

Global Compacts on Refugees and Safe, Orderly and Regular Migration: The Bali Process experience

Context

Our time is an era of unprecedented human mobility. In the last five years, global forced displacement has more than doubled from 35.8 million people in 2012 to 65.6 million today. At the end of 2016, the global refugee population stood at 22.5 million, the highest level recorded. At the same time, there are more than 244 million migrants in the world today. Most of this migration is voluntary and lawful and has a positive impact on individuals and societies.

The lack of coherent global management of migration has resulted in large flows of irregular migration, risking lives and undermining state sovereignty. The New York Declaration for Refugees and Migrants [19 September 2016] expresses the political will of world leaders to save lives, protect rights and share responsibility on a global scale. Building on these commitments, the two Global Compacts – one on Refugees and the other on Safe, Orderly and Regular Migration, provide an opportunity to build international consensus for practical action to address global displacement and promote well-managed migration.

The Asia-Pacific region has unique opportunities and challenges. The region has a long history of hosting displaced people (home to 7.7 million migrants in vulnerable situations, including 3.5 million refugees and 1.9 million internally displaced people) while labour migration continues to be a significant contributor to economic growth and stability in the region.

In the context of the Global Compacts, the success of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* (Bali Process) presents a useful framework for regional cooperation on migration and human mobility. Noting Bali Process members are already operationalising New York Declaration commitments, this paper can inform Global Compacts drafts.

Background

Since 2002, the Bali Process has raised regional awareness of the consequences of irregular migration. It is a forum for policy dialogue, information sharing and practical cooperation to help the region address these challenges. Co-chaired by Australia and Indonesia, the Bali Process includes 45 member countries and three member international organisations, and 29 observer countries and international organisations.

The Bali Declaration, adopted at the Sixth Ministerial Conference of the Bali Process in March 2016, committed members to deal with protection issues, promote regular migration pathways, counter criminal networks and address human trafficking as matters of priority.

Lessons of the Bali Process

The Bali Process has improved regional coordination on migration issues, developed robust partnerships with business to end human trafficking and modern slavery, disrupted people smuggling networks, and created a platform for greater information sharing.

Regional Coordination and Dialogue on Mass Migration Events

Recognising the need for more agile and timely regional responses to sudden and large-scale mixed migration events, and pursuant to a review of the 2015 Andaman Sea crisis, Bali Process Ministers

established a Consultation Mechanism, led by the co-chairs, to enable discussions on emergency irregular migration.

In 2017, the Task Force on Planning and Preparedness – comprising operational-level governmental officials who are responsible at the national level for dealing with significant trans-border movements of migrants and refugees – was launched to support the Consultation Mechanism. The Task Force supports early warning capabilities of officials and their capacity to coordinate action at an operational level for large influxes of irregular migrants, including measures to harmonise detection, search and rescue, disembarkation and shelter management through the sharing of best national, bilateral and regional practices.

Policy Guidance, Capacity Building and Operational Cooperation

Improved migration policy and governance are essential to fostering positive outcomes for both states and migrants.

The Bali Process' Working Group on Trafficking in Persons has developed policy guides and training modules, and conducted training on the identification and protection of trafficking victims and the use of anti-money laundering tools in trafficking cases. This has led to countries criminalising people smuggling and human trafficking in line with international standards, and increased protection for victims.

The RSO has developed policy tools, held seminars, and conducted training on: asylum procedures, screening travel documents, designing effective information campaigns, and implementing assisted voluntary return programmes.

The Bali Process' Working Group on the Disruption of People Smuggling and Trafficking in Persons Networks focuses on concrete, action-oriented activities for enhancing coordination to disrupt and dismantle criminal networks involved in people smuggling and trafficking. It has conducted three successful Joint Periods of Action, bringing together law enforcement and immigration officials to work jointly on investigations and facilitate arrests and seizures.

The most recent Joint Period of Action resulted in 72 people being convicted of human trafficking and people smuggling offences. An investigation that began under the first Joint Period of Action led to 62 convictions in Thailand's largest human trafficking trial, which arose from the May 2015 discovery of mass graves along the Thailand-Malaysia border. Joint action has also led to the rescue of a number of trafficking victims; extradition requests; training of police, airport, immigration and compliance officers; and intelligence sharing.

Information, Data and Experience Sharing

The Bali Declaration recognised the importance of information sharing and accurate data on migrants and their whereabouts, particularly those at sea. The Bali Process promotes the sharing of information, data and experience amongst its member states, be they countries of origin, transit or destination.

The Bali Process Working Group on Trafficking in Persons and Working Group on the Disruption of People Smuggling and Trafficking in Persons Networks provide fora for the meaningful exchange of information and experience amongst officials. The Bali Process is working to establish a Technical

Experts Group on Returns and Reintegration. The three groups are co-chaired by Bali Process member states.

One of the key mechanisms for this process is the Voluntary Reporting System on Migrant Smuggling and Related Conduct (VRS-MSRC), launched in 2013, that allows members to collect, share and analyse information on migrant smuggling, irregular migration and other related conduct. To date, authorities from 23 states and territories have confirmed VRS-MSRC participation. Participating states now have an online mechanism to collect and share information so they can identify trends and develop policies to prevent and combat migrant smuggling.

The Bali Process' Regional Biometric Data Exchange Solution provides a data-sharing framework comprising legal, technical, privacy and business processes. The Solution allows, through bilateral or multilateral agreement, Bali Process members to share biometric data with one another.

Regional Support Office

The Regional Support Office (RSO), created in 2012, is a source of expertise, engaging experts from several Bali Process member states and international organisations including IOM, UNHCR, and UNODC, and holding seminars, workshops and training to further build confidence both regionally and bilaterally.

Practical initiatives through the RSO to assist member states have contributed to improving the region's ability to identify and respond to instances of human trafficking and forced labour. In February 2017, the RSO launched the Regional Strategic Roadmap, an online portal that supports states to evaluate and improve responses to human trafficking.

The RSO is the only cooperation mechanism of its kind in the region and works to assist members to address people smuggling, trafficking in persons and related transnational crime. The RSO pools resources among member states; provides secretariat and logistical support for migration-related projects; avoids duplication of efforts across the region; provides specialised support; and develops regional linkages.

Private Sector Engagement

The Bali Process Government and Business Forum complements global efforts to eradicate forced labour, modern slavery, human trafficking and child labour under Sustainable Development Goal target 8.7.

Launched in August 2017 in Perth, the Forum is the first of its kind in the Asia-Pacific and is a positive step towards the public-private collaboration needed to end these crimes. A business work plan was adopted that focuses on three themes: ethical employment; transparency of supply chains; and safeguards and redress mechanisms. Businesses are developing a series of proposals for practical and innovative steps business and governments can take, including legislative measures, which will be presented to Bali Process Governments in 2018.

Partnerships

It is important for regional organisations to not only engage with global processes but to engage with other regional initiatives. The Bali Process has engaged with the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) and the Budapest Process and is focusing on strengthening its links with MIKTA and the Association of Southeast Asian Nations (ASEAN).

Conclusion

The response to the growing global phenomenon of large movements of people requires coherent and comprehensive regional cooperation, appropriate to the circumstances and needs of each region. The Bali Process has enhanced regional dialogue and deepened collaboration on migration in the Asia-Pacific. It has successfully built trust among member states, improved member states' capacity to manage migration and human mobility, and has established arrangements to facilitate a regional consultation mechanism in response to large-scale irregular migration events. Its operational mechanisms, including the Working Groups and Regional Support Office, provide innovative models for practical cooperation that we encourage other states and regions to consider. The Bali Process looks forward to playing an active role in facilitating the implementation of the Global Compact for Safe, Orderly and Regular Migration.