

Protection at sea

July 2016

This is a selection of articles published by Forced Migration Review (FMR) focusing on protection at sea. You will find for each: the title, the author(s), a description or introductory sentences and links to the article online, most of which are also available in Arabic, French and Spanish.

This thematic listing is online at www.fmreview.org/thematic-listings, where you will find other thematic listings on different subjects.

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Legal and practical issues raised by the movement of people across the Mediterranean [2016]

Guy S Goodwin-Gill (University of Oxford)

The movement of people is a phenomenon we must learn to live with and to manage as best we can in the interests of all. Among other matters, this will require states dealing with each other on a basis of equity and equality, rather than outmoded and unrealistic expectations of sovereign entitlement.

www.fmreview.org/destination-europe/goodwingill



It need not be like this [2016]

Cathryn Costello (University of Oxford)

Creating space for smugglers and failing to provide humanitarian assistance are European failures. Opening legal routes to Europe could deal with both.

www.fmreview.org/destination-europe/costello



Migrant arrivals and deaths in the Mediterranean: what do the data really tell us? [2016]

Frank Laczko, Ann Singleton, Tara Brian and Marzia Rango (IOM)

The policy and media gaze focuses on numbers of migrant arrivals and deaths. There are problems in the data for both categories.

www.fmreview.org/destination-europe/laczko-singleton-brian-rango



Search and rescue in the central Mediterranean [2016]

Hernan del Valle, Rabia Ben Ali and Will Turner (Médecins Sans Frontières)

Between May and September 2015, and only in the central Mediterranean, Médecins Sans Frontières vessels rescued and provided assistance to over 16,000 people from 20 different countries. Although people are aware of the risks of the sea crossing, nothing can really prepare them for the experience.

www.fmreview.org/destination-europe/delvalle-benali-turner

Safety, rescue at sea and legal access [2016]

Stefan Kessler (Jesuit Refugee Service Germany)

If it is to live up to its own values, the EU needs to step up search-and-rescue operations in the Mediterranean and open up legal means for access to protection in Europe in order to avoid the need for risky journeys across the Mediterranean.

www.fmreview.org/destination-europe/kessler

Europe, don't copy Australia [2016]

Keeya-Lee Ayre (Australian National University)

Praise for Australia's policy of turning away asylum seekers is misguided. In the Australian context the issue of 'boat people' has been utilised as a political device and has featured prominently in the media for decades.

www.fmreview.org/destination-europe/ayre

The challenge of mixed migration by sea [2014]

Judith Kumin (UNHCR/University of New Hampshire)

While 'boat people' are often fleeing a situation of crisis, they share their mode of travel with many types of migrants. Much more needs to be done to respond to irregular maritime migration in a way which protects fundamental rights and respects human dignity but the political will for this appears to be lacking.

www.fmreview.org/crisis/kumin

Protection challenges of mobility [2014]

Melissa Phillips (Regional Mixed Migration Secretariat) and Kathrine Starup (Danish Refugee Council)

It is easy to say that people fleeing Syria should stay in camps or satellite cities but people move on for a variety of reasons, and programmes and services must adapt to assist them.

www.fmreview.org/syria/phillips-starup

See over for more articles.

Protection at sea



A return to the 'Pacific Solution' [2013]

Fiona McKay (Deakin University)

Over the last 50 years, Australian governments have introduced a range of measures that seek to deter asylum seekers. Current practice sees asylum seekers once again detained in offshore detention in neighbouring countries.

www.fmreview.org/detention/mckay



From commitment to practice: the EU response [2012]

Madeline Garlick (UNHCR) and Joanne van Selm (independent)

Events in North Africa in 2011 transformed the pattern of boat arrivals in Europe – significantly in terms of the motivations of those arriving but with smaller numbers than might have been anticipated. The EU's response indicates that more is needed to translate a commitment to solidarity from limited aid and statements of principle into practical reality.

www.fmreview.org/north-africa/garlick-vanselm



'Identity unknown': migrant deaths at sea [2011]

Stefanie Grant (independent)

Political unrest in North Africa has led to a resurgence in irregular migration to Europe and an increase in migrant deaths at sea, yet there is still no framework for identifying those who die or recording their numbers.

www.fmreview.org/technology/grant



Irregular migration by sea [2016]

www.fmreview.org/destination-europe/migration-by-sea

Irregular migration by sea is not a solely Mediterranean phenomenon. It is also frequent in the Caribbean, where mixed migration – including trafficking and smuggling – among the multitude of island nations and particularly to the United States is an increasing phenomenon; in the Bay of Bengal and the Andaman Sea, in the direction of Indonesia, Malaysia, Thailand and Australia; and in the Red Sea, where it used to be mainly Somalis and Ethiopians going to Yemen, and now is also Yemenis going in the opposite direction. In all of these cases migration at sea tends to involve unseaworthy and overloaded craft, and with refugees and asylum seekers using the same routes, and the same craft, as other migrants.

All of these factors lead to this phenomenon involving a range of different actors with different interests, each viewing it through a different lens. They include state structures like immigration and border protection agencies, private-sector actors such as fishing vessels and commercial shipping, international and humanitarian organisations, regional bodies like Frontex, civil society organisations, and criminal syndicates. At the core are the networks of different kinds of migrants and their families, and communities in countries both of destination and origin.

Complicating rescue at sea is the fact that states must legally implement a process of distinguishing between those who are refugees and those who are not. Rescue must anyway lead to safe disembarkation for all of them, together with appropriate support for refugees and asylum seekers, trafficked persons and unaccompanied or separated children.

See:

UNHCR's Global Initiative on Protection at Sea

www.refworld.org/docid/53abd14d4.html

UNHCR (2011) Djibouti Summary Conclusions on distress and rescue at sea, tools for incidents involving asylum seekers and refugees

www.refworld.org/docid/4ede0d392.html

International Maritime Organization (2004) Guidelines on the Treatment of Persons Rescued at Sea

www.refworld.org/docid/432acb464.html

Satellite phones help rescue of refugees [2011]

Virginia Signorini (Italian System of Protection for Asylum Seekers and Refugees)

The first phone call came at 04.30 in the morning one day in 2006. It was summer – usually the most intensive period of migrants' landings on the Italian coasts. They were in trouble out at sea in the Mediterranean and were calling for help.

www.fmreview.org/technology/signorini

Asia's new boat people [2008]

Chris Lewa (The Arakan Project)

Thousands of stateless Rohingyas are leaving Burma and Bangladesh, dreaming of a better life in Malaysia. From October 2006 to mid March 2008, more than 8,000 boat people departed mostly from the coast of Bangladesh towards Thailand and then Malaysia. Many had to be rescued, and many drowned.

www.fmreview.org/burma [click on Contents and scroll down]



Spanish coastguards off the island of Tenerife in the Canaries intercept a fishing boat carrying African migrants.