

MARITIME SAFETY COMMITTEE
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ANY OTHER BUSINESS

Outcome of the inter-agency High-level meeting to address unsafe mixed migration by sea

Note by the Secretariat

SUMMARY

<i>Executive summary:</i>	This document presents the outcome of the inter-agency High-level meeting to address unsafe mixed migration by sea
<i>Strategic direction:</i>	1.1
<i>High-level action:</i>	1.1.1, 1.1.2
<i>Planned output:</i>	1.1.2.1
<i>Action to be taken:</i>	Paragraph 11
<i>Related documents:</i>	LEG 102/INF.3; C 114/17(a)/3; FAL 40/16 and HLIMM/INF.1

Introduction

1 The inter-agency High-level meeting to address unsafe mixed migration by sea (the High-level meeting) took place at IMO Headquarters on 4 and 5 March 2015. It followed the "Joint Statement on Protection at Sea in the Twenty-First Century", agreed during the United Nations High Commissioner for Refugees' Dialogue on Protection Challenges, held in Geneva on 10 December 2014. Participants at the meeting included representatives from Member States, intergovernmental organizations in observer status, non-governmental organizations in consultative status as well as senior representatives from the following agencies: International Labour Organization (ILO), International Maritime Organization (IMO), United Nations High Commissioner for Refugees (UNHCR), United Nations Office on Drugs and Crime (UNODC), Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), United Nations Division for Ocean Affairs and the Law of the Sea (DOALOS) and International Organization for Migration (IOM).

2 In 2014 over 3,000 migrant deaths were reported in the Mediterranean alone as a result of unsafe, irregular and illegal sea passages. In late December 2014, the M/V **Blue Sky B** and M/V **Ezadeen** incidents, in which ships loaded with migrants were left to navigate in

congested waters without qualified persons in charge, thereby risking their lives, the lives of seafarers and the marine environment highlighted the need for urgent action. More recently still, reports of dozens of migrants dying from hypothermia after being recovered by Search-and-Rescue (SAR) craft, further highlighted the danger of such sea passages. Moreover, in 2014, over 700 merchant vessels were diverted from their routes in order to recover and rescue migrants crossing the Mediterranean. The sheer numbers of migrants rescued by merchant vessels is unprecedented in modern times.

3 The large number of incidents and loss of lives at sea involving migrants departing North African shores to reach European countries led to the need to establish a strategy for coordinated actions to prevent smugglers involved in facilitating the travel of migrants on board unseaworthy vessels, as well as to ensure alternative safe means of passage by sea. The aim of the meeting was to complement the work of the Global Migration Group (GMG) by developing a plan for collaboration between GMG and participating organizations to better address this issue.

4 The first day of the meeting comprised formal presentations by the heads of the participating organizations or their representatives, followed by statements and discussions by other participants. The Secretary-General, in his opening statement, set the scene for the day by describing the issues related to unsafe migration by sea as being of epidemic proportions and that SAR systems are stretched to, and at times beyond, breaking point. He stressed the need for concerted efforts to address the problem and its consequences on SAR resources, the shipping industry, trade and the global economy as well as on the safety of seafarers and rescuers. The second day comprised technical-level presentations by the participating agencies and further discussions. Copies of presentations and speeches are available on the IMO website at [http://www.imo.org/About/Events/Pages/High-Level-Meeting-to-Address-Unsafe-Mixed-Migration-by-Sea-\(March-2015\).aspx](http://www.imo.org/About/Events/Pages/High-Level-Meeting-to-Address-Unsafe-Mixed-Migration-by-Sea-(March-2015).aspx).

5 The High-level meeting noted that migrant smugglers were cold blooded criminals, that smuggling ventures could generate revenue in excess of USD 3 million for a single voyage, and that closer cooperation between agencies, civil society and the industry was required. It highlighted that victims of migrant smuggling were human beings, that the scale of the problem was considerable and that without safer options, people would continue to take to sea. It was proposed to highlight dangers associated with unsafe mixed migration, establish compensation schemes for shipping involved in migrant rescue and find safe immigration routes.

6 The High-level meeting noted further the proposal of the United Nations Open-Working Group on Sustainable Development Goals (SDGs) which contained a number of migration-related targets. Taking into account the link between migration and human development, participants emphasized that potential solutions lay in a global comprehensive approach to addressing the drivers of migration such as poverty, climate change, terrorism and war. Furthermore, compliance with United Nations General Assembly resolution 69/245 and the relevant provisions of UNCLOS, particularly the obligations placed on port, flag and coastal States, as well as collaboration between stakeholders were measures recognized as vital for addressing unsafe mixed migration by sea.

7 Concerns were also expressed that if the rate of growth of the number of migrants drifting in the Mediterranean was to follow the growth ratio from 2013 to 2014, we would face 400,000 to 450,000 migrants calling for rescue at sea in 2015. Current legislation relating to SAR was designed for exceptional circumstances, not the rescuing of hundreds of thousands of persons as a matter of routine. Mass rescue operations at sea go far beyond the concepts enshrined in the SAR Convention and safety of life could not be guaranteed even within the SAR areas of some countries as the numbers of migrants to be rescued was increasing.

8 The meeting concluded that:

- .1 more emphasis should be placed on prevention rather than cure;
- .2 cooperation between the organizations represented was vital;
- .3 the key to finding a lasting solution to unsafe migration was to strengthen regular and legal avenues for migration;
- .4 shipping is a first responder to rescue of migrants at sea and not a replacement for SAR services;
- .5 the safety of seafarers, ships and cargo was at risk; and
- .6 prompt disembarkation from merchant ships, consistent with international law was essential.

9 Several proposals were put forward by the various Member States, NGOs and agencies attending the meeting, to include:

- .1 review SAR legislation including the definition of "distress" and its interpretation and to ensure that legal regimes for SAR were able to respond to unusual situations;
- .2 enhance port and coastal State monitoring, including monitoring ships in transit;
- .3 develop information and advice to prospective migrants on dangers of irregular sea routes;
- .4 develop clear policy statements by States on disembarkations of migrants;
- .5 re-energize the dialogue between States in the Mediterranean on the prevention of irregular, unsafe journeys by sea and on the treatment of persons rescued at sea;
- .6 develop joint databases on migrant incidents and on suspected smugglers and vessels; and
- .7 ensure closer cooperation between States of origin, transit and destination, and other relevant actors including flag State Administrations, port authorities and coast guards of countries where small craft or ships with migrants on board may depart on sea passages.

10 The inter-agency participants of the meeting agreed to establish a mechanism to continue the dialogue on the issue in order to arrive at meaningful solutions, and to begin coordination efforts on the proposals in paragraph 9 above, in particular proposals 9.3 and 9.6.

Action requested of the Committee

11 The Committee is invited to take note of the information provided.