Action*, May 2015, www.unhcr.org/55682d3b6.html

⁶ UNHCR, *Bay of Bengal and Andaman Sea Initiative: Enhancing responses and seeking solutions*, June 2015, www.unhcr.org/557ad6a59.html

⁷ *Brazil Declaration and Plan of Action*, 3 December 2014, www.refworld.org/docid/5487065b4.html

D. POLICY GUIDANCE AND OTHER DEVELOPMENTS

In response to continuing high levels of loss of life among refugees and migrants travelling by sea, UNHCR has—alongside the range of activities outlined above—also played a lead role in initiating and developing joint advocacy interventions on behalf of several directly concerned UN agencies and representatives as well as IOM, resulting notably in timely issue of a number of joint statements highlighting humanitarian concerns and urging States to meet their protection obligations.⁸

UNHCR has partnered with the International Maritime Organization (IMO) and the International Chamber of Shipping (ICS) to produce an updated version of the joint publication *Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants*.⁹ It provides basic guidance to shipmasters, ship owners, government authorities, insurance companies, and others involved in rescue-at-sea situations.

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⁸ See, e.g., *Joint Statement on Protection at Sea in the Twenty-First Century*, 10 December 2014, www.unhcr.org/548825d59.html; *Joint statement: Search and rescue at sea, disembarkation, and protection of the human rights of refugees and migrants now imperative to save lives in the Bay of Bengal and Andaman Sea*, 19 May 2015, www.unhcr.org/555aee739.html; *Joint Statement on Mediterranean Crossings*, 23 April 2015, www.unhcr.org/5538d9079.html; *Joint Statement on Protection in the Mediterranean in light of the EU Council's Decision of 23 April 2015*, 27 April 2015, www.unhcr.org/553e41e66.html.

⁹ UNHCR, *Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants*, January 2015, www.refworld.org/docid/54b365554.html.