

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

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**PROPOSED SCOPE AND METHODOLOGY
OF THE MAPPING EXERCISE ON DISEMBARKATION**

Background

In March 2013, UNHCR together with the Government of Indonesia 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.”

At the fifth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Bali Process Co-Chairs recommended that members explore practical ways in which affected States could strengthen cooperation in managing irregular maritime movements including through the development of a “protection sensitive regional approach”.

Strengthening cooperation among affected States in managing irregular maritime movements was also underlined at the Special Conference on Irregular Movement of Persons convened by the Government of Indonesia in August 2013.

The purpose of this Discussion Paper is to set out the potential scope and methodology to be used to research and map current disembarkation and post-disembarkation procedures and practices for boat arrivals in Bangladesh, Indonesia, Malaysia, Sri Lanka, and Thailand. This is in the context of taking forward key recommendations from the Regional Roundtable on Irregular Maritime Movements, the fifth Bali Ministerial Conference, and the Jakarta Conference with reference to two specific proposals from the Regional Roundtable namely, to develop guidelines and a reference guide of applicable legal standards relating to disembarkation; and to map post disembarkation options to ensure that host States are properly supported. This Paper is to be read in conjunction with the Discussion Paper on Secondment Options.

Proposed Scope of Mapping Exercise

On the basis of applicable international legal framework as applying to participating States under international maritime, criminal and human rights’ law, it is proposed that the “mapping exercise on disembarkation” would *inter alia* cover the following areas:

1. National policy and legislative frameworks on rescue at sea and maritime interception including:
 - national maritime security strategy;

- legal framework for Search and Rescue (SAR) services and coordination including national definition of distress at sea/place of safety;
 - legal framework for maritime interception.
2. Mechanisms in place for SAR coordination including:
 - the responsible authority;
 - available staff, financial and material resources/how these are organized;
 - communication and information exchange facilities;
 - early warning systems;
 - surveillance mechanisms;
 - coordination and operational arrangements at domestic and regional level;
 - mechanisms for managing issues across pipelines;
 - maritime safety regimes and regulations;
 - identified challenges, gaps and support needs.
 3. Mechanisms in place for maritime interception operations including:
 - responsible authority;
 - available staff, financial, material resources/how these are organized;
 - communication and information exchange facilities;
 - early warning systems;
 - coordination and operational arrangements at domestic and regional level;
 - administrative procedures;
 - maritime safety regimes and regulations;
 - interception at high seas;
 - identified challenges, gaps and support needs.
 4. Mechanisms for Disembarkation/Post-Disembarkation following Rescue at Sea
 - existing cooperative and operational arrangements for the identification of a place of safety/disembarkation;
 - bilateral/multi-lateral agreements/arrangements;
 - key challenges, gaps and support needs;
 - arrangements for reception, profiling, registration and referral
 5. Mechanisms for Disembarkation/Post-Disembarkation following Maritime Interception
 - existing cooperative and operational arrangements;
 - bilateral/multi-lateral agreements/arrangements;
 - reception, profiling, registration and referral;
 - key challenges, gaps and support needs;
 6. Training and Capacity Building mechanisms at national and regional level
 7. Bi-lateral/Regional Agreements or Arrangements.

Methodology

1. *Establishment of an internal inter-agency mechanism* at country level to oversee activities at national level, guide the process and facilitate the engagement of all relevant government agencies.
2. *Literature Review and Secondary Data Analysis* of relevant country-specific legislation and policy documents including internal rules, regulations and other material such as available studies or reports.
3. *Identification of relevant government stakeholders/“key informants”* involved in the areas under consideration described in the chapter on the scope of the mapping exercise.

4. *One-to-one interviews or focus group discussions* in key field locations with relevant informants to collect/clarify information on identified topics relating to the application in practice of the legislative and policy framework in each participating country and on key challenges at field level as encountered by front line staff and decision makers. Interviews will be held with relevant agencies including immigration, naval police, the navy and other government officials identified as relevant.
5. *Compilation and Analysis of Data* collated through primary research at field level with key informants and as part of the literature review and secondary data analysis.

Timeframe:

Maximum period of six months with work proposed to be undertaken from April to September 2014.

Expected Results

A country specific analytical report of a maximum length of thirty pages describing:

- the national policy and legislative framework on rescue at sea and maritime interception;
- main stakeholders involved;
- procedures in place for SAR coordination and for maritime interception operations;
- mechanisms for disembarkation/post disembarkation in the context of rescue at sea and maritime interception;
- training and capacity building mechanisms and needs at national and regional level;
- bilateral and multi-lateral agreements or arrangements.
- institutional gaps and constraints and specific challenges faced.

Questions *(to be considered in conjunction with the Discussion Paper on secondment options)*

- Is what is proposed agreeable/feasible with respect to the mapping exercise's:
 - objectives and scope
 - methodology
 - timeframe
 - expected outputs?
- Are there any issues that need to be added/ reframed?