



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

**IMO High-Level Meeting to Address Unsafe Mixed Migration by Sea
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Ladies and gentlemen,

I would like to thank IMO, and in particular Secretary-General Sekimizu, for this opportunity to address you on an issue which has preoccupied all of us for a long time.

At the outset, let me stress that, when we talk about ‘unsafe mixed migration by sea’, we are talking about many thousands of people who, driven by their desperate circumstances, are thrust into one of the most harrowing experiences one can imagine. For a great many of them, the dangers, wretched conditions, trauma, exploitation and abuse they encounter at sea are only one part of a long, bewildering journey that begins in the midst of armed conflict, persecution, poverty and despair, and whose difficulties continue long after they disembark in new shores.

Mixed migration by sea: a global phenomenon

We have witnessed a truly staggering upsurge in dangerous crossings in the Mediterranean—principally in the Strait of Sicily, but also along other routes. Over the course of 2014, close to 219,000 refugees and migrants took to the sea in search of safety and a better life in Europe. The previous year, that number was just over 60,000 people. Their numbers more than tripled between 2013 and 2014.

Tragically, with the upsurge in crossings came an increase in deaths at sea. Over 3,500 people are believed to have lost their lives or gone missing at sea in the Mediterranean in 2014. There were approximately 600 who died in 2013. And these are only informed estimates. We fear many more may have perished in their attempts to reach safety.

This year, the trend seems set to continue. Undeterred by the winter, or the well-known risks, some 7,500 refugees and migrants arrived in Italy in January and February alone, and 370 people are dead or missing.

The numbers and stories of desperation in the Mediterranean have become all too familiar. But this is also very clearly a global phenomenon.

In fact, January crossings via the Red Sea and the Gulf of Aden to Yemen have been largely missing in news media coverage, but appear to have outpaced movements across the Mediterranean: approximately 8,750 people—principally from Somalia and Ethiopia—reached Yemen by sea that month. In 2014, around 91,600 people travelled by sea to Yemen. Some 250 were reported dead or missing, but the truth is that it is impossible to know the actual numbers of people attempting to make the crossing or those who perished at sea, which may be many times greater.

We see similar movements of people in other parts of the world. If we turn to Southeast Asia, some 63,000 people are thought to have embarked on dangerous sea journeys in 2014, overwhelmingly in the Bay of Bengal. 750 people are believed to have died. In the Caribbean, we saw maritime incidents involving over 5,200 people. More than 70 are reported to have lost their lives or gone missing. Again, the real toll may well be much greater.

The point of recalling these numbers is not to suggest that they represent movement on an unmanageable scale. They do not. In fact, they represent a small fraction of global migration

and forced displacement. But the conditions these people travel in, the risks they are exposed to, the ever-present threat of exploitation or—in some cases—violence, and the unacceptable loss of life, mean that robust action is needed. We recognize the very real challenges that ‘unsafe mixed migration by sea’ poses for coastal and flag States, the shipping industry, coastguards, port authorities, seafarers who are called on to assist, crime-prevention authorities and others, yet we must keep the human dimension at the centre of our responses.

Broader context

Let me say a few words about the broader context for the situation we find ourselves in. I will confine myself essentially to the Mediterranean, but there are similar stories to be told in other parts of the world.

That context is one of global displacement crisis.

The increase in movements across the Mediterranean to Europe, and the untold human suffering it entails, are cause for enormous concern—as is the pressure this situation is placing on search-and-rescue arrangements, countries of disembarkation, and international shipping.

We cannot understand what is happening without also considering the tremendous pressure that displacement due to ongoing conflict, instability and failed governance in several countries in the vicinity of the Mediterranean has placed on countries neighbouring those countries in crisis.

Over 1.6 million Syrian refugees are being hosted by Turkey. Nearly 1.2 million have fled to Lebanon. Over 600,000 are in Jordan. We must also recognize the generosity of countries that host these incredible numbers of people who have fled to save their lives. But as the war in Syria moves into its fifth year, and the pressure on neighbouring countries continues, we are seeing increasing numbers of refugees moving on to Europe.

Many of those seeking to reach Europe by sea depart from Libya, which continues to navigate a complex transition period characterized by deep political divisions, failing State institutions, heavy fighting, rising insecurity and criminality. Criminal smugglers have taken advantage of this situation as a business opportunity. Refugees, asylum-seekers and migrants in Libya report growing insecurity and fear, increased xenophobia, discrimination, loss of livelihoods and displacement due to fighting. Many report that they are afraid to remain in Libya and wish to seek safety elsewhere.

How should we respond?

When we ask ourselves what is to be done in the face of this situation, we must begin by acknowledging four points:

First, there are no easy answers or quick fixes, and we cannot wish the complexity of this issue away. No aspect of it can be addressed in isolation or in a compartmentalized way. It requires a wide array of interventions by States, international organizations, the shipping industry, civil society, diaspora communities, and others. Above all, it requires political leadership and will.

Second, we have to accept that, for the time being, desperate people will continue to take to the sea. Many of them simply do not see safer options available to them. When they do, their lives, safety and human dignity must be protected. International law must be upheld, and anyone in distress must be rescued and brought to a safe place.

Third, as was recognized at the High Commissioner for Refugee's Dialogue on Protection at Sea last year, 'protection at sea begins with protection on land'. That is, we must find practical ways of giving better choices to people who might be at risk of seeking the help of exploitative smugglers to escape an intolerable situation. This means asking ourselves how we can invest in preventing dangerous sea journeys in a way that takes full account of the complexity of the issue and does not fall back on shortcuts that risk resulting in human rights violations, punishing victims, or blocking the only escape routes open to those flee armed conflict or persecution.

Fourth, as suggested by the title of this meeting, people taking to the sea do so for a range of reasons. Some are refugees and cannot return home no matter how much they might wish to. Some fall victim to human trafficking. Some are seeking to join family, or to find a way out of poverty. People moving for different reasons may have different statuses in international law, but when they are out at sea and find themselves in distress, all have the same right to be rescued and treated with humanity.

The principle of a 'common heritage of humanity' has long been a guiding thread of the law of the sea. The high seas themselves were to benefit humanity as a whole, to fall under the sovereignty of no nation, and require the stewardship of all. That common heritage, that common responsibility, must also embrace the safety and protection of human life at sea. This must guide our actions. Our primary motivation must therefore be to prevent further loss of life. We cannot allow our seas to become seas of indifference.

Practical challenges at sea

None of what I have said is intended to minimize or underplay the very real practical challenges raised by the increase in people travelling by sea in unsafe craft. The biggest impact is, of course, on the very people who feel compelled to take these journeys. Coastguards and commercial shipping have also been placed under immense strain. The courageous efforts of coastguards, shipmasters, and crews of merchant vessels to uphold international law and the seafaring tradition of rescue—often in very difficult circumstances—are commendable. We recognize the real concerns for the safety of those involved in rescues, the difficulties and risks involved in undertaking large-scale rescues on ships that are not equipped for that purpose, the cost and delay involved, and the frustration felt by many at being 'used' by criminal profiteers who exploit the desperation of their 'clients' and the goodwill of the seafaring community.

It is vital to support the shipping industry to find ways of safeguarding its role in the search-and-rescue system, alongside States, by limiting unnecessary costs, burdens and risks. It is important for us to better understand, from the perspective of international shipping, what pragmatic options are available that are consistent with legal and humanitarian bottom lines. I will touch on some possibilities in a moment.

Coastal States too, must be supported so that those who shoulder search-and-rescue obligations can do so effectively, and so that States that disembark large numbers of rescued

people can ensure that their own legitimate concerns are addressed, that adequate reception facilities and standards can be provided, and that rescued people who need international protection receive it.

The way forward

In this context, there are a series of measures we can take to meet the current challenges.

- First, there is no avoiding that the most pressing need—in the Mediterranean, but also elsewhere—is for a robust State-led international search-and-rescue operation with a clear humanitarian and life-saving mandate, on a scale commensurate with the magnitude of current needs. We certainly welcome the role that has been played by Frontex’s Operation Triton in coming to the assistance of people in distress, but we recognize that it does not have the resources, scope, or mandate to deliver the necessary search-and-rescue services.
- We need to support the role of commercial shipping. I look forward to hearing the views of those of its representatives who are here today, but I propose that some measures could include: developing, where needed, better and more predictable arrangements for safely and quickly transferring or disembarking rescued people; exploring whether a mechanism needs to be established for compensating shipping companies for losses incurred when their assets are diverted to participate in a rescue operation; and monitoring cases of failure to meet search-and-rescue obligations and finding ways to prevent them.
- Law enforcement is a vital part of this puzzle. Although, for many people, smugglers represent the only means of escape from a desperate situation available, impunity for those who reap large profits by recklessly endangering the lives and safety of their ‘clients’, and for corrupt officials who facilitate it, must not continue. Law enforcement efforts must be strategic and maintain a strong focus on protecting the victims.
- Until we manage to give people better options, we can expect that action against smuggling will, by itself, often result simply in criminals adapting their routes and strategies. Likewise, people who feel they have no choice but to escape by sea will find ways of doing so. In order to shift this dynamic, the international community will need to begin making safer options available, on a scale that has a chance of making an impact.

This means working to improve conditions and the opportunities that people have where they are. It also means offering safe migration pathways, as well as appropriate avenues to protection. For people who are seeking safety from persecution or conflict, this will include significantly stepping up resettlement and humanitarian admission efforts. It should also include taking a serious look at ‘alternative’ forms of admission. By that we mean such things as expanding family reunification opportunities, making academic scholarships available to people in vulnerable circumstances, offering humanitarian visas, tailoring suitable labour-mobility schemes, considering community-based private sponsorship arrangements for refugees, and undertaking medical evacuations.

- We need to find workable models for supporting States experiencing migratory pressures. States which accept disembarkation of large numbers of rescued people need to be able to count on support from those that do not—for example, by finding arrangements for

distributing international responsibility for providing solutions for asylum-seekers and refugees. In some places of disembarkation, more could be done to support arrangements for the reception, care, and identification of rescued people—for instance by developing ‘rapid response’ protection teams, or exploring possibilities for ‘joint processing’ of asylum claims. Where rescued people do not need international protection and are not otherwise entitled to remain, arrangements for safe, dignified return need to be in place.

- More can be done to raise awareness among at-risk communities of the dangers of engaging smugglers and travelling by sea, as well as of safer options where they are available. Some may feel compelled to take their chances at sea regardless of such efforts—others may be able to make an informed choice and be spared poorly understood risks.

Let me end with a more general reflection. Human mobility, in all its forms, is a central and beneficial feature of our world. It is a defining factor shaping the 21st century. UNHCR’s own mandated work necessitates, in particular, a constant endeavour to ensure that borders are not closed to those who flee conflict and persecution—by sea or by land—and that such people are not returned to places where they are at risk. We must recognize that we need to embrace mobility rather than reject it. This, of course, does not discount the immediate challenges faced by States and others—including the shipping industry, but we are convinced that a strong multilateral, cooperative approach is the way forward.

Thank you.