Irregular 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]

Articles related to protection at sea previously published in FMR

The challenge of mixed migration by sea [2014]
Judith Kumin
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]

Aspects of crisis migration in Algeria [2014]
Mohamed Saïb Musette
Movements of migrants are only partially covered by international instruments and while the Algerian authorities certainly have opportunities to protect this stream of people, no agreements (bilateral or multilateral) are in force to do so.
[www.fmreview.org/crisis/musette]

Protection challenges of mobility [2014]
Melissa Phillips and Kathrine Starup
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]

From commitment to practice: the EU response [2012]
Madeline Garlick and Joanne van Selm
Events in North Africa in 2011 transformed the pattern of boat arrivals in Europe. 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.html]
‘Identity unknown’: migrant deaths at sea [2011]
Stefanie Grant
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.html

Satellite phones help rescue of refugees [2011]
Virginia Signorini
The first phone call came at 04.30 in the morning one day in 2006. They were in trouble out at sea in the Mediterranean and were calling for help.
www.fmreview.org/technology/signorini.html

Safety, rescue at sea and legal access
Stefan Kessler

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.

Promoting human rights and protecting human dignity are among the core values of the European Union (EU), whose institutions are legally bound by the Charter of Fundamental Rights where these values are enshrined. That is why saving and protecting the lives of migrants must be a priority for the EU and why the EU needs a comprehensive search and rescue operation. However, despite calls from NGOs to prioritise saving human life, the EU’s answer to the Mediterranean tragedies has focused more on preventing migrants from coming to Europe than on saving lives.

Following two incidents in October 2013, Italy deployed the Mare Nostrum operation near the Libyan coast which helped to save tens of thousands of lives. Unfortunately Mare Nostrum was shut down in 2014. It has been replaced by the Frontex Triton operation which covers a smaller geographical area, has much fewer resources and focuses more on border surveillance than on saving lives. Search and rescue is mostly provided by the Maltese and Italian navies and by the commercial ships which regularly answer the emergency calls of boats in distress. NGOs such as Médécins Sans Frontières, the Migrant Offshore Aid Station and the Norwegian Refugee Council also supply their own boats for search and rescue.

However, without a structured European-wide operation, there is a huge risk that at least some boats in distress will not be helped in time and more migrants will lose their lives while trying to cross the Mediterranean. What is needed is a search and rescue operation similar to the Italian Mare Nostrum, which would cover a wide geographical area and which would benefit from enough resources. Instead, European leaders focus more on fighting smugglers and on possible military action in the Mediterranean to destroy unseaworthy vessels.

Legal and safe routes
Moreover, in order to avoid more deaths in the Mediterranean, European leaders need to think about opening up more legal and safe routes for forced migrants. There are concrete proposals on the table; in November 2014, several faith-based organisations issued a joint policy paper on safe and legal paths to protection in Europe. This paper calls for the development of a ‘toolbox’ to meet the specific needs of the different groups of persons who are forced to flee war, indiscriminate violence, political persecution and other human rights violations.

Among the ‘tools’ is the resettlement of refugees who have already been recognised by UNHCR. More places could be offered as an annual resettlement quota for the EU (such as 20,000 places per year by the year 2020, as proposed by the Resettlement Saves Lives Campaign). Even these would be...