

Refugees and asylum-seekers in distress at sea – how best to respond?
Expert Meeting
Djibouti, 8 - 10 November 2011

1. Background

The phenomenon of people taking to the sea in search of safety, refuge, or simply better economic conditions is not new. The mass exodus from Vietnam throughout the 1980s was followed in the 1990s by large-scale departures from places such as Albania, Cuba and Haiti. More recently, international attention has focused on the movement of Somalis and Ethiopians across the Gulf of Aden, increasing numbers of sea arrivals in Australia, and the outflow of people from North Africa to Europe. But beyond these situations, irregular maritime movements involving migrants as well as refugees are a reality in all regions of the world.

Most irregular maritime movements today consist of “mixed movements”, made up of people with various profiles and needs, as opposed to being primarily refugee outflows. However, almost all of these movements include refugees and asylum-seekers. They also generally take place without the requisite travel documentation and are often facilitated by smugglers or traffickers. The vessels used for the journey are frequently overcrowded, un-seaworthy and not necessarily commanded by professional seamen. Distress at sea situations are common, raising grave humanitarian concerns for those involved.

The 2004 amendments to the SAR and SOLAS Conventions and corresponding guidelines issued by the International Maritime Organisation (IMO) have strengthened the global Search and Rescue (SAR) regime.¹ However, gaps remain, especially when SAR operations involve people without proper documentation. Search and rescue operations, disembarkation, processing and the identification of solutions for those rescued, including for persons of concern to UNHCR, are recurring challenges for States, international organizations and the shipping industry.

2. Objectives of the Expert Meeting

Building on the conclusions of the Expert Meeting on International Cooperation to Share Burden and Responsibilities, convened by UNHCR in June 2011 in Amman², the meeting will:

- Identify outstanding challenges in responding to distress at sea situations involving asylum-seekers and refugees.
- Discuss concrete and practical mechanisms to improve responses based on inter-State cooperation and burden and responsibility sharing. In particular, the meeting will discuss the development of a Model Framework for Cooperation to facilitate the conclusion of cooperative arrangements on rescue at sea.

¹ 1974 International Convention for the Safety of Life at Sea (SOLAS), entry into force 25 May 1980; 1979 International Convention on Maritime Sea and Rescue (SAR), entry into force 25 March 1980; IMO Resolution MSC.167(78), Annex 34, *Guidelines on the Treatment of Persons Rescued at Sea*, 2004.

² UNHCR, Expert Meetings, <http://www.unhcr.org/pages/4d22f95f6.html>.

- Develop practical guidance for shipmasters as regards the rescue and disembarkation of refugees and asylum-seekers.

3. Convener and Host

The Expert Meeting will be convened by UNHCR in cooperation with the Government of Djibouti.

4. Suggested Participants

- Expert government representatives from interested States
- NGOs and international organizations [e.g. IMO, IOM, ICRC, IFRC]
- Academics (from maritime as well as human rights and refugee law perspectives)

Working language: English (informal courtesy translation into French will be provided).

5. Documentation

A background paper will be made available to facilitate discussion at the Expert Meeting.

Additional documentation will include case studies, relevant international and regional legal texts and policy guidance.