

Irregular Maritime Movements

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Irregular Maritime Movements

A Global Challenge

- Populations on vessels are “mixed” with different profiles and needs
- Boats in poor condition
- Push factors (war; poverty; gross human rights violations) are stronger than fears of the journey and hard to reverse despite State responses
- Difficult for States to balance their right to control borders/duty to preserve national security with international obligations

Rescue at Sea

International Legal Framework

- International Law of the Sea
- International Refugee Law
- International Human Rights Law
- International Humanitarian Law

Rescue at Sea

Policy and Operational Challenges

- Preventing loss of life at sea
- Inter-State coordination and cooperation
- Finding a place of safety for disembarkation – rules on State responsibility are not clear
- Treatment of persons after disembarkation, including reception, screening and differentiated processes and procedures
- Medium-term solutions and outcomes
- Pull factors
- Smuggling, trafficking, transnational criminal networks
- State capacity

Interception

Legal Framework

After interception, **generally** disembarkation and processing of asylum claims conducted within the territory of and by the intercepting State.

In exceptional circumstances, subject to legal safeguards, processing may be undertaken in and/or by another State.

Djibouti Expert Meeting

Expert Meeting - Refugees and Asylum-Seekers in Distress at Sea

Djibouti, 8-10 November 2011

Operational Tools

- Model Framework for Cooperation
- Mobile Response Teams
- SOPs for Shipmasters

Djibouti Expert Meeting

Expert Meeting - Refugees and Asylum-Seekers in Distress at Sea

UNHCR Model Framework for Cooperation

Structure

- Identifies the States implicated in a particular rescue at sea operation
- Identifies possible roles and responsibilities
- Proposes a structure for coordination and cooperation

Areas Covered

- Disembarkation (criteria for identifying disembarkation places)
- Initial reception arrangements
- Mechanisms for profiling and referral
- Processing
- Outcomes and solutions
- Capacity building

Jakarta Regional Roundtable

Regional Roundtable on Irregular Movements by Sea in the Asia-Pacific Region

19-20 March 2013, Jakarta, Indonesia

Proposals:

- Capacity building on existing international legal framework
- Designation of national and regional focal points
- Development of clear guidelines on applicable legal standards, especially on disembarkation
- Cooperation in prosecuting smugglers and traffickers
- Better harmonization and consistency of protection responses
- Map post-disembarkation options to ensure host States are properly supported