



# REGIONAL SUPPORT OFFICE

## BALI PROCESS

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime

### BALI PROCESS CONCLUSIONS ON ESTABLISHMENT OF THE RSO

#### Background

At the fourth Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, it was agreed that "an inclusive but non-binding Regional Cooperation Framework (RCF) would provide a more effective way for interested parties to cooperate to reduce irregular movement through the region".

Ministers tasked officials from countries of the Bali Process Ad Hoc Group and other interested countries to operationalize the RCF in conjunction with the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) through bilateral and multilateral arrangements.

Due to the large scale of irregular movement in the region, a regional framework could address initially a selected caseload or caseloads.

Participating States should seek to enter into arrangements which would ensure that persons in that caseload are dealt with in accordance with the processes established under the RCF. Arrangements should:

- promote human life and dignity;
- seek to build capacity to process mixed flows and where appropriate utilize available resources;
- reflect the principles of burden sharing and collective responsibility while respecting sovereignty and the national security of concerned States;
- seek to address root causes of irregular movement and promote population stabilization wherever possible;
- promote orderly, legal migration and provide appropriate opportunities for regular migration;
- avoid creating pull factors to or within the region;

- undermine the people smuggling model and create disincentives for irregular movement, and may include, in appropriate circumstances transfer and readmission; and
- support and promote increased information exchange while respecting confidentiality and upholding the privacy of affected persons.

On 12 October 2011, the Fifth Meeting of the Bali Process Ad Hoc Group Senior Officials agreed to establish a Regional Support Office (RSO) in the Asia-Pacific region.

The Senior Officials Meeting agreed to establish a working group to make recommendations on governance and operational aspects of the RSO and develop an initial work plan.

Following confirmation of support for the RSO from the Bali Process Ministerial Co-Chairs, on 8 February 2012, participants at the 23rd Bali Process Steering Group Meeting agreed that the RSO should be established in Bangkok.

At the Sixth Meeting of Bali Process Ad Hoc Group Senior Officials, participants welcomed advice that the Bali Process Co-Chair Ministers had confirmed their agreement to the RSO. Ad Hoc Group members agreed that the RSO would be operational by early July 2012 and that this be reported to Co-Chair Ministers.

#### Purpose

The RSO is established to facilitate the operationalization of the RCF and to support and strengthen practical cooperation on refugee protection and international migration; *inter alia* human trafficking and smuggling, border management and other components of migration management including in the asylum context in the Asia-Pacific region.



## Objectives

The RSO will act as a focal point for interested States in the RCF with respect to the following:

1. information sharing between States;
2. capacity building and exchange of best practices;
3. pooling of common technical resources; and
4. logistical, administrative, operational and coordination support for joint projects.

## Relationship with the Bali Process and Reporting

The RSO will operate under the oversight and direction of the Co-Chairs of the Bali Process (Australia and Indonesia) and in consultation with UNHCR and IOM.

Operational guidance and governance mechanisms for the RSO will be agreed by the Co-Chairs in consultation with the Bali Process Steering Group.

The RSO Co-Managers should report on a biannual basis to the Bali Process Co-Chairs at the officials' level in consultation with UNHCR and IOM in accordance with their mandate.

The Co-Managers should also report to the Bali Process Steering Group in session and then to the Ad Hoc Group and full Bali Process Senior Officials' Meetings and Ministerial Conferences.

The AHG Working Group may be reconvened if required to discuss governance and operational matters.

## Structure and Decision-making

Day to day operations of the RSO should be overseen by the Co-Managers (Australia and Indonesia) in consultation with UNHCR and IOM.

The Co-Managers could agree on a staffing profile and organizational chart for the RSO which should be small to start with but could include secondments from interested states and international organizations.

In addition to the Co-Managers, staff could include technical and expert staff who could also be secondees, local support staff and interns (minimum duration for a secondment would be six to twelve months but ideally up to three years).

The Sixth Ad Hoc Group Senior Officials Meeting encouraged members to give early consideration to seconding a government official to the office for six to twelve months to undertake specific project-based work.

New projects proposed by Members should be considered by the RSO Co-Managers in consultation with the Bali Process Co-Chair officials and more broadly with the Steering Group as appropriate.

## Annual Work Plan and Key Activities

The work of the RSO would reflect all Bali Process themes: people smuggling, trafficking in persons and related transnational crime.

Four projects were endorsed by the Fifth Ad Hoc Group Senior Officials Meeting as RSO foundation projects:

1. A regional data management initiative to promote further harmonization of information management between States and international organizations with a view to enhancing data collection, supporting further analysis and reporting and facilitating information sharing and dialogue;
2. A voluntary repatriation capacity building and support project which would raise awareness of voluntary repatriation opportunities for irregular migrants and enhance the capacity of governments to facilitate voluntary returns;
3. A pilot study on information exchange and data analysis on irregular migration by sea; and
4. Organization of a regional roundtable on irregular movements by sea to promote a common understanding of conceptual issues with a view to informing the development of future arrangements among interested States.



After the first year, the RSO Co-Managers, in consultation with UNHCR and IOM should put forward annual work plans to the Bali Process Steering Group for agreement.

The RSO will seek to complement and not duplicate other relevant programs and initiatives and to work towards developing synergies between various activities under the Bali Process.

Additional activities agreed by the Ad Hoc Group include:

- establishing a list of national contact points;
- establishing a roster of experts on migration management;
- development of best practices on refugee protection, protection of victims of trafficking in persons and international migration;
- supporting the harmonization of national legislation on people smuggling and trafficking in persons;
- supporting the design and implementation of information campaigns to address irregular migration, trafficking in persons and people smuggling;
- technical training and assistance on refugee protection and migration management, including the development and implementation of refugee legislation and training on international migration law;
- technical training and assistance on protection of victims of trafficking in persons, as well as law enforcement and international cooperation in combating trafficking in persons;
- exploring regional return arrangements to countries of origin;
- study on irregular movements of minors in the region; and
- mapping the protection needs of unaccompanied and separated children.

## Review and Evaluation

A review of activities, governance and outcomes should be undertaken after 18 to 24 months of operation by the Ad Hoc Working Group.

## RSO Foundation Documents

- Co-Chairs' Statement, Fourth Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, Bali, Indonesia, 29-30 March 2011.
- Bali Process Steering Group Note on the Operationalization of the Regional Cooperation Framework in the Asia Pacific Region.
- Co-Chairs' Statement, Fifth Meeting of Bali Process Ad Hoc Group Senior Officials, Sydney, Australia, 12 October 2011.
- Co-Chairs' Statement, Sixth Meeting of Bali Process Ad Hoc Group Senior Officials, Bali Indonesia, 1 June 2012.

## Further information

Further information on the RSO is available from the Bali Process web page at: <http://www.baliprocess.net>.

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