

## **BALI PROCESS STRATEGY FOR COOPERATION: OCTOBER 2017 UPDATE - 12<sup>TH</sup> AD HOC GROUP SENIOR OFFICIALS' MEETING**

### **Objective**

To strengthen the work of the Bali Process to deter and address irregular migration and to combat trafficking in persons, people smuggling, and related transnational crime, including by:

- Implementing the actions and directives on deterrence, prevention, early detection, disruption, protection and prosecution, as agreed by Ministers at Bali Process Ministerial Conferences, as well as priorities of the Jakarta Declaration;
- developing further practical work programs focussed on legal cooperation, law enforcement and border management cooperation, consistent assessment processes for mixed movements of people, protection of victims of trafficking, and related capacity building;
- linking with other regional and multilateral fora to improve coordination of activities, and share relevant resources, expertise and lessons learned;
- assisting members to strengthen domestic responses to people smuggling and trafficking in persons;
- enhancing capacity to develop, and increasing awareness of, safe and legal migration pathways; and
- as appropriate, encouraging innovative solutions to address the root causes of irregular migration, including the enhancement of development potential and stabilisation of key areas of origin.

### **Background**

The Eighth Ad Hoc Group Senior Officials Meeting (AHG SOM) (Canberra, 6 August 2014) of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* (Bali Process) endorsed the *Bali Process Strategy for Cooperation: 2014 and Beyond*. The Strategy drew on key outcomes of the Fifth Bali Process Regional Ministerial Conference (2 April 2013) and the Jakarta Special Conference on the Irregular Movement of Persons (20 August 2013). The purpose of the Strategy and its forward work program of activities is to guide the advancement of Bali Process objectives through cooperation to strengthen immigration management, refugee protection, border integrity and related legal capacity building and law enforcement measures<sup>1</sup>. The AHG SOM Meeting also agreed that implementation of the Strategy be reviewed at least annually by the Steering Group and the Ad Hoc Group (AHG).

At the Sixth Regional Ministerial Conference (Bali, 23 March 2016), Ministers recognised the value of the Bali Process Strategy in guiding the work of members and noted the AHG would continue to update it to reflect ministerial priorities and the principles of the Regional Cooperation Framework (RCF) and Jakarta Declaration (including applying protection-sensitive approaches).

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<sup>1</sup> A number of the activities in the original BP Strategy, endorsed in Aug 2014, are reported in the Ad Hoc Group Progress Report.

Ministers also expressed their priorities with the adoption of the *Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime* (Bali Declaration). These priorities include: addressing the root causes of irregular migration; greater business and private sector engagement; safe and legal migration pathways; returns and reintegration of persons found not to be owed protection; and further cooperation in tackling criminal syndicates engaged in people smuggling, trafficking in persons and related transnational crimes. The updated Strategy outlines the significant progress made by members and partners in taking forward these priorities.

The Strategy also encourages further efforts for the Bali Process to strengthen links with other regional and global efforts to address people smuggling, trafficking in persons and irregular migration, including continued engagement with other regional and inter-state consultative processes; and contributing to the Global Compact on Refugees and the Global Compact on Safe, Orderly and Regular Migration.

This update affirms the ongoing practical collaboration among members, including through sharing of information, experiences and policy ideas; coordinated actions, and capacity-building activities. It also reflects the growing member engagement with the Regional Support Office (RSO) and interest in its activities.

### **Activities and scope**

The attached AHG Progress Report forms part of the Strategy. The Report and updated Strategy outline new, continuing or follow-up activities that support the priorities agreed by Ministers and highlighted by the AHG. Its scope encompasses key activities implemented by the Bali Process operational mechanisms, including the two established **Working Groups**, and the **RSO**, as well as discrete Bali Process activities previously endorsed and priority initiatives arising from the Ministerial Conference.

In response to a direction from Ministers at the 6th Ministerial Conference, a key focus of the **Trafficking in Persons Working Group** in 2016-17 was the development of a new regional *Bali Process Policy Guide on Following the Money in Trafficking in Persons Cases*. The guide aims to help States target the financial incentives for transnational crime.

Building on the previous successful Joint Periods of Action, the **Working Group on Disruption of People Smuggling and Trafficking in Persons Networks** will conduct its Fourth Joint Period of Action to strengthen cooperation on law enforcement between members.

Further, Ministers reinforced the region's commitment to tackling irregular migration, particularly irregular maritime migration, by agreeing to establish a **Consultation Mechanism**. Ministers gave the Co-Chairs authority to convene discussions on urgent irregular migration issues. The Concept Note (including modalities) for the Consultation Mechanism was endorsed by the 11<sup>th</sup> AHG SOM in Colombo in November 2016.

It was also agreed to further address the exploitation of vulnerable displaced people, by agreeing to the Bali Process conducting **a review of the region's response to the Andaman Sea situation** of May 2015. This would assist members to share lessons and implement necessary improvements. The Review was finalised and endorsed by the 11<sup>th</sup> AHG SOM. The Co-Chairs have been taking forward its recommendations, including the creation of a new **Task Force on Planning and Preparedness (TFPP)**. The TFPP brings together operational level governmental officials who are responsible at national level for dealing with trans-border large movements of migrants and refugees. The TFPP supports the Co-Chairs' Consultation Mechanism. The TFPP has met twice, with its second meeting (Bali, May 2017) taking the form of a hypothetical table-top exercise, to allow participants to explore the systems, sequencing, and sharing of resources and information to strengthen responses to mixed maritime migration movements.

The Co-Chairs convened the first meeting under the Consultation Mechanism on 13 October 2017 in Jakarta, to discuss irregular migration in the region. Attended by the Steering Group, Myanmar and Bangladesh, the confidential discussion established an important dialogue among members on ways the Bali Process and individual members may strengthen cooperation to address irregular migration.

The finalisation of the Review and establishment of the Consultation Mechanism together represent significant achievements in delivering on Ministers' decisions. Building on that momentum will be a high priority in the next 12 months in order to demonstrate the value of the Bali Process.

Another key outcome of the Sixth Ministerial Conference was agreement to work more closely with the private sector to combat human trafficking and slavery. The Bali Process delivered on this with the launch of the **Bali Process Government and Business Forum (Perth Forum)**. This new initiative brought together influential business leaders and ministers from the Indo-Pacific region to consider ways to prevent and combat human trafficking, forced labour and modern slavery. The Perth Forum, the first of its kind in the Indo-Pacific region, is a positive step towards the kind of collaboration between government and business that is needed to end these crimes; it will become a permanent track of the Bali Process.

The Perth Forum was driven by the private sector, with participants presenting a plan of action (the "Work Plan") for addressing their most urgent priorities. This Work Plan – the key outcome from the Forum – was developed following consultations with a broad range of stakeholders and comprises areas of work for business leaders to focus on over the next 12 months. From this work, they will develop practical, innovative recommendations to present to government at the next Bali Process Ministerial Conference in 2018. The list of priorities for work include the following themes: ethical employment; transparency in supply chains; and, safeguards and grievance/redress mechanisms.

Other priorities highlighted in the Strategy continue to be reflected in ongoing and new activities. Effective cooperation to facilitate the return of persons who no longer have a lawful right to remain in a country continues to be an essential part of a comprehensive

approach to migration management. Establishing a **Technical Experts Group on Returns and Reintegration** will remain a focus.

Work on **biometrics**, another directive of ministers, continues to be a focus. In addition to moving forward with the Regional Biometric Data Exchange Solution (RBDES), a further Workshop on Biometrics of Identity Integrity in Immigration will be held. These activities demonstrate the importance of members keeping up with the rapid technological developments and the learning from the growing body of experiences in the use of biometrics to combat transnational crime and improve border management and asylum processing.

The Bali Process **Joint Information Campaign pilot**, a partnership between Australia and Bangladesh and implemented by IOM, will conclude late in 2017. Noting the importance placed on information campaigns in the *Bali Declaration* to deter people smuggling and trafficking in persons, the AHG will consider the outcomes of the pilot, and other complementary information campaign activities in the region. Following this evaluation, the Co-Chairs will identify options to build on this through further public information initiatives.

#### *Bali Process Regional Support Office (RSO)*

With the conclusion of the **RSO's** 2015-17 Forward Work Plan, a new Work Plan will be developed. Under the direction of the Co-Chairs and the Steering Group, the RSO will develop a new Strategic Framework for its governance and planning. This will guide the new Work Plan's development, while maintaining focus on its core role in operationalising the Regional Cooperation Framework through: pooling common technical resources; support for joint pilot projects; facilitating exchange of best practice and information sharing; and the development of tools to assist members to harmonise regional approaches to refugee protection and migration management in the context of people smuggling and trafficking in persons.

Once finalised, the new Work Plan will be shared with members. Updates on activities will also be reported in RSO reports.

#### **Strategy implementation and review**

The Strategy provides a reference for Ministers in reviewing progress of Bali Process activities, as well as future direction and mandate setting at their biennial conference. Strategy implementation is reviewed at least annually by the Steering Group and AHG, and will continue to be refined and updated to reflect directions set by Ministers. Substantive amendments will require AHG SOM agreement. Timeframes for Strategy implementation will depend on available funding for associated activities.

Ongoing Strategy implementation and review will also take into account the continuing global and regional developments in irregular migration, people smuggling and trafficking in persons, and the outcomes of related multilateral and regional consultative forums.