

CONCEPT NOTE

Meeting under RSO Auspices

on

“Mapping Disembarkation Options: Towards Strengthening Cooperation in Managing Irregular Movements by Sea”

23-24 January 2014

Bangkok, Thailand

Background

1. In March 2013, the Government of Indonesia and UNHCR convened a Regional Roundtable on Irregular Movements by Sea in the Asia-Pacific to promote “a common understanding of conceptual issues with a view to informing the development of bilateral or multilateral arrangements among interested States.” The Roundtable underlined the need to address irregular migration by sea in a holistic and comprehensive way that encompasses both legal and safe passage issues while also dealing with the root causes of irregular migration. The need to bolster regional and international collaboration was also highlighted in dealing with criminal networks, as well as through law enforcement measures, in prosecuting perpetrators.
2. The Roundtable was framed as the beginning of robust networking among experts and a platform for enhancing confidence-building measures among parties including countries of origin, transit and destination. A number of proposals were made with respect to the “designation of focal points...the development of guidelines and a simpler reference guide of applicable legal standards especially gaps relating to identifying places of safety for disembarkation; better harmonization and consistency of protection responses including identification of needs and processing, especially for vulnerable groups; and a better mapping of post-disembarkation options in the medium and longer term to ensure host States are properly supported”.
3. At the fifth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, Ministers recommended that members give priority to building on the Regional Roundtable on Irregular Movements by sea, and to exploring “practical ways in which affected States could strengthen cooperation in managing irregular maritime movements including through the development of a “protection sensitive regional approach”.
4. Strengthening cooperation among affected States in managing irregular maritime movements was also a recommendation of the Special Conference on Irregular Movement of Persons [*hereafter Jakarta Conference*] convened by the Government of Indonesia in August 2013. The Jakarta Conference reiterated the need for a protection-sensitive regional approach while also recognizing the importance of burden sharing and collective responsibility. As part of coordinated joint actions in

the fields of prevention, early detection, protection and prosecution of smuggling and trafficking, participating States committed to “enhancing communication and coordination to support search and rescue at sea, disembarkation, reception, processing and outcomes”.

5. In taking forward the recommendations of the Regional Roundtable on Irregular Maritime Movements, the fifth Bali Ministerial Conference and the Jakarta Conference, consideration has been given to two specific proposals from the Regional Roundtable on:
 - “the development of guidelines and a simpler reference guide of applicable legal standards especially gaps relating to identifying places of safety for disembarkation; [para. 25, a)]
 - a better mapping of post-disembarkation options in the medium and longer term to ensure host States are properly supported.“ [para. 25, e)]
6. Against this background and based on the principles of burden sharing and collective responsibility as per the Jakarta Conference, a way forward is proposed consisting of the following elements:
 - a) a meeting of States to discuss the parameters and modalities of mapping disembarkation options in some countries to be organized by UNHCR under the auspices of the RSO and in partnership with IOM and New Zealand through its seconded Officer [*Meeting on Disembarkation hereafter*];
 - b) the conducting of a mapping exercise of disembarkation arrangements in an initial group of States supported by a secondment agreement with the RSO;
 - c) bringing the outcomes of the mapping exercise to the attention of the Bali Process and other fora for guidance on next steps as part of a comprehensive approach to irregular maritime movements in the region.
7. The present Concept Note sets out the purpose, objectives, expected outcomes and practical arrangements for the proposed Meeting on Disembarkation.

Purpose

8. The purpose of the Meeting on Disembarkation is to establish a consultative and collaborative process to discuss and agree upon the parameters, structure, content and modalities of a mapping exercise of disembarkation options in some countries.
9. The proposed activities will be informed by other initiatives on addressing irregular migration under development/implementation by the RSO.¹

¹ These include: the IOM-implemented foundation project on a “Pilot study on Data Collection and Harmonization”; planned activities under New Zealand’s RSO secondment to support the design and implementation of information campaigns to address irregular movements, trafficking in persons and people smuggling; cooperation on capacity building with law enforcement training institutions such as the Jakarta Centre for Law Enforcement Cooperation; the development of Bali Process Policy Guides on Criminalizing Migrant Smuggling and Trafficking in Persons co-chaired by Australia and Thailand; and the IOM-implemented foundation project on Regional Voluntary Return Support and Reintegration Assistance for Bali Process Member States.

Objectives

10. Using as a starting point applicable international legal standards and principles and a more precise understanding of key disembarkation issues, it is proposed that discussions among participating States are held at “working level” and focus on:
 - a) agreeing upon the scope, content, common research methodology and analysis framework for mapping disembarkation options in some countries based on a more precise understanding of disembarkation dynamics;
 - b) confirming the parameters of secondment arrangements to the RSO for the purpose of the mapping exercise and designated responsibilities of participating countries, UNHCR, IOM and the Regional Support Office;
 - c) agreeing upon a timeframe for the secondment of State officials to the RSO and for the completion of the mapping exercise.

Proposed Participants

11. It is proposed that at a first instance, an initial group of five countries (Bangladesh, Indonesia, Malaysia, Sri Lanka, and Thailand) participates in the Meeting and proposed mapping exercise on disembarkation. In the medium term, it is hoped that a process will be established for all affected countries of origin, transit and destination in the region to become engaged in follow up activities as appropriate.
12. Given that responses to irregular maritime movements require engagement by a number of government stakeholders, it is recommended that individual country participants are drawn from a range of agencies such as *inter alia* Ministries of Foreign Affairs, Ministries of Interior/Immigration Bureaux, Border Management Agencies, Naval Police/Search and Rescue Agencies/Border Guards and port authorities.
13. A total of four delegates per country are invited. Financial support can be made available upon request.
14. Participation will also be sought from the International Maritime Organization (IMO) and a small number of selected academic experts.

Expected Outcomes

15. In the short term, the Meeting will aim to provide:
 - a platform of dialogue, engagement and confidence building for States, UNHCR, IOM and other international organizations such as IMO engaged in the mapping exercise on disembarkation;
 - an opportunity to clarify key concepts on the basis of applicable international law, modalities, methodology and approaches to the mapping exercise including in relation to the participating countries’ secondment of staff to the RSO for the purpose of the mapping exercise;

- opportunities for networking and experience sharing.
16. In the longer term, the Meeting and follow up activities could contribute to:
- strengthening regional consensus on how irregular movements by sea can be addressed collaboratively as part of a comprehensive, protection-sensitive approach that enhances national capacity, safeguards State sovereignty and supports the development of sub-regional arrangements based on burden sharing and collective responsibility;
 - the development of a collaborative process to develop a set of regional guidelines, tools, capacity building measures and networks of cooperation that can support State actions towards the implementation of a protection-sensitive and comprehensive approach to irregular movements by sea;
 - lead to the piloting of practical cooperative arrangements in the form of sub-regional arrangement(s) on irregular movements by sea under the Regional Cooperation Framework.

Timeline and Location

17. The Meeting on Disembarkation will be held from **23 to 24 January 2014** in Bangkok, Thailand.

Reference Material

18. The following material will be developed under the auspices of the RSO and made available in advance of the meeting:
- A Reference Guide on applicable international legal principles and standards for disembarkation;
 - Discussion Paper on Scope and Methodological Framework for the mapping exercise;
 - Options for Engagement by participating States with regard to staff secondment to the RSO.

December 2013