

**62nd Meeting of the Standing Committee
3-5 March 2015**

Agenda item 6 (a)

**Oral update on the High Commissioner's 2014 Dialogue
on Protection Challenges on *Protection at Sea*
and follow-up to the Dialogues in 2012 and 2013**

I. Background

The seventh High Commissioner's Dialogue on Protection Challenges was held on 10-11 December 2014.¹ As with previous Dialogues, its aim was to facilitate an informal and participatory debate on international protection challenges confronting States, UNHCR, and other stakeholders. The Dialogue focused on the protection of persons of concern to UNHCR (as well as migrants) who undertake perilous voyages by sea to reach safety and secure protection and prospects for a better life.

The Dialogue commenced with a panel on 'Boat people in the twenty-first century'. Moderated by UNHCR's Director of the Division of International Protection, Mr. Volker Türk, the panelists were Mr. Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights; Ambassador William L. Swing, Director General of the International Organization for Migration (IOM); Mr. Koji Sekimizu, Secretary General of the International Maritime Organization (IMO); Mr. Peter Sutherland, Special Representative of the Secretary-General on International Migration and Development (SRSG); and Ms. Kathleen Newland, Director of the Migrants, Migration and Development Program of the Migration Policy Institute in Washington, D.C. Subsequent breakout sessions enabled a more focused debate on the following themes: (1) *Saving lives* – search, rescue and disembarkation; (2) *Providing safer options* – comprehensive approaches to address the drivers of dangerous sea journeys; and (3) *Making it work* – international cooperation to share burdens and responsibilities. Regional roundtables enabled participants to share perspectives and learn about the challenges and opportunities confronting States in the Asia-Pacific region, the Caribbean, the Gulf of Aden, and the Mediterranean.

II. Outcomes

Over 450 individuals participated, making it the largest Dialogue yet organized. Participants included delegations from 88 States, 52 non-governmental organizations (NGOs), and 13 inter-governmental organizations (IGOs), as well as academics and experts, including seafarers, representatives from the shipping industry, national coast guards and navies.

Dramatically evidenced by incidents of distress at sea and the high number of deaths in the Mediterranean in 2013 and 2014, too many people are losing their lives by embarking on perilous sea journeys in desperate bids to escape persecution, conflict, instability and poverty. Many of those compelled to take to the sea, despite the risks involved, are persons of concern to UNHCR. Many participants stressed the need to safeguard the regime for search and rescue. It was emphasized that people in distress at sea must be rescued and disembarked in a timely manner in conditions of safety and dignity, and more emphasis must be given to saving lives, protecting rights, preserving human dignity, and ensuring access to protection for those in need. In this regard, Italy's *Mare Nostrum* operation was praised not only for saving lives, but also for ensuring predictable disembarkation in a place of safety. There were repeated calls for all

¹ For the background paper, agenda and other information, see www.unhcr.org/pages/5357caed6.html

European Union Member States, in a demonstration of burden-sharing, to contribute further to search and rescue efforts in the Mediterranean.

A strong consensus emerged that focusing only on ‘deterrence’ of movements by sea or acting unilaterally would not stop them but, instead, exacerbate the dangers travelers endure and displace travel routes. There was strong encouragement to refrain from using harsh interception and deterrence measures. Moreover, it was observed that in too many countries migration and development continues to be approached in an *ad hoc* manner, without adequate consultation amongst relevant ministries (*e.g.*, foreign affairs, interior, trade and development) or a coherent approach. There was a strong call to craft comprehensive approaches – which address the root causes of movements in countries of origin and first asylum/transit countries, and not just at final destination – while preventing exploitation by smugglers and human traffickers. This requires not only cooperation amongst a wide spectrum of States and organizations, but also the availability of more predictable, legal and safe migration pathways for both refugees and migrants. Participants urged improved collection and analysis of data from a range of sources, in order to inform comprehensive approaches and ease cooperation in prosecuting those engaged in smuggling and trafficking.

In closing remarks, the UN High Commissioner for Refugees emphasized that the best way to prevent so-called ‘irregular’ movements by sea is by increasing legal access to safe territories for people in need of protection through increased resettlement opportunities, humanitarian admission, student visas, flexible visa policies (especially humanitarian visas), labour migration arrangements and family reunification programmes, as well as by increasing migration opportunities. Given the complexity of the issues, he recommended emphasizing principles such as saving lives, respecting human rights and the rule of law, and promoting tolerance while celebrating diversity. The High Commissioner stressed that cooperation is key at various levels: between countries of first asylum, transit and destination (*e.g.*, the African Union’s Regional Conference on Human Trafficking and Smuggling in the Horn of Africa); through regional cooperation mechanisms since the issues affect entire regions; within States through a whole-of-government approach; among States, civil society and private sector; and with and among international organizations. He further observed that protection at sea begins with protection on land, and concerted efforts are needed to fill a number of protection gaps. Capacity for search and rescue and reception needs to be boosted, and the shipping industry supported, since the latter plays a vital role in rescuing ever higher numbers with limited crews and on-board reception capacity. Information campaigns can also be highly useful, but will not stem flows if root causes go unaddressed. Finally, the High Commissioner indicated that recognition that migration is part of the solution, and not part of the problem of modern societies, is a key first step forward.

III. Next steps

As in previous years, the Dialogue was not structured to elicit formal or agreed outcomes. An informal summary of the meeting was prepared, with the assistance of the Co-Chairs, to capture the rich debates during the break-out sessions and regional roundtables.

The following includes potential follow-up, subject of further in-house consultations and refinement as well as conversations with States and other partners, especially international organizations that subscribed to the *Joint Statement on Protection at Sea* that was issued during the Dialogue (IMO, IOM, OHCHR, UNHCR, UNODC), the SRSG on International Migration and Development, ICVA and other relevant NGOs.

Search, rescue and disembarkation

UNHCR will continue to advocate for and support States to establish effective search, rescue and disembarkation systems.

- UNHCR's Global Protection at Sea Initiative is complemented by various regional initiatives, such as the Central Mediterranean Sea Initiative (CMSI) in the Central Mediterranean; follow-up to the Sana'a Declaration in the Gulf of Aden and the Red Sea; follow-up to the Jakarta Declaration and regional collaboration on disembarkation arrangements in Southeast Asia within the Bali Process framework; and collaborative efforts in the Caribbean.
- UNHCR will continue to engage with the shipping industry, given its key role in search and rescue, especially through the recently agreed publication on *Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants*, jointly produced with IMO and the International Chamber of Shipping. Follow-up will include advocacy and capacity-building/training on protection at sea, including post rescue ship-board arrangements, first assistance and protection-related considerations. Funding is being sought.

Partnership approach

UNHCR will continue to foster dialogue among the shipping industry and relevant international organizations and States.

- UNHCR will lead the development of an inter-agency Joint Plan of Action, intended to clarify the roles of UN agencies and IOM in relation to protection at sea.
- UNHCR will participate in an IMO-hosted inter-agency meeting on migrants travelling by sea in unsafe crafts (IMO Headquarters, London, 4-5 March 2015), aimed at strengthening cooperation.
- UNHCR has been designated focal agency to provide feedback to the Global Migration Group (GMG) on developments, gaps and challenges relating to protection at sea.

Data and information on migratory movements

UNHCR will build on existing collaboration with NGOs in key regions to improve the collection and analysis of data regarding travel routes, profiles of those embarking, and protection needs, especially in the context of protection at sea. Priority will be placed upon efforts in the East and Horn of Africa (through the Regional Mixed Migration Secretariat); Southeast Asia (through UNHCR's Maritime Movements Monitoring Unit); and the Gulf of Aden. Building upon the Cartagena+30 meetings in 2014, data-gathering and analysis will also be pursued in the Caribbean.

Reception and treatment post-disembarkation

UNHCR will further develop proposals, notably in Europe, for improved reception and treatment following disembarkation. UNHCR will explore opportunities for establishing "Mobile Protection Response Teams" in key locations. These teams would support arrangements for receiving individuals following disembarkation and help with the identification and referral of those with protection needs.

Migration-related initiatives

Amongst other activities, UNHCR will continue its support for the Migrants in Countries in Crisis initiative led by the United States and the Philippines, which will be rolled out in 2015.

Alternative pathways to protection

UNHCR will continue to work with States to eliminate the need for dangerous journeys by improving access to international protection in regions of origin as well as further afield. This requires not only expanding the ‘traditional’ pathways of resettlement and humanitarian admission, but also developing ‘alternative pathways’ to safety that complement them.

IV. Dialogues in 2012 and 2013: Summary of follow-up

After each annual Dialogue, UNHCR has pursued a range of follow-up actions announced by the High Commissioner in his closing remarks, often in cooperation with other stakeholders. As requested by Executive Committee members, the table below summarizes follow-up on the 2012 Dialogue on *Faith and Protection* and the 2013 Dialogue on *Protecting the Internally Displaced: Persisting Challenges and Fresh Thinking*.

Follow-up announced	Follow-up completed
2012 Dialogue on Faith and Protection	
Good practice examples of the work of faith-based organizations (FBOs) and local faith communities in contributing to protection	Carried out with the support of FBOs in 2013, the survey compiled over 50 examples that explored the impact of faith identities, motivations and structures; the strengths and weaknesses of partnership; and the lessons learned from the experience. The survey has been distilled into an ‘Analysis of the Survey on Good Practice Examples’ http://www.unhcr.org/51b6df179.html and an ‘Overview of the Survey on Good Practice Examples’ http://www.unhcr.org/51b6debe9.html
Code of conduct for faith leaders	UNHCR and FBOs developed specific guidance for faith leaders, encouraging them to welcome migrants, refugees and other forcibly displaced people in their communities and to stand together against intolerance, exclusion and xenophobia. See <i>Welcoming the Stranger: Affirmations for Faith Leaders</i> , http://www.unhcr.org/51b6de419.html
Research in collaboration with the Joint Learning Initiative on Faith and Local Communities (JLI)	UNHCR continues to engage with the JLI, alongside practitioners, academics, policy-makers and other experts in humanitarian situations and faith communities.
‘Faith literacy’ training and materials for UNHCR staff and partners	In July 2014, UNHCR launched a Partnership Note on Faith-Based Organizations, Local Faith Communities and Faith Leaders (http://www.unhcr.org/539ef28b9.html), setting out broad guidance for UNHCR staff about partnering with faith-based organizations, local faith communities and faith leaders. Since 2013, it has joined forces with UNFPA and UNAIDS to co-facilitate a strategic learning exchange on partnership with faith actors at the United Nations System Staff College.

2013 Dialogue on Protecting the Internally Displaced	
UNHCR's IDP Policy	<p>UNHCR released a provisional policy and programme guidance regarding <i>UNHCR's Engagement in Situations of Internal Displacement</i> on 14 March 2014. Consultations with partners and field operations throughout 2014 have enabled DIP and DPSM to update this policy and programme guidance for reissuance in the first quarter of 2015.</p> <p>http://swigea56.hcrnet.ch/refworld/docid/5326fb004.html</p>
Engagement with IDPs	<p>Operational engagement: The updated programme guidance is intended to make UNHCR's operational engagement more predictable in situations of internal displacement by prioritizing areas where the Office has a comparative advantage (the so-called 'IDP footprint'). The Office continued to strengthen its operational capabilities through direct exchanges with the field, coaching and learning programmes. By the end of 2014, almost 1,000 staff members had enrolled in the recently launched e-learning course on internal displacement.</p> <p>GPC lead: At the end of 2014, there were 32 active protection clusters or other protection coordination mechanisms, 20 of which were led by UNHCR. UNHCR has bolstered the overall capacity of the GPC, particularly with regard to protection mainstreaming, information management and training, including through the recently-finalized GPC Protection Mainstreaming Training Package. The GPC will continue to promote the centrality of protection; provide humanitarian country teams with the tools and guidance to develop and implement strategies that contribute to protection outcomes; complete an independent whole-of-system review of protection in humanitarian crises (first quarter of 2015); and remain engaged in the IASC's Transformative Agenda.</p>
Support for IDP legislation and policies	<p>UNHCR spurred the creation of the GPC Task Team on Policy and Law, through which stakeholders within and outside the GPC (e.g. the African Union and the Inter-Parliamentary Union) promote the adoption of legislation, support implementation, and provide technical support and training. In 2014, Somalia and Ukraine adopted national legal frameworks. By 1 January 2015, 39 States had signed the Kampala Convention, with 22 ratifications.</p>
Partnership to enhance the solutions potential of IDP interventions	<p>An independent study released in December 2014 by the Brookings-LSE Project on Internal Displacement, in cooperation with the Government of Switzerland, UNHCR and OCHA, found that inadequate attention has been given to prevention of arbitrary displacement and to solutions. See <i>Ten years after humanitarian reform: How have IDP's fared?</i>, available at http://www.brookings.edu/research/papers/2015/01/12-idp-status-introduction-ferris. Solutions will be a special focus of IDP-related activities in 2015, including a session on solutions for IDPs during UNHCR's Annual Consultations with NGOs in July 2015, as well as efforts to draw on good practices in countries making headway on solutions (e.g. Somalia).</p>