



The role of the Coast Guards in Securing the Safety of Refugees and Immigrants in Yemen

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Introduction:

The issue of immigration and asylum is considered to be one of the most painful humanitarian issues we are facing today. It is estimated that the number of refugees and migrants in Yemen exceeds a million and a half people. Hence, creating a burden on the Yemeni government and its people who are going through critical economic conditions. In addition, refugees and migrants are in need of protection and care services, which even the Yemenis living in rural areas do not yet have.

Yemen is a signatory to the 1951 Refugee Convention and its 1967 Protocol. In this way, Yemen has upgraded its international obligations and hit a good example in this aspect. In addition, the Yemeni government has granted Somalis asylum from the outset on a prima facie basis, while other nationalities seeking refugee status are required to undergo Refugee Status Determination procedures.

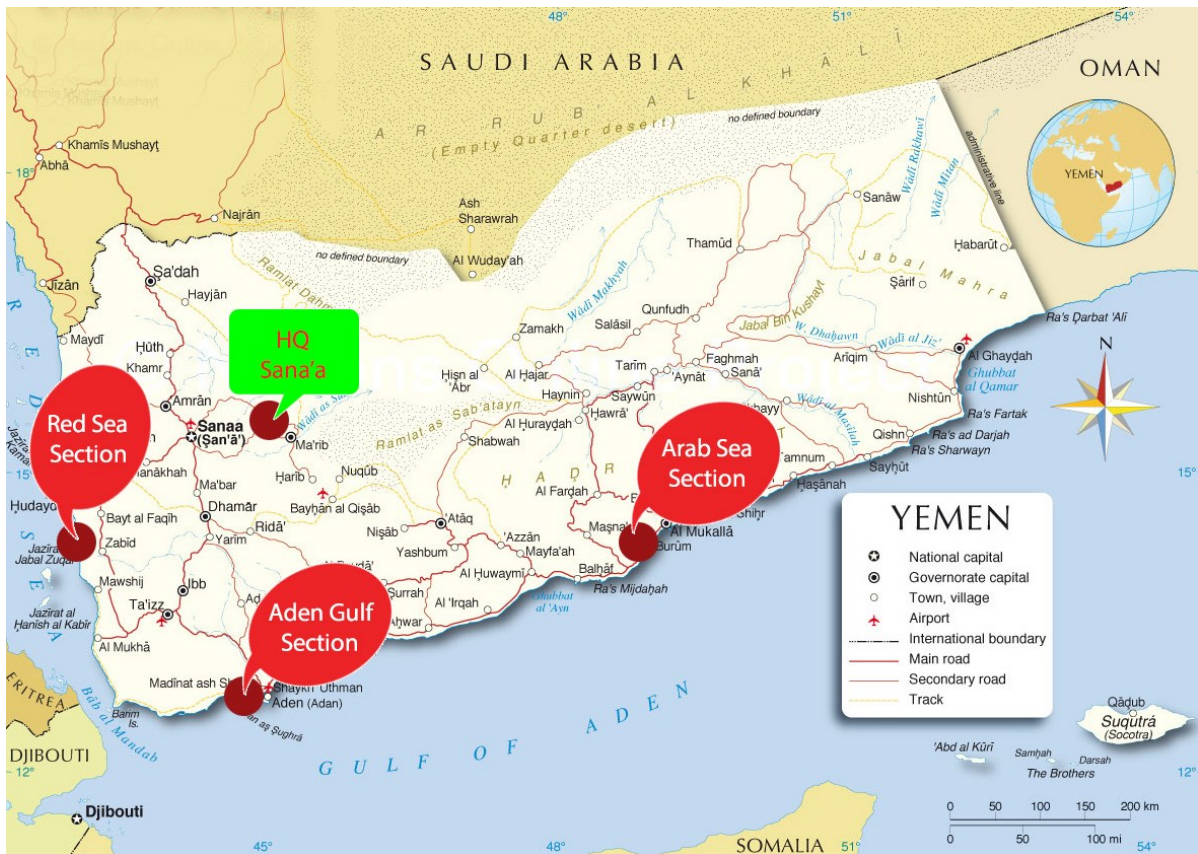


Location:

Yemen is located in Southwest Asia between Oman and Saudi Arabia and oversees the Strait of Bab al-Mandab, which connects the Red Sea and the Indian Ocean through the Gulf of Aden. Yemen shares borders with Saudi Arabia to the south, Arabian Sea in the north, Oman in the east and the Red Sea to the west.

The coastal area of Yemen is about 2,500 KM. An important feature about the Yemeni coastal area is that it consists of two coastal areas both of which are controlled by Bab al-Mandab.

Also, It is important to note that the Republic of Yemen is connected with all of its neighbors sea borders, they share sea borders with Saudi Arabia in the Red Sea, and with Oman in the Arabian Sea, both in the scope of the internal marine waters or territorial sea or exclusive economic waters or the continental shelf; in addition, Yemen shares sea borders with Eritrea, Djibouti and Somalia.



As a result of the length of Yemeni coastline a strategic plan was put to place to help Yemen coast guards to operate more efficiently. This plan divided Yemen coastline into three sectors, and they are:

- Gulf of Aden
- Red Sea
- Arabian Sea

One of the basic functions of the Coast Guard is compliance with International Maritime Conventions to secure refugees and ensure the safety of new arrivals at our borders escaping the armed conflict in their countries.

Search and rescue services:

Search and rescue services are based around the world to help ships in distress at sea. Rescue operations are coordinated and carried out by sending distress signals using satellite technology and land communications to shore centers that are responsible for search and rescue ships in distress.

The occurrences of maritime accidents keep us ready to support any ship that's in distress. However, the request of distress ships must be serious and accurate in reporting with Coast Guard, so that we can carry out the task of search and rescue operation successfully.

Definition of Search and Rescue:

Is to provide assistance to ships and sailors and others during the exposure of marine accidents or any emergency situations. It aims to reduce the loss of life and property that occurs due to shipping accidents and/or from changes in the weather (rough weather).

Objectives of Search and Rescue:

- Saving lives;
- Assembling the bodies of victims resulting from the incident;
- Giving injured people necessary medical attention;
- Save as much as possible of property;
- Extinguishing fire;
- Removal of waste resulting from the incident; and
- Communicate with relatives of the victims.

In what Locations do Search and Rescue occur?

If an incident occurs and the search and rescue operation was delayed, the water current and wave action is always working on moving the remnants of the incident, including the people who are still alive, the bodies of the dead and the injured to shore. For that reason, search and rescue operation are not required to be implemented in only one place, but it must be carried out in the place of the incident and around the vicinity of the incident.

In addition, search and rescue operations are based on the size and type of the incident, for example, the process of search and rescue incident of oil tankers collision is different from the process of search and rescue of small boat incident because each process has its own requirements and implementation.

Equipment used in the Search and Rescue operations:

This equipment depends on the size and type of marine incidents. Some of the most important means/methods that are being used are:

- Boats that are built specifically for search and rescue missions;
- Equip boats with the necessary equipment for fire-fighting missions;
- Helicopters that are built specifically for search and rescue missions;
- Qualified individuals (such as swimmers and divers); and

- Provide appropriate sea safety equipment and appropriate equipment for search and rescue missions.

Process taken to Request for Search and Rescue operation:

In this context we exercise humanitarian role, where we provide the necessary protection for boats that are smuggling human beings in order to preserve their lives in compliance with international agreements (the International Conventions for the Safety of Life at Sea, 1974 (SOLAS Convention) and the International Convention Search and Rescue at Sea (1979)). The amendments were adopted in May 2004, effective as of 07/01/2006.

In addition, Yemeni government has also signed the United Nations Convention on the Law of the Sea in 1982 that states the following points:

- Salvage operation;
- Provide necessary protection for landing mixed migrants;
- Insure the safety of the mixed migrants;
- Provide safe havens for mixed migrants(Safe havens are safe areas where mixed migrants are not under any risk); and
- Make the necessary arrangements with our partners to collect information about the mixed migrants, and to provide them basic needs like such as food, shelter and medical attention.

The Statistics of Arrested Smugglers:

We are not officially assigned to restrict asylum seekers and the number of refugees, but one of our duties under the law is to stop smugglers, who are smuggling refugees and migrants.

During the period from January to October 2014 the exact number of smuggling cases in the Gulf of Aden sector amounted to 13 cases with a total of 549 people, including 36 Somali and 513 Ethiopian Please refer to the table below:

NO	Leader	Date		Place	Seizures	The fat case
1	P/4/998	05/03/2014		AlMakha Coast	9Somalis(8male+1female)	Delivered Crescent
2	AlFarouq	18/04/2014		QabalaDabab coasts	60 Ethiopian +15 Somali	The So sent to the Ethi to the co of Taiz

3	AlMansoub	20/06/2014		Near the Island of Mayun	36 Eth.(29 male+7 female)	C.I.D-Ras
4	Bab al Yemen	24/06/2014		QabalaWahija coasts	3 Som.(couple with their daughter)	Smuggler escapees police Makha
5	P/2/121	01/07/2014		QabalaDabab coasts	42 Eth. (32 male+10 female)	C.I.D-Ras
6	Qal'atSira	06/07/2014		International passage	44 Eth (30 male+14 female)	The center Taiz
7	Alzebaq	15/07/2014		QabalaDabab coasts	39 Eth.	The center Taiz
8	Qal'atAlmuhsin	17/08/2014		East Mayun	65 Eth.(36 male+29 female) 9 Som.(4 male+5 female)	Handed to migration Aden
9	P/2/12254	27/08/2014		Near Mayun	24 Eth.	Handed to migration Aden
10	Alsht	04/09/2014		Near Mayun	34 Eth. (28 male+6 female)	Handed to migration Aden
11	Alfaris	19/09/2014		East Mayun	82 Eth. (62 male+20 female)	Handed to migration Aden
12	P/1/1241	02/10/2014		Mayun south Island	87 Eth.(60 male+27 female)	Handed to in Makha they were central p
13	P/1/2106					

UNHCR collects data and provides statistics on the estimated number of new arrivals to Yemen. According UNHCR, from Jan. – Sep. 2014, about 61, 224 (14 272 Somali) New Arrivals [(46 913 Ethiopians) and other nationalities (39)].

Challenges:

1. We, the Coast Guards at Gulf of Aden work in the interest of the Yemeni Coast Guard in general being the main interface of the Somali coast. Our simple capabilities compared to the size of the task i.e., security coverage for all existing sites along the shores of our country in general and the Coast of the Gulf of Aden sector in particular is very burdensome. In addition there is a scarcity of centers located along the coast of the Gulf of Aden; there are currently only 4 security stations (Shakra, RasImran, Khor Omaira and Almakh). This number does not cover the terms of geographical coverage along the coast.

2. The lack of financial, technical, human resources and boats are limiting our ability to cover the Gulf of Aden. As a consequence, we are not able to provide the necessary protection for the refugees and asylum seekers.
3. The lack of human presence and residential areas on the coast is weakening the Coast Guard's ability to reduce the number of infiltration across the coastline.
4. We try our best to combat the phenomenon of smuggling and to help the vulnerable people, who are affected by it including bringing them into the safe havens of Yemen border line. We do this so that we can prevent smugglers/human traffickers to take advantage of the tragic situation in Somalia to earn money illegally. They smuggle large numbers of refugees and asylum seekers on small but extremely overcrowded boats, which exposes them to additional dangers. When we arrest the owners and confiscate their boats, we take the legal process strictly in order to prevent such activities. After the suit is referred to the court, presenting all evidence to them, referring them to legal procedures required. The office of attorney/prosecutor general isn't providing enough support is addressing these gangs involved n trafficking. Unfortunately however, after delivering reports of inferences of such issues, we are surprised that the public prosecutor in the area of concern is not doing their job properly. As noted in the table, owing to a lack of evidence the accused was released along with the boats. This provision was already disappointing and also encourages of the accused. This is frustrating for our people who made great efforts to maintain the safety of the refugees and to prevent human trafficking and to risk their lives and the exploitation of their need and their escape from unsafe area. So there is no cooperation between CG and other agents in bringing them to justice. Here we r talking about illegal trafficking into Yemen that subjects them to exploitation and violence. Also our judiciary, much to be desired for these problems. Despite all these odds and difficulties sustained by CG we play an imp role in ensuring their safety when they enter sea orders.
5. Lack of knowledge of the judges and prosecutors about the laws related to asylum and mixed migrants.

* In spite of these difficulties, we are doing our humanitarian role and national duty to ensure the safety of refugees and migrants when they enter Yemen borders, and to face up to the cases of human smuggling and trafficking again incompliance with international laws and obligations

Recommendations:

1. To pass a special and separate law criminalizing smuggling in general, separate from smuggling of goods and customs law, and human smuggling in particular, and to

increase penalties for infiltrates and those who hide them. That's why these issues gets lost coz its all under one customs law.

2. To oblige public prosecutors to carry out their duty entrusted with such issues
 3. Judges and prosecutors should know about laws on matters of asylum and mixed migrants and problems and results related to them
 4. Good coordination among administrative and field competent authorities to do their best to deal with asylum and mixed migrant issues.
 5. Strengthening bilateral cooperation with neighboring countries and intensify awareness campaigns for citizens.
 6. Establishing of monitoring and operational centers and radar systems to cover the coastline of the Republic of Yemen in general and the Gulf of Aden sector in particular.
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 8. Training our associates to deal better with asylum, mixed migrants and sea piracy.
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