

CONCEPT NOTE

BALI PROCESS CONSULTATION MECHANISM

Following the 2015 irregular migration events in the Andaman Sea and Bay of Bengal, Ministers at the Sixth Bali Process Ministerial Conference acknowledged the need for more agile and timely responses by Bali Process members. To this end, Ministers agreed to have a mechanism which would authorise the Co-Chairs to consult, and if necessary, convene meetings to discuss urgent irregular migration issues, as well as to formulate possible regional responses, as agreed by the participants. Participation in such meetings would be voluntary and non-binding.

Purpose

- To authorise the Co-Chairs (at senior official level) to convene meetings of members in response to emergency irregular migration¹ involving Bali Process members. These would not replace the regular Steering Group or Ad Hoc Group senior official meetings (SOMs).
- If deemed necessary, a meeting could be convened at the level of Ministers with the consent of member States.

These meetings would:

- enable an exchange of latest information on emergency irregular migration situations amongst relevant members;
- facilitate timely and proactive consultation and coordination of appropriate Bali Process and/or other regional support to help address emergency issue(s)/situation(s);
- provide the opportunity for relevant member countries to share ideas on potential national, bilateral or regional emergency irregular migration responses/policies; and
- generate recommendations for urgent action on the part of member states, international organisations or other relevant entities.

Guidelines

The consultation mechanism is **consistent with the primary role of the Bali Process** as a voluntary, inclusive, non-binding forum for policy dialogue, information sharing, improving coordination of states' efforts, and medium-longer term capacity-building.

Decisions to convene a consultation or meeting under the mechanism would be made by the Co-Chairs; although any member may request the Co-Chairs to do so.

Discussions would be **informal**, and **would not impose binding commitments** on participating members. They would allow members to share views and their plans/policies regarding emergency issues/situations on an 'in confidence' basis.

Decisions on **convening a meeting or initiating a teleconference under the mechanism will be made by the Co-Chairs (at ministerial or senior official level, as appropriate to the circumstances)**. The Co-Chairs would consider initiating meetings in circumstances based on the following criteria:

- circumstances must be related to urgent irregular migration issues;
- more than one member country is affected; and

¹Emergency irregular migration means a sudden and massive influx of irregular migrants affecting members of the Bali Process which requires immediate response.

- significantly affected countries are members of the Bali Process.

The Co-Chairs may make public statements or respond to media inquiries, if asked, but only in general terms, in their capacity as Co-Chairs and on behalf of the Bali Process overall (not individual member countries). Public or media statements will not disclose details of meetings. Individual members should avoid making media statements referring to discussion under the mechanism, without prior agreement of the Co-Chairs.

The Co-Chairs, in consultation with affected countries, may invite other relevant countries and/or international organisations which are not members of the Bali Process to participate in the meetings. When invited, these countries/international organisations will be able to participate as observers in the discussions.

In certain circumstances, the Co-Chairs, in consultation with, and with the consent of, affected countries, may invite representatives of relevant civil society, academia or individuals to attend the meetings. When invited, these will be treated as expert resource persons and will not be able to participate in the discussions on the outcome of the consultation mechanism.

Operating Procedures

- Consultations under the mechanism may be in person or by teleconference (or a combination). The Co-Chairs may consider an in-person meeting on the margins of another regional forum or meeting. Selected member representatives who are not present may still join by telephone.
- Meetings will be held in a location determined by the Co-Chairs, taking into account the countries affected, cost-effectiveness, efficiency, and timeliness.
- Administration will be minimal. Detailed agendas or meeting papers may not be required.
- Depending on the outcomes of the meetings, the Co-Chairs may decide to convene a special follow-up formal AHG SOM, which would follow usual AHG procedures.
- If appropriate, a brief general statement and outline of discussions may be posted on the Bali Process website.
- The Co-Chairs will provide a report on discussions, to the next regular AHG SOM.

Administration

- The Co-Chairs have agreed that the International Organization for Migration (IOM), consistent with its ongoing role providing support for the Bali Process², will manage the necessary administrative and technical support for this mechanism³.
 - The effectiveness of these arrangements will be continually monitored by the Co-Chairs.
 - The Co-Chairs may vary these arrangements at any time, in consultation with and by the approval of the AHG.
- Subject to confirmation of feasibility, a specific information exchange platform⁴, attached to the regional secure portal developed by IOM, may be developed for members to share 'in-confidence' information.

²These include maintaining the Bali Process website, providing logistical support for holding Ad Hoc Group SOMs, and facilitating attendance at meetings of sponsored delegates.

³The Australian Government will fund IOM for this purpose.

⁴Similar to the secure portal, the information would only be available to the selected member representatives, with restricted login access.

- Members will be asked to nominate one primary, (at the level of Bali Process Senior Official), and one back up position as contacts to participate in consultation mechanism meetings, and to advise of any changes as soon as possible
 - IOM, with the assistance of the Co-Chairs, will coordinate the initial collection of nominated contact details, and will update and maintain these on an ongoing basis;
 - these will be made available to participants in the consultation mechanism discussions.