

UNHCR Comments on the Draft Resolution on Oceans and the law of the sea (A/57/L.48/Rev.1) and the Report of the Secretary General on Oceans

and the law of the sea (A/57/L.48)

Introduction

UNHCR is grateful to the Office of Legal Affairs, Division for Ocean Affairs and the Law of the Sea, for having shared the above mentioned documents and having given UNHCR the opportunity to provide comments on issues of concern to the Office. The complex nature of the law of the sea, encompassing issues as diverse as maritime safety, conservation and management of marine living resources, climate change and sea-level rise is obviously not in its entirety of direct relevance to UNHCR's mandate for the international protection of refugees. However, as has been clearly illustrated

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Legislative reform including consideration of amendments

effect in May 2003 and it is hoped that the full co-operation of all States, signatories to the FAI Convention or otherwise, will be forthcoming to give

practical effect to the substance of these improvements.

- the 75th and 76th Sessions of the Maritime Safety Committee where discussions focused on the meaning of the phrase "delivery to a place of safety" and the advisability of introducing amendments to SAR and SOLAS (and possibly other relevant legal instruments) in order to bring further clarity to the interpretation of this term. An ad hoc meeting hosted by the Swedish Maritime Administration between sessions of the Maritime Safety

Committee facilitated an in-depth discussion allowing for much closer

scrutiny of the various proposals put forward by States (Norway, France

and Germany in particular). UNHCR's active engagement in this debate

Crimes at sea

Recent developments in response to stowaway cases, outlined at paragraphs 164 to 170 of the Report are welcomed by UNHCR as is reflected by our comments above under the heading of the FAL Committee.

Developments with respect to combating smuggling of migrants, as embodied in the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime 2002 are welcomed by UNHCR. The

United Nations Protocol against the Smuggling of Migrants for the Protection of