



Regional Support Office Roundtable: Constructive Dialogue on Irregular Migration, People Smuggling and Trafficking in Persons

CONCEPT NOTE

Duration: two days

Date: 7 – 8 September 2022

Background/Rationale:

In 2002, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime was formed as a non-binding, multilateral forum to facilitate policy dialogue, cooperation and information sharing in Asia and the Pacific Region. Co-chaired by Australia and Indonesia, the Bali Process membership includes 45 Member States and 4 international organizations, and 26 observer countries and international organizations. In 2012, the Regional Support Office of the Bali Process (RSO) was established in Bangkok, Thailand, to provide technical support to the Bali Process and strengthen cooperation on refugee protection and international migration, including human trafficking and people smuggling. The RSO is the only cooperation mechanism of its kind in the Asia Pacific region. It draws on policy knowledge, technical expertise, and operational experience from Bali Process Members and other key stakeholders to develop practical initiatives.

The 2016 Bali Process Declaration committed Member States to address protection issues, expand safe, legal, and regular migration pathways, counter criminal networks and address human trafficking as matters of priority. In support of the 2016 Bali Process Ministerial Declaration and other Bali Process ad-hoc and working groups' commitments, RSO is committed to creating knowledge products and delivering operational capacity building for Bali Process Member States, drawing from technical expertise and operational experiences of Bali Process Members. Throughout its initiatives, RSO enables policymakers, law enforcement officers, and practitioners across Bali Process Member States to work together and exchange information and best practices. Examples of such initiatives include but are not limited to training of law enforcement and border officials, publication of research and policy guides, and development of tools to counter trafficking in persons, smuggling of migrants, organized criminal networks and addressing protection issues.

In 2019, Asia and the Pacific was home to 40 percent of the world's migrants, equivalent to 2.2 percent of the total regional population of 4.6 billion in 2019.¹ Following the outbreak of Covid-19 in 2019, mobility restrictions and closed borders stranded around 97700 people outside of their home countries in the Region in 2020, many of whom were migrant workers.² Although no comprehensive data exists,

¹ United Nations, Economic and Social Commission for Asia and the Pacific (ESCAP) (2020). Asia-Pacific Migration Report 2020: Assessing Implementation of the Global Compact for Migration (ST/ESCAP/2801), P. 7-8, Available at [Asia-Pacific Migration Report 2020 \(unescap.org\)](https://www.unescap.org/publications/asia-pacific-migration-report-2020)

² Ibid.; IOM World Migration Report (2022), P. 35, Available at [WMR-2022_0.pdf](https://www.wmr2022.org/)





irregular migration, trafficking in persons, and people smuggling are significant, given the large scale of migration in the Region.³ Many causes drive migration in the Region, but it is mainly dominated by labour migration, political and armed conflict, food security, environmental change, and disaster.⁴ At the end of 2019, there were over 7.8 million refugees and people in refugee-like situations in Asia-Pacific countries, representing 38 percent of the global refugee population and the largest regional refugee population globally. These numbers have ever been increasing, reaching over 10 million refugees and people in refugee-like situations in Asia-Pacific countries in December 2021.⁵

During the Steering Group Meeting in February 2022, the Ministers discussed how COVID-19 continues to shape health, economic and social impacts and how – along with restricted travel – these have significantly impacted migration and increased risk factors for irregular movement. The pandemic has also increased the risk of exploitation by people smugglers and traffickers, particularly for women and children. Ministers recognized the risks will increase as the region emerges from the pandemic, travel resumes, and traffickers, smugglers and other transnational criminal groups adapt to the challenge and identify new opportunities. These will remain enduring issues for the region.⁶

2022 marks the 20th anniversary of the Bali Process and the 10th anniversary of the RSO. After a decade of its establishment, the RSO has played a critical role in supporting Bali Process Member States (BPMS) to address challenges brought by irregular migration in the Region. However, new challenges brought by the Covid-19 pandemic and the scale of the displacements of refugees in the Region from prolonged political and armed crises in Myanmar and Afghanistan require ongoing commitment and concerted and coordinated attention from BPMS. This means that the RSO needs to facilitate enhanced cooperation between BPMS and provide support to the most affected BPMS to develop operational capability and best practices to respond to irregular migration and related transnational crime.

Objectives of the RSO Roundtable:

- Providing Bali Process Members an opportunity to reflect on the contribution and value of the Bali Process in its 20th year.
- Briefing participants on the RSO's ten years of regional experience in combating irregular migration, trafficking in persons, and people smuggling.
- Providing a platform for an exchange of positive examples among Bali Process Members in addressing current challenges brought by irregular migration.
- Collecting inputs and suggestions from participants, including the way forward for engagement and re-engagement with the Bali Process and RSO.
- Discussing regional strategic priorities that will assist BPMS in combating current and future challenges of irregular migration, trafficking in persons, and people smuggling.

³ United Nations, Economic and Social Commission for Asia and the Pacific (ESCAP) (2020). Asia-Pacific Migration Report 2020: Assessing Implementation of the Global Compact for Migration (ST/ESCAP/2801), P. 7-8, Available at [Asia-Pacific Migration Report 2020 \(unescap.org\)](https://www.unescap.org/publications/asia-pacific-migration-report-2020).

⁴ Ibid, P. 9-10

⁵ UNHCR Bureau for Asia and the Pacific, Regional Review, Operational Data Portal, [Situation Regional Bureau for Asia and the Pacific \(unhcr.org\)](https://www.unhcr.org/asia-pacific)

⁶ Co-Chairs' Statement, Foreign Ministers' Meeting of the Steering Group, Paris, 21 February 2022 (<https://www.baliprocess.net/ministerial-conferences-and-senior-officials-meetings/>)





- Discussing the importance of cooperation and collaboration amongst BPMS to promote and advance Bali Process Objectives and regional cooperation against the Bali Process Strategy for Cooperation.

Format:

Representatives of the Co-Chairs of the Bali Process will conduct the RSO Roundtable for day one, assisted by Bali Process Member States and Bali Process Member Organizations through a hybrid format of virtual and in-person discussion. Day two of the Dialogue will be focused on practical cooperation and capacity building and will be conducted by Co-managers of the Regional Support Office of the Bali Process in in-person format and discussion. The RSO Roundtable will be conducted in Bangkok, Thailand. In-person participation will be managed according to Covid-19 measures in place at the time of the Dialogue, and all participants will be required to comply with those measures, including testing requirements. An online platform will be established for other participants to join virtually.

Issues for Discussion:

Irregular migration presents challenges for States, not only because it infringes on their sovereign prerogative to determine which non-nationals may enter their territory and under what conditions, but also because the persons involved in these movements are more likely to be subject to hardship, human rights violations, and discrimination, and thus require special and individualized assistance.⁷ The 2016 Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime (2016 Bali Process Ministerial Declaration) has acknowledged the importance of a comprehensive approach in addressing irregular migration by land, air, and sea, including victim-centered and protection-sensitive strategies, as appropriate.⁸

This constructive Dialogue aims to provide participants with background information on the Bali Process and the RSO, including examples of practical initiatives, resources and tools developed with the support of RSO that BPMS may further use to respond to irregular migration, people smuggling and trafficking in persons. Intending to enhance international cooperation, the Dialogue sets out a series of exchanges on national and regional experiences on the prevention and cooperation in response to irregular migration.⁹

⁷ "Irregular Migration: Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination. [...] categories of migrants who may not have any other choice but to use irregular migration channels can also include refugees, victims of trafficking, or unaccompanied migrant children.", IOM, Glossary on Migration (2019), Irregular Migration, P. 116, Available at [jml_34_glossary.pdf \(iom.int\)](#); MC/INF/297, Ninety-eight Session, Irregular Migration and Mixed Flows: IOM's Approach, Para 4, Available at [UNHCR - Irregular Migration and Mixed Flows: IOM's Approach](#)

⁸ Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime, The Sixth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, Bali 23 March 2016, Para 5, Available at [Bali Declaration on People Smuggling Trafficking in Persons and Related Transnational Crime 2016.pdf \(baliprocess.net\)](#)

⁹ " 'crime prevention' comprises strategies and measures that seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes," UNODC, Legislative Guide for the Implementation of UNTOC, P. 187, Para 609, Available at [Legislative Guide E \(unodc.org\)](#); Marika McAdam, Understanding People smuggling Protocol, Prevention and Protection, P. 14-22, Available at [SOM Protocol Mar2021.pdf \(baliprocess.net\)](#); UNODC, Legislative Guide for The Protocol to Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational Organized Crime, Prevention and Cooperation, P. 77-89, Available at [TIP LegislativGuide Final.pdf \(unodc.org\)](#);





Lastly, this constructive Dialogue invites participants to discuss the following aspects on irregular migration, people smuggling and trafficking in persons:

- What have been decisive factors in establishing current (national) procedures and arrangements to prevent irregular migration, people smuggling and trafficking in persons?
- What key aspects of (national) procedures, arrangements and platforms are the most important in seeking international cooperation?
- What positive examples can be identified for prevention and international cooperation to address irregular migration, people smuggling and trafficking in persons?
- How can RSO effectively support BPMS' effort to address challenges brought by irregular migration in the Region? How can RSO better contribute to facilitating the exchange of information and cooperation among BPMS on trafficking in persons and the smuggling of migrants?
- What are the current and future regional challenges in irregular migration, people smuggling and trafficking in persons, and how the Bali Process can promote cooperation and collaboration in addressing these challenges?

Participation:

The Constructive Dialogue is open to all BPMS and organizations as well as to Bali Process observer countries, and Bali Process observer agencies. Desired profiles of participation include:

- policymakers
- law enforcement agencies who may be involved in international cooperation to combat irregular migration and transnational organized crime
- labour attaché
- border management agencies
- diplomats whose function is crime prevention and/or victim protection

Outcome:

Any report/outcome/recommendations resulted in the Dialogue are expected to be endorsed in the Senior Officials meeting and/or 8th Bali Process Ministerial Conference.

