

Based on its mandate, UNHCR will restrict its observations to the issue of rescue at sea as it impacts on persons of concern to the Office:

UNHCR is concerned about the number of tragic incidents occurring during irregular maritime migration in many parts of the world. Often, asylum seekers and refugees are among those who are affected.

Smugglers seem to take ever longer and more dangerous routes and use smaller boats to avoid detection and interception. People are often forced to depart in boats that are evidently not seaworthy; often they are also overloaded with passengers. Maritime migration across the Gulf of Aden is particularly disturbing as there are horrendous reports about ill-treatment of passengers by smugglers. The exact death toll of maritime migration will probably never be known as some flimsy vessels disappear without trace.

Based on media and police reports, UNHCR estimates that more than 500 people have died during crossings in the Mediterranean this year. Non-governmental organizations believe the figure could be closer to 1,000. Figures for the period 1 January until 30 September include 152 reported dead and 274 missing in the Sicilian Channel, and a further 150 dead trying to reach the Canary Islands or the Spanish mainland from North/West Africa. In Greece, official figures report 44 boat people drowned and 54 missing between January and late September in the Aegean. This compares to nine people reported dead and 10 people missing last year and 10 dead with 16 missing in 2005.

In the Gulf of Aden, during the course of this year alone, according to UNHCR statistics 439 people lost their lives and 489 are missing. Many drowned, died of mistreatment by smugglers or were shot dead. On Sunday 21 October 2007 alone 66 people drowned during the cross-over after having been thrown overboard by the smugglers. As of 21 October 2007, 206 boats arrived in Yemen with an estimated number of arrivals amounting to 20,301 persons. This compares with over 360 people who have lost their lives and 150 missing according to our knowledge in 2006.

UNHCR has consistently voiced its concerns about the *massive scale of tragedies* in the Gulf of Aden and is trying to address the problem *together* with other agencies and partners through a comprehensive approach at points of departure, transit and destination.

States' legal responsibilities with regard to rescue operations have been strengthened by important amendments to the SAR and SOLAS Conventions which entered into force last year, obliging states to cooperate in rescue at sea operations. However, as regards the Gulf of Aden, these amendments will make no difference due to the lack of any functioning SAR facilities.

In the Mediterranean and Atlantic, a number of recent maritime incidents show that there continues to be a lack of clarity about States' obligations with regard to rescue and disembarkation, especially where the nearest coastal State has not declared a SAR zone. For instance, in the case of the *Marine I*, a vessel carrying 369 people which was reportedly discovered by the Spanish aerial rescue services at the coast of Senegal on 30 January 2007 was finally allowed to disembark in Mauritania only on 12 February 2007.

In the Sicilian channel the lack of clarity about responsibilities and the absence of proper coordination mechanism among concerned States in the region have resulted in some dreadful incidents. In May, a boat carrying around 57 people (mostly from Eritrea) disappeared because of avoidable delays in the rescue operation. It could not be clarified as to whether the boat returned to North Africa or drowned. In another incident in May, it took three days to rescue 27 people who were clinging for their life to the tuna pen of a Maltese trawler north of Libya until they were finally rescued by the Italian maritime forces.

UNHCR's "10 Point Plan of Action on Refugee Protection and International Migration" which the Office has issued in 2006 provides suggestions in 10 key areas as to how protection sensitive responses to irregular migration could be developed. The Plan is based on a comprehensive and collaborative approach involving different stakeholders. The suggestions made in the 10-Point-Plan could also contribute to the finding of solutions for complex maritime incidents involving migrants and refugees.

On numerous such occasions the Office was forced to take action when urgent rescue operations were delayed by protracted discussions on where people should disembark. At times, UNHCR has been able to mobilize action by providing to the authorities responsible for search-and-rescue information about the location and situation of boats in distress. UNHCR has, furthermore, been advocating for solidarity and responsibility-sharing particularly in support of those States with disproportionately large search-and-rescue area of responsibility relative to their size, as is the case, for example, with Malta. In this respect UNHCR welcomed the co-operation between Italy and Malta. According to figures provided by the Italian Coast Guard, some 44 percent of the persons rescued in the period January to June 2007 were actually found in distress within the Maltese SAR area.

To discuss the problems related to irregular maritime migration and the role of UN agencies, as well as to identify possible solutions, the High Commissioner is inviting agencies for an inter-agency meeting chaired by the Assistant High Commissioner (Protection) on 11 December 2007. The results of this meeting will be presented to States and other actors for discussion and follow-up during the High Commissioner's Dialogue on Protection challenges which will focus on the topic of international migration and refugee protection and which will subsequently take place from 11-12 December 2007. Invitations for both events have been sent to the Division for Ocean Affairs and the Law of the Sea.

As regards information material, UNHCR and IMO have produced an Arabic translation of the leaflet entitled "Rescue at sea, a guide to principles and practice as applied to migrants and refugees" on which we reported last year. We have furthermore prepared a French version of our binder with "Selected Reference Materials: Rescue at Sea, Maritime Interception and Stowaways". Copies of this material are attached.