

7 November 2017

Ms. Louise Arbour,
Special Representative of the Secretary-General for International Migration and
Secretary-General of the Intergovernmental Conference to adopt a global compact for safe,
orderly and regular migration

Excellency,

**Outcome of the Inter-agency meeting with the maritime industry on mixed migration,
30 October 2017**

Following the Inter-Agency meeting held in March 2015 that established a mechanism to enhance existing inter-agency communication with respect to the maritime aspects of mixed migration by sea, the International Maritime Organization has continued to consider the issue of unsafe mixed migration. In June 2017, the 98th session of the Maritime Safety Committee (MSC) had the opportunity to consider the proposal by the International Chamber of Shipping (ICS) to support further action by the Organization, in parallel with other United Nations specialized agencies, to promote appropriate and effective action at the United Nations.

According to the information provided by ICS, and despite the welcome increase in government-funded resources and the activity of non-governmental organization vessels, the number of merchant ships involved in rescue operations has remained relatively constant since 2015 and the average number of persons rescued by each merchant ship remains over 110. In 2016, a total of 381 merchant ships were diverted and 121 ships were involved in the rescue of 13,888 people. Of particular concern for the shipping industry is the upward trend in migrants reported dead or missing in 2015 and 2016 which, based on current leading indicators, can be expected to continue into 2017 and beyond. Whilst the concern is common to all areas of the Mediterranean Sea affected by international migration flows, the particularly concerning situation is in the central Mediterranean region.

The MSC noted the actions underway following the New York Declaration for Refugees and Migrants adopted on 19 September 2016, and in the ensuing discussions, Member States and international organizations affirmed their concern for the humanitarian situation and the loss of life and agreed that the way forward was to promote appropriate and effective action at the United Nations.



After MSC 98, I invited other Heads of concerned international organizations and the main stakeholders of the maritime industry at a half day high-level meeting with a view to offer the opportunity of sharing information on the work developed by participating organizations to comply with the New York Declaration and industry concerns on the migrant crisis in the Central Mediterranean region.

The Inter-agency meeting with the maritime industry on mixed migration was held in IMO on Monday, 30 October 2017.

Representatives from IOM, UNCHR, OHCHR, UNODC, EU NAVFOR, ICS, BIMCO, the International Transport Workers' Federation (ITF) and the International Federation of Shipmasters' Associations (IFSMA) participated in this meeting.

The views of the participants from the maritime industry are consolidated in a single agreed statement, which forms a key part of the record of views attached.

I believe that the contributions made by the maritime sector during the meeting will be useful for informing the Global Compact of Migration process, as they include the views of the private stakeholders who are playing a significant contribution in the rescue of migrants at sea, and capture the views related to the maritime aspects of migration.

We would be grateful if you could take this record of views, and in particular those of the maritime industry, into account during the upcoming stocktaking meeting in Puerto Vallarta, Jalisco, Mexico, from 4 to 6 December 2017.

A copy of the record of views has been sent also to the co-facilitators to lead the intergovernmental consultations and negotiations on issues related to the global compact for safe, orderly and regular migration, H.E. Mr. Juan José Gómez Camacho, Permanent Representative of Mexico to the United Nations and H.E. Mr. Jürg Lauber, Permanent Representative of Switzerland to the United Nations.

Please accept, Excellency, the assurances of my highest consideration.



Kitack Lim
Secretary-General

**RECORD OF VIEWS OF THE INTER-AGENCY MEETING WITH THE MARITIME INDUSTRY
ON MIXED MIGRATION**

The inter-agency meeting with the maritime industry on mixed migration was organized by IMO on 30 October 2017. Representatives of the following organizations participated in the meeting¹: ITF, ICS, BIMCO, IFSMA, IOM, UNHCR, UNODC, OHCHR and EUNAVFOR.

The main views provided by the participants are listed below, bearing on mind that the views made by each organization and are not necessarily mutually supported.

1 Main views expressed by ITF, ICS, BIMCO and IFSMA:

Summary of concerns expressed by the maritime industry:

- .1 There is a moral and legal obligation established in UNCLOS, SOLAS and SAR Conventions for the shipmasters and crews of merchant ships to rescue people at sea, with no differentiation between refugees, economic migrants, victims of people smuggling or survivors of accidents at sea, and shipmasters should never be asked to make such determinations.
- .2 Though the obligations of the shipmaster and crew are established in UNCLOS, SOLAS and SAR Conventions none of these conventions were initiated or essentially drafted to cope with issues and situations currently being experienced by commercial shipping in the Central Mediterranean.
- .3 The current situation in the Central Mediterranean region is potentially a significant safety and security issue for the crews, as ships are not configured to take on board large numbers of migrants.
- .4 The shipping industry has concern for the safety and security of masters and crews called upon to perform rescue at sea. The number of rescued people may significantly exceed the total ship's complement as well as the ship's capacity to provide a safe and secure environment during transit to a place of safety. The long term psychological effect on seafarers who have conducted large scale rescues at sea is a further matter of concern to the industry.
- .5 Under IMO regulations, as appropriate, ships are required to have equipment to conduct recovery operations and crews are required to train and practice rescue/recovery techniques. Such training remains generic and address the SOLAS requirement rather than any particular global issue
- .6 UNCLOS and SOLAS require ships to assist and as necessary to rescue people in distress at sea. At the same time UNCLOS and SOLAS place a corresponding requirement on States to provide adequate SAR resources and also to promptly identify and facilitate disembarkation in a place of safety.
- .7 SAR is an immediate response to an accident – it is not a policy solution.

¹ Interpol was invited to the meeting, but it could not attend. Interpol provided the following material for distribution: <https://www.interpol.int/en/News-and-media/Publications2/Fact-sheets/People-smuggling/>.

- .8 Policy must focus on prevention of hazardous journeys by sea.
- .9 Current political changes in Europe may make the provision of a disembarkation port more difficult.
- .10 Internet provides an ample offer for buying a large quantities of Inflatable Boats, and more stringent control measures for trading these crafts should be made by the countries.
- .11 Rescued persons always want to be landed in Europe – any imposed requirement to land in (e.g.) Libya may create civil unrest amongst those rescued and lead to the charge that the ship's master contravened the principle of non-refoulement. The possibility of a Libyan MRCC is a concern.
- .12 The assets used to rescue migrants are not suited to the task to pick up a large numbers of migrants

The maritime industry proposes the following actions:

- .1 Establish that migrant rescues are above all a “humanitarian” issue.
- .2 Continued joint action by IMO, IOM and UNHCR and other agencies to ensure common objectives and avoid duplicated efforts.
- .3 Establishment of a Humanitarian Rescue Zone in the Central Mediterranean (or wherever the current illegal migrant routes may be).
- .4 Re-establish legitimate right of NGOs to conduct rescues to relieve burden on merchant fleet.
- .5 Ensure that Global Compact includes adequate policy responses on action at sea and ashore and establishes safe legal migration routes.
- .6 The shipping industry will consider help where necessary in promoting situational awareness if clear lines of reporting are set out. This would need to include what to report, who to report to and where the reports need to be sent.

2 Main views expressed by IOM on Migration Governance in mixed flows: priorities

- .1 IOM's vision is firmly grounded in its Constitution and its own Migration-Governance Framework (MiGOF) – a framework document adopted by IOM Member States' Council decision and laying out principles and objectives toward comprehensive, facts-driven, balanced and rights-based migration governance. This vision has framed and informed its contribution to Agenda 2030, its work on the Global Compact on Migration discussions and the below points IOM would like to raise.
- .2 The premise of the most immediate action by all partners gathered at this conference should be to address and drastically reduce the loss of life in the Mediterranean mixed flows, and ensure assistance and rights to all migrants regardless of their status. In the long term, the goal should be to create safe and secure maritime space, based on strong inter-stakeholder cooperation as well as establishment of conditions and mechanisms allowing for migrants to avoid irregular and life-threatening sea-crossings. Here are selected proposed calls for action.
- .3 **Improved cooperation to save lives in Search and Rescue.** Of some 147,000 migrants arriving crossing the Mediterranean in 2017, 2,826 have perished, as of 30 October. This compares negatively with last year, which had a higher number of both arrivals and lives lost, but a significantly lower percentage of death occurrence – 1.2 per cent compared with 1.9 in 2017. To add further perspective: from January 2014 until the end of June 2017, an estimated 14,469 – over 11 per day – lost their life in deadly shipwrecks in the Mediterranean, and an unknown number died but their bodies never recovered². With the greatest recorded number of migrant deaths occurring in maritime crossings, Search and Rescue (SAR) is at the center of the immediate life-saving efforts to ensure minimum loss of life.

A body of international³ and national legislation (notably IMO Resolution MSC 167/78 (2004)) and other tools (IMO/UNHCR guidelines⁴) govern SAR, while national and regional SAR operational initiatives were or are being implemented in the Mediterranean. However, cooperation on SAR in EU remains challenging: with Frontex given a new mandate in coast guard operations⁵, the coordination between Frontex and Member States has become rather more complex than facilitated. The sole Union legislation relevant to SAR⁶ is dedicated to Frontex and dates to 2014, thus not capturing the new realities of mixed flows nor, more importantly, the new Frontex regulation of 2016. It is thus paramount that all stakeholders (especially duty-bearers) – national governments across the Mediterranean, regional bodies, international organizations and NGOs involved in SAR – **invest more in strategic and operational cooperation in this field to drastically reduce loss of life at sea. All concerned actors must be both granted and ensured space to carry out their mandate to the fullest while ensuring close coordination and cooperation with partner stakeholders concerned.**

² <https://publications.iom.int/books/fatal-journeys-volume-3-part-1-improving-data-missing-migrants>

³ Custom, UN Convention on the Law of the Sea (1982), Convention for Safety of Life at Sea (1974) + Regulation V/33 (2004), Convention on Maritime Search and Rescue (1979) + Annex (amended 2004), IMO Resolution MSC 167/78 (2004)

⁴ <http://www.unhcr.org/publications/brochures/450037d34/rescue-sea-guide-principles-practice-applied-migrants-refugees.html>

⁵ New EBCG regulation expanded the Agency's mandate to CG operations

⁶ the Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

.4 **Safe and Secure Mediterranean: a holistic approach.** The field of Search and Rescue and that of saving human lives at sea more broadly are responsibilities assigned by the applicable international law and their implementation is mandatory for states concerned. It is fair to say that the said frameworks were developed in a rather different historic and international context – most importantly, in a different migration landscape. However, the current framework is elaborate enough to frame and guide action and cooperation addressing the significant new needs and challenges posed by mixed flows – granted duty-bares and other stakeholders step up to the plate.

IOM fully supports the vision of a secure and safe maritime domain. Moreover, securing the Mediterranean is as much about recognizing the human security needs of population and development as much as it is about national security of states. IOM thus calls for a holistic vision of maritime security in the Mediterranean: sea crossings are only a part of a longer journey and tied to very complex development issues where poverty and hopelessness are as equally compelling drivers as war and persecution.

Owing to IOM's global footprint and large global membership; to its work with and for both the governments and migrants; and its thematic expertise in areas covering the work related to maritime safety, security and cooperation; and its extensive partnerships, the agency is well placed to contribute to inter-stakeholder discourse on a comprehensive and synergy-based maritime cooperation.

.5 **Mainstreaming human rights and protecting vulnerable migrants – in all stages of migration.** Upholding and protecting migrants' rights, regardless of their legal status, is both a legal obligation of governments as well as a high-level global political commitment made by the UN Member States in September last year. All sea operations in the Mediterranean (especially those focusing on or including SAR) must be fully compliant with international and EU's human rights law provisions – rights and protection must be ensured on-board ships from the moment of embarkation during SAR. NGOs given space to deliver their life-saving duties, in full accordance with international and EU law.

Post-embarkation and reception assistance and all the following stages of migration management must not only be rights-based but also vulnerability-sensitive, with special care provided to children, victims of trafficking and torture and other persons with specific protection needs and vulnerabilities. And as rights of migrants must be upheld and protected at all stages of migrant journeys – mainstreaming human rights into strategies and operations on managing migration must be foreseen in cooperation with countries of origin, transit and destination alike.

.6 **Counter-smuggling.** Countering migrant smuggling must be undertaken in a far more comprehensive manner by targeting its two underlining enablers: creating conditions in countries of origin to turn emigration from a necessity to an option; developing mechanisms preventing the migrants' need to resort to smugglers' services (legal pathways), and fighting exploitation of irregular migrants in countries of transit and destination.

.7 **Capacity-building and Partnerships.** IOM has broad-ranging capacity-building programming with all its Member States on all aspects of migration governance, including on SAR and counter-smuggling for border and coast guards, and migrant assistance and protection. In Libya, where most irregular migrants and asylum-seekers currently cross the Mediterranean from, IOM works closely with the Libyan Coast Guard through comprehensive capacity-building initiatives, coupled with ensuring life-saving post-disembarkation and other humanitarian assistance to all migrants there, alongside with UNHCR.

But engagement in results-based capacity-building can only be achieved through long-term and balanced partnerships – **which include confidence-building measures, exchange of expertise (before exchange of information) and coordination channels.** Capacity-building only works if it's based on trust and shared buy-in.

Further, IOM seeks to promote a safe secure maritime domain through leveraged relationships with all maritime actors and encourages not only continued and strengthened efforts by all stakeholders involved in migration governance in mixed flows context, but also **closer synergies, cooperation platforms and joint initiatives** to achieve that. This conference provides an excellent opportunity to further foster such avenues.

3 Main views expressed by UNHCR

- .1 Although the Central Mediterranean is currently the most visible—and most deadly—sea route, refugees and migrants resort to dangerous sea crossings in almost all parts of the world: in the Gulf of Aden and Red Sea; in the Caribbean; in the Andaman Sea, the Bay of Bengal, and across Southeast Asia.
- .2 This global dimension of protection at sea is important not just because it highlights the need for global responses. It also underlines the need to look beyond current emergencies and to invest in preparedness along with much bolder, forward-looking forms of international cooperation.
- .3 The international community cannot wait for humanitarian crises of the magnitude we are seeing now in the Central Mediterranean to occur elsewhere. Movements of refugees and migrants along particular routes rise, fall, and change in response to a complex range of factors. But so long as the root causes and more immediate determinants/triggers of dangerous sea journeys persist, we can be confident that they will continue and eventually increase—with the inevitable toll of human lives; rich opportunities for unscrupulous smugglers; challenges for States; and serious difficulties for the shipping industry and seafarers who find themselves called to fill gaps when search-and-rescue arrangements are insufficient. Today it is the Central Mediterranean; tomorrow it may well be somewhere else.
- .4 UNHCR welcomes the readiness of the shipping industry to uphold its obligations under international maritime law to come to the assistance of anyone—seafarer, commercial passenger, refugee, or migrant—in distress, in the face of challenges which have put the SAR system under serious strain. We need to find better ways of protecting the sustainability of that system, so that large-scale—and to some extent expected—movements of refugees and migrants by sea are met with adequate, predictable and cooperative lifesaving measures by States, and so that the shipping industry can continue to meet its legal and humanitarian obligations without being asked to play a role that properly falls to others.
- .5 The New York Declaration for Refugees and Migrants has opened an important opportunity to move forward on building search-and-rescue capacity, and exploring ways to reinforce capacity in times of heightened need. All Member States of the United Nations have committed, under the Declaration, to intensify international cooperation on the strengthening of search-and-rescue mechanisms. This will need to include international support for building the capacity of coastal State SAR services, where needed. It may also mean exploring and establishing more predictable forms of regional cooperation to respond to needs along particular routes.
- .6 Strengthening search-and-rescue capabilities and arrangements is vital. However, the current situation in the Central Mediterranean suggests the need for caution on a number of fronts.
- .7 SAR is a fundamentally humanitarian activity, aimed at protecting human life at sea. If search-and-rescue arrangements are deflected towards collateral purposes in a way that frustrates access to international protection for those fleeing conflict, persecution, or human rights abuses, or results in refugees or migrants being disembarked in places where they face serious risks, that humanitarian foundation is betrayed.

- .8 Efforts to build coastal State SAR capacity in places where it is currently limited must be realistic, consistent with international law, and mindful of the human rights implications of premature attempts to establish or build capacity for rescue coordination in coastal States affected by conflict, state fragility and other challenges.
- .9 Realistic—SRRs need to be consistent with the real capabilities of coastal States to safely and effectively provide and coordinate SAR services.
- .10 International law—support for the establishment of new SRRs should not inadvertently lead to unwarranted interference with freedom of navigation in the high seas, or rights of innocent passage in territorial waters. This goes without saying. However, recent developments, including allegations by NGOs involved in SAR activities in the Central Mediterranean, suggest that it may be timely to recall that the global SAR coordination regime is entirely separate from questions of territorial control. Responsibility for SAR coordination, needless to say, does not confer additional territorial rights or enforcement powers (such as the ability to ‘exclude’ NGOs or anyone else from a purported SRR), beyond those allowed for under other areas of international law.
- .11 Human rights—Capacity-building efforts, including efforts to establish new SRRs, need to be mindful of the likely consequences for refugees and migrants requiring assistance—including the likelihood that rescued people will be disembarked in a place they would be at risk of serious human rights violations such as arbitrary detention, torture, or inhuman and degrading treatment.
- .12 Robust search-and-rescue arrangements are crucial to limit loss of life among refugees and migrants travelling by sea. But, by themselves, they are a palliative measure which must be accompanied by comprehensive ‘upstream’ responses that address the root causes and drivers of mixed migration by sea, as well as ‘downstream’ efforts to tackle the challenges facing refugees, migrants, and States *after* they have been rescued and brought to a place of safety. Here also, the New York Declaration—with its emphasis on safe pathways to international protection for asylum-seekers and refugees, as well as the need to expand safe, orderly, and regular migration opportunities—presents an opportunity, via the two Global Compact process currently underway, to provide safer alternatives to some of those who might otherwise feel that their ‘least worst’ option is to place themselves in the hands of smugglers at sea.
- .13 In the Central Mediterranean, UNHCR has responded to the need for comprehensive, upstream approaches to protection at sea with its recently launched ‘Central Mediterranean Risk Mitigation Strategy’. We need to save lives at sea. But just as importantly, we need to give people better options *before* they board an unseaworthy boat. Ideally, well before they are exposed to the insecurity and human rights violations which so many refugees and migrants experience *en route* to that boat. The Strategy is built on the recognition that protection at sea ‘begins with protection on land’, and requires engagement in countries of origin, in the countries through which refugees and migrants travel, in the places they seek to board overcrowded fishing boats or flimsy zodiacs, and in the countries to which they hope to travel.

4 Main views of UNODC⁷

Context: Global Action

- Global Compact on Migration
- GMG coordination work among UN agencies, including on migrant smuggling by sea

UNODC's mandate and action in the region and at sea

- The Smuggling of Migrants Protocol
- UNODC strategy for the Mediterranean: priority axes
- UNODC activities to support States counter migrant smuggling by sea in North Africa

Recommendations

Suggestions of recommendations relating to addressing migrant smuggling by sea, anchored on the Working Group on the Smuggling of Migrants to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and its supplementing Protocols:

- .1 Give special attention to dangers to the life and safety of migrants smuggled by sea and **prioritize the preservation of life and safety** upon detection of a vessel used to smuggle migrants, as well as when conducting investigations related to migrant smuggling cases, such as by ensuring an appropriate balance in investigating smugglers and migrants. To that effect, risks should be constantly assessed prior to and during interception and investigations.
- .2 Ensure **full respect for the rights** of smuggled migrants, fully adhere to the principle of non-discrimination when offering assistance and protection, and take into consideration the principle of non-refoulement, including during interception at sea.
- .3 Develop **guidelines** to ensure that the human rights of smuggled migrants are respected and that the safety and security of smuggled migrants are granted utmost priority.
- .4 Involve **civil society** in the response to the smuggling of migrants, in particular by contributing protection and assistance measures and developing communication channels between authorities involved in the detection, investigation and prosecution of the smuggling of migrants and service providers who could assist in the provision of assistance to smuggled migrants.
- .5 Consider **establishing jurisdiction** over incidents of migrant smuggling on the high seas involving unflagged vessels, including incidents in which the transportation of the migrants to shore by rescuers is the result of the deliberate conduct of the smugglers aimed at provoking the rescue of the migrants.

⁷ https://www.unodc.org/documents/human-trafficking/2016/UNODC_Mediterranean_Strategy_SOM_Summary.pdf

- .6 Not hold **seafarers** who have assisted, rescued or disembarked smuggled migrants in distress at sea criminally liable.
- .7 Enhance **cooperation** to the fullest extent possible to prevent and suppress the smuggling of migrants by sea, in accordance with the international law of the sea, and designate appropriate authority to receive and respond to requests for assistance to combat the smuggling of migrants by sea, within a reasonable time frame (specify?).
- .8 **Share information** on best practices and procedures followed, and checklists used, when responding to incidents involving the smuggling of migrants by sea, as well as information on their detection, to allow intelligence-based investigations and to use indicators to detect the smuggling of migrants on land prior to embarkation.

5 Main views of OHCHR⁸

- .1 All migrants are human rights-holders, without exception including as to their nationality, migration status, method of travel, age, gender, socio-economic status or other circumstance.
- .2 The motivations for the contemporary movement of migrants are complex and multi-faceted. As recognized in the New York Declaration; “Some people move in search of new economic opportunities and horizons. Others move to escape armed conflict, poverty, food insecurity, persecution, terrorism, or human rights violations and abuses. Still others do so in response to the adverse effects of climate change, natural disasters (some of which may be linked to climate change) or other environmental factors. Many move, indeed, for a combination of these reasons.”
- .3 Migrants who move out of necessity rather than free choice are at greater risk of human rights violations throughout their migration, are less likely to be able to access dignified alternatives to unsafe migration and are therefore more likely to migrate in conditions which do not respect the dignity of the human being. At the same time, increasing barriers to international migration, coupled with a lack of regular migration channels for work, family reunification, education and humanitarian reasons, are increasingly restricting the options for movement of potential migrants and, in many cases, compelling them to move through irregular channels.
- .4 Migrants are often obliged to employ dangerous forms of transport or to travel in hazardous conditions. Many will make use of smugglers and other types of facilitator, some of whom may place them in situations of exploitation or subject them to other forms of abuse. Some may be at risk of trafficking as they move. Migrants in transit, particularly those in an irregular situation and those who are most marginalized and at risk, face death, injury and other human rights violations.
- .5 For migrants who are travelling by sea, it is important to uphold the fundamental legal obligation to save lives and provide assistance to any person in distress at sea including through their timely disembarkation in conditions of safety and dignity. There is accordingly an urgent need for adequate and effective services for search and rescue at sea regardless of the nationality or status of migrants who are in distress at sea or the circumstances in which they are found.

⁸ OHCHR’s recent documents:

- OHCHR Recommended Principles and Guidelines on Human Rights at International Borders: http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf
- OHCHR Report on Migrants in Transit (2016): http://www.ohchr.org/Documents/Issues/Migration/StudyMigrants/OHCHR_2016_Report-migrants-transit_EN.pdf
- Report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions on unlawful death of refugees and migrants, A/75/335, 2017: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/72/335
- Report of the Working Group on Enforced or Involuntary Disappearances A/HRC/36/39, 2017: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/229/15/PDF/G1722915.pdf?OpenElement>

- .6 Search and rescue services and coordinating authorities should operate under a broad understanding of distress, so that timely and necessary assistance is provided to migrants in unseaworthy vessels even if they are not in immediate danger of sinking. States should ensure that all possible resources are mobilized and adequately equipped, such as by means of cooperation between States where appropriate, for search and rescue responses including proactive patrolling when informed risk assessments suggest that migrants who may require assistance are likely to be present along a particular sea route.
- .7 States should agree within and between themselves what constitutes a situation of distress, nearest place of safety and safe ports, with a view to enhancing human rights protection for migrants. At sea, disputes arising as to where migrants should be disembarked must be swiftly resolved in accordance with international human rights and international refugee law, in particular the right to life and the principle of non-refoulement.
- .8 Private shipmasters are encouraged to adhere to their obligation to render assistance, rescue migrants in distress, and disembark rescued persons at the nearest place of safety in accordance with the international law of the sea, international human rights law and other relevant standards. Disincentives for private shipmasters to rescue migrants in distress at sea should be removed, and consideration should be given to compensating those who incur financial losses for rescuing migrants.
- .9 All relevant authorities and actors should prioritise the promotion and protection of the human rights of migrants during rescue and interception interventions– including by avoiding dangerous interception practices including push-backs and the disproportionate use of force in order inter alia to protect the right to life; ensuring that border authorities assess the risks, and appropriately plan their rescue operations with clear objectives that respect the dignity and safety of migrants; as well as by upholding the fundamental prohibitions on refoulement and on collective expulsion, and providing alternatives to the detention of migrants upon disembarkation.
- .10 The Recommended Principles and Guidelines on Human Rights at International Borders (2014) produced by the Office of the High Commissioner for Human Rights, as well as other tools produced by human rights mechanisms, provide practical guidance to achieve border regulation measures that are respectful of human rights, including in the context of maritime migration. Policies seeking to stamp out migration at all costs only exacerbate the dangers that migrants endure at sea. There is no evidence that they decrease the numbers of people who are seeking to move. Rather, they create zones of lawlessness and impunity at borders, and, ultimately corrode the values of freedom, equality and human dignity that States are bound to uphold.

6 Main views expressed by EUNAVFOR MED Operation SOPHIA (ENFM) concerning the Central Mediterranean region where ENFM Sophia operates

- .1 The flow of migrants in Central Mediterranean region remains the major flow of migrants to Europe (75% for 2017) even if there's a decrease of migrants using this road (-25%) due to a sharp decline since July 2017.
 - .2 There is a close cooperation in the region between Italian Coast Guard (MRCC Roma and Coast Guard boats), Frontex operation Triton (International Coordination Centre Roma and assets), ENFM, Italian Operation Mare Sicuro, Operation Sea Guardian of the Allied Maritime Command of NATO.
 - .3 Libya has transmitted documents to IMO to establish a Libyan Search and Rescue Region (SRR). The European Union and Italy supports the establishment of Libyan MRCC and training of Libyan Coast Guard enable Libya to operate in its SRR.
 - .4 As a result of migrants decrease, coordination of European actors and increased actions by Libyans, very few merchant vessels are currently involved in SAR operation in the Central Mediterranean, and therefore the impact of migration flow to merchant ships is low.
 - .5 SHADE MED (5th meeting in Roma 23-24 November 2017) is a good opportunity to deconflict and share awareness between all actors operating in area. Real time deconfliction and shared awareness also envisaged between ENFM and maritime companies using SMART system, phone, emails, etc.
 - .6 Also ENFM performing maritime security tasks contribute to increase global security at sea in the Central Mediterranean.
-