

Oceans and the Law of the Sea: Report of the Secretary General

UNHCR Submission 2024

In the absence of safer avenues to seek international protection, refugees and other persons under UNHCR's mandate continued to undertake perilous sea journeys across various regions, including the Mediterranean Sea, the Caribbean, the Gulf of Aden, the Indian Ocean, the Bay of Bengal and the Andaman Sea. Often traveling alongside migrants seeking better lives, they relied on smugglers, exposing themselves to risks such as trafficking, kidnapping for ransom, and various forms of inhuman treatment.

During the reporting period, UNHCR intensified its efforts to protect individuals at sea through several key initiatives. Despite the absence of sufficient safeguards in international maritime law for refugees and migrants undertaking sea journeys, UNHCR advocated for a good-faith interpretation of these laws in light of international refugee and human rights standards. In particular, UNHCR publicly and repeatedly underlined that persons rescued at sea must be disembarked in a place of safety, where their lives are no longer threatened, and their basic human needs are met.¹ Advocacy and partnerships were strengthened to promote effective, cooperative, and protection-sensitive approaches to search and rescue (SAR) and disembarkation. Operational support was also provided at disembarkation points and sea arrival locations. Efforts to support access to asylum and address the root causes of dangerous journeys were also enhanced.

UNHCR maintained active dialogue with the International Maritime Organization (IMO) and the International Chamber of Shipping (ICS), ensuring these organizations were informed and involved in all UNHCR communications with shipping companies regarding SAR operations.

UNHCR led advocacy through the Inter-Agency Group on Agenesed SAR practices along different sea routes and identified protection concerns.

In September 2023 IOM and UNHCR launched the e-learning course on

[Protection of Migrants and Refugees Moving by Sea](#), which aims to enhance understanding of the legal standards providing protections in the context of rescue and interception operations. Designed for State authorities, humanitarian organizations and partners engaged in sea interventions, the course equips learners with the necessary knowledge to operate effectively in different functions.

¹ See: UNHCR, *Legal considerations on the roles and responsibilities of States in relation to rescue at sea, non-refoulement*

UNHCR engaged with the EU SAR Contact Group, providing comments on the Roadmap towards a “European Framework for Operational Cooperation on Search and Rescue in the Mediterranean Sea” and participating in an informal exchange on the type of information that shipmasters may exchange with

Mediterranean situation

Generally, in 2023, some 212,100 refugees and migrants were reported to have attempted to cross the central

UNHCR has advocated for ensuring that any measures adopted by Cyprus in response to increased sea arrivals are in line with international law.⁶

Through constructive dialogue with coastal and flag states, and regional organizations, and through engagement with relevant maritime and humanitarian stakeholders, UNHCR continues to call for the development and implementation of a regional scheme to improve coordination on Search and Rescue (SAR) operations at sea to prevent deaths and persons going missing at sea and ensure predictable disembarkation protocols and subsequent processing of persons rescued/intercepted at sea. During the reporting period, UNHCR continued convening monthly consultations with the “Central Med SAR Network” which includes NGOs and UN agencies (IOM and OHCHR). These meetings provided an active forum to exchange information on SAR challenges and advocacy opportunities and helped inform the work of the Inter-Agency Group on the Protection of Refugees and Migrants Moving by Sea at global level. UNHCR and IOM have also been working towards further collaboration on SAR in the Central Mediterranean Sea and the mixed movements, particularly on increasing data sharing and producing joint products.⁷ UNHCR’s Special Envoy for the Western & Central Mediterranean situation has also began communication by formal letter with shipping companies whose vessels were involved in providing assistance to individuals in distress at sea in the Central Mediterranean, or who reportedly had failed to do so. Through this initiative, UNHCR recognized and commended the positive efforts of merchant vessels and crews in rescuing and assisting persons in distress at sea by sending letters of appreciation to the relevant shipping companies, owners of the vessels, reserving copies for related flag States.

In terms of the West Africa-Atlantic route, from September 2023 to April 2024, some 44,800 refugees and migrants are reported to have crossed from the African coast to the Canary Islands, a significant increase compared to 16,400 during the previous reporting period.

Atlantic route

As briefly mentioned above, between September 2023 and early May 2024, some 44,500 people arrived by sea in the Canary Islands after departing from West and North Af an

justice for refugees and migrants subjected to abuse and exploitation prior to and during smuggling by sea, including in transit and destination countries”.⁸

Western Indian Ocean route

UNHCR initiated a data collection project named “A data voyage on the western Indian Ocean” with support from its Data Innovation Fund. Through a partnership with Mixed Migration Centre (MMC), qualitative data on movements along the routes linking Tanzania, Comoros, Madagascar and Mayotte will be collected and analyzed with a view to increasing knowledge and understanding of the phenomenon. MMC will coordinate with UNHCR France which will be directly involved in the exercise in Mayotte.

In November 2023, sixteen individuals found themselves stranded on Anjouan Island in the Comoros, where they were detained. They were eventually released thanks to the intervention of CARITAS, a local NGO, in collaboration with the Coast Guard. In March 2024, approximately fifty individuals were abandoned by smugglers on Grande Comore, under the false belief that they had arrived in Mayotte. Resident Coordinator Office confirmed that no one got detained. In April 2024, another group of twenty-eight individuals were stranded on Anjouan Island. Claiming to be from the Democratic Republic of Congo, most of the group eventually reached Mayotte. During this period, UNHCR also intervened on behalf of individuals arriving in the Comoros by air, advocating against refoulement in several cases.

The Government of Comoros expressed willingness to engage with UNHCR on several fronts: capacity building for key officials and members of civil society on obligations under international refugee law, technical advice and inputs on revisions to draft laws, policies and action plans on human trafficking and on combatting smuggling of migrants, as well as on the revision of the law on entry and stay in Comoros. The Government also agreed to facilitation and support of UNHCR’s mentioned data collection project. Nevertheless, the Government has ceased notifying international organizations about new arrivals. Previously, the Comorian government would alert the IOM if a group was stranded on one of the islands, and the IOM would subsequently inform the UNHCR.

Caribbean situation

In the north and eastern Caribbean, available statistics indicate a continued rise in maritime movements along the route towards The Bahamas, with most noteworthy trends occurring in the months of March and April 2024. In these months, the Royal Bahamas Defense Force (RBDF) recorded the apprehension of 875 persons, with an additional 626 individuals apprehended by the Turks and Caicos Islands patrol unit (in collaboration with RBDF). All encountered individuals were Haitian. During this period, information was released of a reported 537 individuals repatriated by sea to Cap-Haitien by the RBDF, and an additional 60 repatriated by Turks and Caicos authorities. These events follow the last repatriation occurrences in September 2023, of which 55 Haitians were returned by air. While recognizing the ongoing efforts of the competent Coast Guards, UNHCR notes the need to continue to work closely with the authorities of several island states in the region to support the development of systems to ensure the identification of asylum-seekers and of other people in need of international protection.

On 25 January, UNHCR Trinidad and Tobago with MCO-Washington facilitated a remote workshop titled "Understanding the Intersection between International Human Rights Law and Refugee Protection Law"

were Ethiopian. The survivors were taken to the IOM office, where they received the necessary care and support before continuing their journey to Ethiopia.

In Somaliland, the UNHCR-IOM co-led Mixed Migration Task Force (MMTF) collaborates with various stakeholders to address migrants' needs and combat illegal migration and trafficking. As the number of individuals trafficked from Somalia through the Gulf Aden is uncertain, the MMTF 2022-2024 strategy recognizes the need for better monitoring and support for trafficking victims. Therefore, in 2023, UNHCR, in partnership with the University of Hargeisa Legal Clinic, supported the Somali government with capacity-building training sessions on refugee law and international protection for 177 government staff, including coast guards and border and immigration officials. However, despite these efforts, more awareness among government officials and resources are required to enhance effective responses.

UNHCR Division of International Protection, 14 June 2024