



IOM International Organization for Migration

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Introduction: the Bali Process Region and its diversities

Amidst their diversity, Bali Process countries are commonly linked in the chain of migration patterns and challenges with a common purpose to achieve shared goals of mitigating people smuggling, trafficking in persons and related transnational crime.

The Bali membership includes origin, transit and destination countries and, increasingly countries that are impacted in each of these areas. While these diversities can be seen as challenges or even obstacles to effectively managing migration for the Bali Process decision-maker, they also present us with a unique opportunity to consider and draw from a wide range of different perspectives and experiences in developing more effective strategies to address that core objective of stemming people smuggling, trafficking in persons and related transnational crime – that is, working to integrate these various strategies into a larger migration management framework. In doing so, the Bali Process provides an important vehicle to promote operational commonality while fully respecting national sovereignty and regional diversity.

And, though the Bali Process has mainly focused on the law enforcement response to the criminal elements that perpetuate irregular migration and the trade in humans, it has nevertheless highlighted the need for a comprehensive “whole of government” approach to migration management to underpin targeted migration interventions; whether promoting tactical efforts to interdict migrant trafficking and smuggling, targeting child sex tourists, drafting model legislation, putting in place protective frameworks and plans of action for assisting victims of trafficking, or strengthening bilateral partnerships for readmission of migrants.

The sheer breadth and scale of migration in the region is perhaps unparalleled globally, when considering that 6/10 of the world’s most populous countries are Bali Process Members and that those 6 countries alone represent over 47% of the world’s population. Large scale internal migration, intraregional migration and outward migration to other regions of the world are all prominent migration features of the Asia-Pacific, with the usual suspects of labour supply and demand dynamics, developmental disparity, socio-economic pressures, security and conflict as well as environmental degradation being the primary driving forces fueling movement in the region.

Many countries in the Bali Process membership are major sources of migrants seeking work or improved socio-economic conditions or simply to escape conflict, while several others are transit or destination countries – or are both. And though most migration within the region is facilitated through normal migration channels, there is a significant number of irregular movement that takes place outside these legal frameworks.

Irregular Migration and Challenges to Migrant Security

Though there are no definitive statistics on the scale of irregular migration in the region, or the relative numbers of smuggled and trafficked persons embedded within these flows, the numbers are confidently estimated to be in the several millions.

Apart from the scale, irregular migration is undoubtedly one of the most complex, sensitive and intractable migration management problems confronting the international community, as the underlying factors fueling irregular migration are so multi-faceted. As in many other regions in the world, the policies to address irregular migration in the Bali Process Region have coalesced around a number of well-established law enforcement driven policy objectives: the fight against organized people smuggling, trafficking in persons and related trans-national crime with the ultimate goal of reducing the incidence of irregular migration.

In this regard, the Bali Process has been instrumental in advancing law enforcement cooperation efforts, developing model legislation to address trafficking and smuggling, and advancing broad regional cooperation that builds upon and reinforces existing sub-regional and intra-regional initiatives. However, as migrant vulnerability is inherent in all irregular migration where security assurances are lacking in the absence of a “legal” status, it is important that law enforcement efforts parallel efforts to improve migration management processes and practices overall that are aimed at reducing migrant exploitation and vulnerability to smuggling and trafficking networks. Similarly, it is important that governments institutionalize approaches that recognize, and are positioned to address, the often mixed-nature of irregular migration flows, where smuggled migrants, trafficked persons, and asylum seekers coexist. This often challenges traditional one-dimensional approaches to law enforcement, where legal status is the primary deterrent driving responses. It is nonetheless critical, though, in promoting an “individualized” approach to case management and assessment that assures that appropriate consideration will be given to each individual’s unique circumstances when determining the subsequent immigration outcome.

This is not to necessarily suggest an overextension of services, as the predominance of irregular migration is not criminal in nature; and in many instances is tacitly tolerated by affected states. Seasonal cross border migration, cross border day passes, migrant registration processes and only loose oversight over some irregular flows have been common features within the region - for the most

part benefiting migrants and employers as well as playing a significant role in regional development through remittances, particularly among the still developing countries.

Rather it suggests promoting effective risk management strategies that can respond to the people smuggling activities and trafficking in persons that are imbedded in irregular migration flows through rights-based approaches that provide protective frameworks for victimized migrants. It also suggests an approach that recognizes that cases can be very complex, defying easy “packaging” of responses. The circumstances surrounding an individual’s movement from one place to the next are only part of the story. A person can initially engage willingly into a smuggling activity, only to see the smuggling arrangement digress into a trafficking reality where individual freedoms are lost at the hands of abuse and exploitation. The motivations driving an individual to move also vary, where individuals fleeing persecution or social marginalization may engage a smuggler out of desperation as seemingly the only means available to escape their situation. In fact, the smuggler may in truth be the only option available for reaching safety.

People Smuggling and Trafficking in Persons

The current migration environment in the region affected by economic and developmental inequities creates a lucrative operational environment for brokers, smugglers and traffickers, who easily entice individuals – or simply provide what appears to be an attractive service - with promises of work opportunities and/or the promise of a new life. Finally, there are the migrants themselves, who are motivated by the promise of a better future for themselves and their families, never believing that they will fall prey to traffickers, whether they are aware of the potential danger or not. Nor, do they fully grasp the often perilous journey that awaits, and the often deadly consequences that they may encounter. This points clearly to the need for effective mass information programs to raise the awareness of the true risks of resorting to the services of people smugglers.

The conflation of these factors conspires to perpetuate the trade in human beings in the region, reinforcing a global industry that is estimated by the UN to be in the 10’s of billions of dollars annually. While there has been a tremendous amount of progress over the past decade in implementing counter-trafficking and smuggling legislation, national action plans, regional and bilateral agreements and other cooperative initiatives, migrant exploitation and abuse still thrives; as does the resolve of traffickers, smugglers, brokers and others to exploit vulnerable or unformed individuals for profit – seemingly with impunity.

Emerging Issues – Three irregular migration flows under examination

With this as a backdrop, we are gathered at this first Ad Hoc Group meeting to focus our efforts and attention on three very distinct migration flows currently directly or indirectly affecting the Bali Process members present here today. I offer a brief snapshot of these three flows.

- (I) Afghan Nationals have been faced with ongoing conflict and destruction in their homeland seemingly for generations. This has resulted in large numbers of IDP's (more than 200,000) inside Afghanistan but even larger numbers hosted by Afghanistan's neighbors: nearly two million each in Pakistan and Iran , with half those in Iran undocumented. Such numbers involved in such protracted situations not only create huge challenges to the hosting nations but also create huge populations of migrants potentially on the move to destinations further a-field.
- (II) Sri Lanka sees itself faced with more than 650,000 IDP's mainly in connection with military operations aimed at ending a long-standing insurgency and conflict. Once again, neighboring countries are affected with India hosting some 100,000 Sri Lankans in refugee camps. Again these displaced migrants eventually look for any credible opportunities further a-field to start a new life.
- (III) The third focus of this first Ad Hoc Group meeting of the Bali Process involves the plight of some 700,000 Muslims of the Northern Rakhine State of Myanmar. The lack of legal status for this group in Myanmar once again spills over to affect Myanmar's neighbors with Bangladesh hosting upwards of 200,000 migrants from Myanmar, most of whom are not registered. Thailand, with more than 10,000, and Malaysia with more than 40,000, migrants from Myanmar are also directly affected as are other countries in the region as this population seeks destinations where they can live normal lives as recognized legal citizens.

Despite the very distinct nature of these three migration flows, common themes become fairly obvious. First are the severe challenges placed on neighboring countries (often with their own security issues with which to deal) and second is the tendency for these displaced populations to look for any potential opportunity to move to a destination that will offer a better life than the constant limbo in which they find themselves. People smugglers are all too eager to present this "opportunity" and hope, for a sizeable profit, even if only a false hope and even if it will put their human cargo at great risk. Thirdly is the fact that when these populations seek the services of a people smuggler or network of people smugglers to help them reach a better future, they can be of any designation: bona fide asylum seekers or exploited victims of trafficking in desperate need of humanitarian protection or economic migrants with the means to pay smugglers to reach some kind of promised land of better opportunities. As mentioned already, policies adopted to deal with these populations need to be able to take an individualized approach to case assessment and subsequent management.

Conclusions

Migration is by its very nature creates interdependent linkages, whether between regions within a country or across borders and continents. No country can claim to be in a position to respond to and manage these movements on its own, all the more so since the policies of other countries influence migration flows and the effectiveness of domestic policies. The awareness of the ineffectiveness of unilateral actions, increased diversity of migratory routes and patterns of flows and inter-linkages with other global issues such as trade, development and human rights have increasingly led states to acknowledge the need for international cooperation in migration management.

However, states have generally been reluctant to translate this growing awareness into concrete action due to national sovereignty concerns. Progress has mainly occurred at the regional and bilateral levels, where common interests between countries of origin and destination are more easily identified and mutual benefits worked out. But even at these levels, the general tendency has been to engage in informal, as opposed to legal or more formal means of cooperation.

Recognizing that there are certain emerging migration challenges that necessitate a concrete and practical multilateral response, the Bali Process Ministers called for Bali Process States to define a mechanism that could take direct aim at acute challenges affecting the region through promoting and advancing solutions oriented dialogue in an Ad Hoc structure.

This brings us to our task ahead over the next two days and beyond.

As indicated in my earlier comments, migration is a multi-faceted phenomenon which for the most part is successfully managed and guided by well developed governance, cooperation and coordination mechanisms. However, these mechanisms continue to be challenged by irregular migration patterns and trends that call for innovative and forward looking responses both aimed to preserve State sovereignty and at ensuring that the principles of protecting human rights remain the fulcrum against which migration outcomes are determined. This can only be achieved through proactive, solution-oriented dialogue that seeks commonality among diversity. In that regard, IOM will continue to play a supportive role in achieving solutions that are in the best interest of both the migrants and concerned States.