

THE STATE OF PLAY OF FORCED MIGRATION IN THE ASIA PACIFIC REGION: HOW CAN THE REGIONAL PROCESS AND ARCHITECTURE ADAPT EFFECTIVELY TO THE CURRENT AND FUTURE CHALLENGES OF FORCED MIGRATION IN THE ASIA-PACIFIC REGION?

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Opening

Distinguished Participants, Ladies and Gentlemen,

First of all, allow me to express my appreciation to the Centre for Policy and Development (CPD) for inviting me to this Dialogue.

I am privileged to join distinguished experts on this important subject to discuss the best ways to deal with the issue of irregular migration in the region.

Migration as a Global Phenomenon

I have learnt from our discussion this morning about the current phenomena of migration in our region. Almost all participants here will agree that migration is not a new phenomenon. It has been indispensable to our histories, where people have moved from one place to another in search of new opportunities, which could have been forced by war and conflict, poverty, natural disasters or environmental degradation.

Throughout the years, migration has played a significant role in shaping the current political situation. Nowadays, in the Age of Migration, we have witnessed that this issue has gained political salience and derailed from its pure migration purposes in the past decades.

In Europe, for example, where political polarization has been increasing on the issue of anti-immigration, anti-Islamic migrants and xenophobia that has resulted in the rise of extreme right wing groups and social tensions. This has also brought right wing political parties to power in recent elections. It may also become a sensitive bilateral issue, for example our migrant workers issue in Malaysia that triggered negative sentiment among our domestic constituent toward Malaysia a couple of years ago.

Indeed, migration is now truly a global issue. According to the United Nations Population Fund, in 2013, the number of international migrants worldwide reached 232 million, up from 175 million in 2000 and I am certain that the number is increasing.

Since the Arab Spring spread in the Middle East and North Africa in 2011, the region was devastated by war and conflict, which forced millions of people to leave their homes as refugees or political migrant as well as

economic migrants. The military conflict or proxy war in Syria has also displaced millions of people internally, plus some six million of those who have become refugees in its neighboring countries. As the proxy war continues to rage in Yemen and the Libyan internal conflict is not in Libyan far from settled, we can only guess how many more millions of people displaced by these wars will join the growing number of the world refugee population.

The Asia Pacific region is no exception to this global trend. Some internal conflicts within the region such as Rohingyas in Myanmar; or even the wars in the nearest region, for instance, in Afghanistan and Iraq have also contributed to the flows of regular and irregular migrants in the Asia Pacific region.

In the context of migration flows in Asia Pacific region, Australia and New Zealand are the two countries that are traditionally migrant receiving countries in the region.

Countries in East Asia, on the other hand, generally are not receiving countries. Japan has recently increased their intake of refugees significantly by more than 50%. From 11 to 17 refugees. To illustrate this, according to Japan Today, from a record 5000 applicants in 2014, only 11 refugees were accepted.

This shows why immigration is not high on the agenda of countries in this region.

However, in the last decade, as a number of countries have successfully promoted their economic development, including industrialization, more and more countries in the region are becoming receiving countries, such as Singapore, Malaysia, Taiwan and South Korea. These countries are now opening their doors to temporary economic migrants to fulfill their needs of both skill and unskilled workers. On the other hand, there are countries in the region, such as Indonesia, the Philippines, Bangladesh, that hold status as sending countries.

In our case, traditionally Indonesia is not a migrant country, in the sense of both receiving and sending. We have an old saying that goes "Rain of stone at home is better than rain of gold abroad". But due to the East Asian monetary crisis that struck us in 1997-1998, Indonesia changed that value.

The crisis doubled the number of people who live under the poverty line and unemployed. Since then, we began our experience as a sending country, where almost 5 million skilled and unskilled Indonesians went abroad as economic migrants to pursue the promise of "rain of gold abroad", or seek better economic opportunities abroad within the region, for example in Malaysia, Hong Kong and Taiwan. The majority of them is low and unskilled labor or became domestic servants.

With millions of workers abroad, it is no wonder that migration has become an important public issue. Being a sending country, the issue of protection of Indonesian domestic workers abroad, particularly in receiving countries with minimum or zero protection of foreign workers, has attracted serious attention from our government and public.

Therefore, protection of Indonesian nationals has become one out of four foreign policy priority agendas of President Jokowi.

Within ASEAN, Indonesia and the Philippines have encouraged other ASEAN countries to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. It also brought us to the adoption of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007.

However, the ambitious agenda of drafting a legally binding ASEAN instrument on the Protection and Promotion of the rights of migrant workers has been unsuccessful to this day. I believe this is mainly

because ASEAN comprises of both receiving and sending countries, which each has different views on the degree protection toward migrants.

Bali Process

Beyond protection of migrant workers, international migration issues have not been an important agenda in the Asia Pacific region. Migration became an agenda for the first time in the region, due to increasing influx of refugees, asylum seekers and economic migrants to the region from Afghanistan, Iran, Iraq, and Somalia, migrating in particular to Australia as a destination country.

Almost 12 years ago, this issue became a very sensitive issue in the context of Australian domestic politics. During Australia's Federal Election in 2001, the issue became exploited and Indonesia was blamed for not providing sufficient actions to stop the flows of refugees, asylum seekers and economic migrants to enter Australia. In other words, it disturbed our bilateral relations.

I should admit that despite the fact that Indonesia was like Thailand, Malaysia and Singapore, a transit country for the migrant flows to Australia at that time, and of course until today, Indonesia actually was a victim of Australia's attractiveness as a destination country as well as the victim of the systematic crimes committed by human trafficker and smugglers.

Therefore, at that time, I believed that comprehensively solving this serious problem was a necessity. That was also the main reason why we initiated the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.

Certainly the issue was not a bilateral one. The efforts to find its solution must involve countries of origin, transit and destination, with Indonesia and Australia as the co-chairs.

From a historical point, I believe that the decision was the most reasonable approach, which helped all affected countries in the region in finding the solution and addressing the issue, and at the same time helped stabilize the bilateral relations between Indonesia and Australia.

Recent Development

While the coverage of the cooperation initially only covered people smuggling and trafficking in persons, the works of Bali Process have been very limited and shown slow progress.

Over the last decade, there were outflows of Rohingya in the region, the last one was in May last year, who landed in Malaysia, Thailand and Indonesia. But Bali Process unfortunately did not cover the issue. In fact last year, the Bali Process did nothing to respond to the issue of Rohingya, because of the different degree of interest, including the Co-Chairs of the Bali Process.

It illustrates that Rohingya migrants were not within the purview of the Bali Process, and in fact, a series of ad-hoc meetings were initiated by Malaysia, Thailand and Indonesia, outside the framework of the Bali process.

[Human/Labor Trafficking]

Another important issue outside the refugee and asylum seeker issue is labor trafficking, where thousands of economic migrants have become victims in modern slavery.

Last year, Indonesian authority in cooperation with IOM, uncovered the practice of modern slavery in remote island of Benjina, where around 1000 fishermen from Myanmar, Cambodia and Laos experienced brutal working conditions, including forced confinement, forced labor, non-payment of salaries, excessive working hours, and severe psychological and physical abuse amounting to torture.

Our national authority has also revealed the close linkage of those activities to the illegal, unreported and unregulated fishing (IUU Fishing) practice within our waters. We believe that there are still many unknown nationals from the region who are working in foreign fishing boats who also have become victims of human traffickers. In my view, this is an important issue for the region to deal with it.

As migration is not an important public policy issue in the region, I think it is timely for countries in the region to deal with the issue of human trafficking seriously.

We need to strengthen the political will of countries in the region as well as reinvigorate the existing process in ASEAN that is specifically related to migrant workers and enhance engagement with ASEAN dialogue partners.

As well, we do not need to reinvent the wheel. We need to strengthen the available process and mechanism, such as the Bali Process, and ASEAN mechanism process and procedures on migration. A major handicap would be the lack of habits among countries in the region to work rigorously on political and security issues, as they do on economic cooperation dimension in the overall community building process in the region.

[Strong Regional Mechanism]

As I mentioned earlier, since early 2000, we have experienced the outflow of asylum seekers from Afghanistan, Iran and Iraq as political refugees or economic migrants. During their journey to the destination countries, they have transited in Thailand, Malaysia, Singapore and Indonesia.

The latest wave of refugees from those war-torn countries were the Syrian, Iraqis and Afghans who chose to enter Europe, mainly for reasons such as better economic opportunity and a more peaceful life. Not to mention more than six millions of Syrian refugees who are now sheltered in Jordan, Lebanon and Turkey, which are geographically close to Europe. But in the era of cheap transportation, distance does not matter.

While economies of East Asian countries continue to grow and East Asia is becoming a world economic powerhouse, it should be expected that in the near future, East Asia could potentially become an attractive destination region. Another thing that this region may learn from the experience of Europe is that in a way, we can prevent the influx millions of migrants in an orderly process. The European Union has developed quite a formidable “Fortress of Europe” under the Schengen Treaty.

This treaty allows free movement of people, namely European Citizens within the EU boundaries and at the same time through the “Fortress of Europe”, EU strictly controlled influx of people, both for regular and irregular movement. The “Fortress of Europe” collapsed in view of the growing pressure from millions of people from its Eastern and Southern flanks. From its Eastern flanks, more than one million Syrian and Iraqi refugees have entered Europe via Greece and the Balkans. And from the Southern Flanks, mainly through Libya and Morocco.

Interestingly, those people have moved from war-torn countries, in which the European themselves were partly responsible for escalating a number of conflicts and wars.

Recently the East Asia region has experienced the outflows of Rohingya migrants from the Rakhine province of Myanmar, which is relatively small, and yet the region was not ready to cope with it in an orderly fashion.

Earlier, following the end of the Vietnam war, several countries namely Thailand, Malaysia, Indonesia and the Philippines who were flooded with the influx of hundreds and thousands of refugees and economic migrants from Vietnam and Cambodia, which were unprecedented. But thanks to the international cooperation involving countries of destination, countries of transit and countries origin and the full support

of the UNHCR, the operation went very well, although it took at least 10 years to finalize. Of course then the region enjoyed a strong support from the US and its western allies to deal with their horrible legacy. We cannot expect it now.

We must admit that the region then - some 25 years ago - were not well prepared and equipped to handle that large-scaled influx of migrants following the wars in Vietnam and Cambodia. Ironically, neither were we ready to cope with a much smaller flows of Rohingya migrants last year.

Lesson learned from our experience in the region is that there is a need to strengthen the capacity of public policy on migration and strengthen process of institution building.

On the other hand, the Asia-Pacific region should learn from the very recent experience of Europe, is that even the strongest system doesn't guarantee that they are able to cope with this large-scale influx of migrants. In time of crisis last year, the well-developed EU institutions didn't work. We can imagine how a region that does not have a system would find it possible to cope with a large-scale influx of migrants.

The Asia and Pacific region enjoys relatively peace and stability, but do not take it for granted within the region from what has happened in Europe. We need to anticipate that our region becomes destination region. Economic progress that being achieved by countries in our region can potentially turn our region as the next migration destination both from inside and outside the region. Singapore and Malaysia are a good example in this point.

That is one reason why there is a need to build a regional institution that focused on regional migration.

At international level we have witnessed proliferation of international forums or organizations dealing with international migration issues. Beside UNHCR and IOM, we now have The Inter-governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC); International Centre for Migration Policy Development (ICMPD); The Intergovernmental Consultations on Migration, Asylum and Refugees (IGC); as well as ICRC, Human Rights Council, UNODC, Interpol, ILO within their respective roles and mandates. Each dealing with specific element related to migrant issue, but it seems to me there is lack of coordination and synergy among those institutions.

In the absence of an effective global governance on migration issue, in this age of migration, the region will depend solely on its ability to create its own regional order on migration.

That is one reason why there is a need to build a regional institution that focuses on international migrant.

Finally, I wish this dialogue could consider the adoption of modern slavery as a crime against humanity. When thousand of people are made against their will, exploited, degraded their human dignity, forced and tricked by traffickers and employers in systematic manners, these are the elements and within the definition of crime against humanity.

At the same note, I believe we can support the view conveyed by Pope Francis, following his meeting with world religious leaders in Vatican last year that the trafficking is a crime against humanity.

This would enhance awareness of governments, civil society and media as well as promote commitment of governments including law enforcement officials and other stakeholders to work together to eliminate the abhorrent practice of human trafficking.

Thank you.