

Future Ready



Opportunities to reform the Bali Process
on its twentieth anniversary

ABOUT THE ADFM

Established in August 2015, the Asia Dialogue on Forced Migration (ADFM) is a ‘second track’ process pursuing more effective, durable and dignified approaches to forced migration in the Indo Pacific. The ADFM brings together government and nongovernment decision makers from nine affected countries and representatives from UNHCR and IOM, each of whom act in their personal capacities. The ADFM is led by a regional Secretariat, convened by the Centre for Policy Development in Australia, in partnership with the National Research and Innovation Agency (BRIN) in Indonesia, the Institute of Human Rights and Peace Studies (IHRP) at Mahidol University, Thailand, and the Institute of Strategic and International Studies (ISIS) Malaysia. Through its independent discussions and policy development, and its work in conjunction with existing mechanisms for government-to-government cooperation on these issues, the ADFM is helping to build a platform for greater regional cooperation to address the challenges of forced migration in the Indo Pacific.

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THE CHALLENGE

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process), co-chaired by Australia and Indonesia, celebrates its twentieth anniversary in 2022. As the only body in the Indo Pacific that brings together origin, transit and destination states, with a mandate to cover people smuggling, trafficking in persons and related transnational crime issues, the Bali Process is uniquely placed to develop comprehensive regional responses to these challenges. To date the Bali Process has not lived up to these expectations. The pandemic recovery and acute forced migration challenges facing our region only make this task more urgent.

THE OPPORTUNITY

The twentieth anniversary is a unique opportunity to equip the Bali Process and its members for the decades ahead. This paper outlines three key challenges and eight concrete opportunities to reform the Bali Process ahead of its twentieth anniversary. The opportunities, listed on the following page, have been developed by the Asia Dialogue on Forced Migration (ADFM) Secretariat, in consultation with policy-makers, academics and civil society actors in multiple countries. These proposals are all eminently achievable. They are based on proposals made previously over the course of six years of close collaboration between the ADFM and the Bali Process. The ADFM Secretariat will continue to develop these proposals in consultation with relevant senior officials and experts ahead of the Twentieth Anniversary Ministerial Meeting in late 2022.





SUMMARY OF RECOMMENDATIONS

1. Clearer strategy and stronger leadership
2. Consider adding a third rotating Co-Chair position and preconditions for Bali Process membership
3. Invest in technical capability and less formal meetings
4. Streamline existing workstreams and groups based on a stocktake of what members want
5. Strengthen and clarify the mandate of the Regional Support Office
6. Diversify investment into the RSO and Bali Process more broadly
7. Elevate engagement with other regional bodies, particularly ASEAN
8. Prioritise early warning capabilities and responses to known movements

1. CLEARER STRATEGY AND STRONGER LEADERSHIP

- Australia and Indonesia as co-chairs should conduct or commission a comprehensive strategic assessment of regional priorities for forced migration responses over the next five to ten years, in the lead up to the 2022 Ministerial Meeting.
- Ensure existing tools are being used to their full potential, for example the Consultation Mechanism and related 'good offices' outreach.

2. CONSIDER ADDING A THIRD ROTATING CO-CHAIR POSITION AND PRECONDITIONS FOR BALI PROCESS MEMBERSHIP

- Consider creating a 'troika' structure where the current Co-Chairs remain, and are joined by a third rotating Co-Chair. The third chair could self-nominate from the Ad Hoc or Steering Groups, or the full membership if there is sufficient interest, participating in one or two year cycles.

- Members commit to certain actions in order to continue being part of the Bali Process, ie. designating a focal point for Bali Process issues, establishing a senior Human Trafficking and Migrant Smuggling Ambassador position, updating annually on key activities, etc.

3. INVEST IN TECHNICAL CAPABILITY AND LESS FORMAL MEETINGS

- Provide technical training, pre-meeting run-throughs and even software and hardware to improve the online experience of members and hosts.
- Make the most of meeting online though using interpreters.
- Design agendas for meaningful engagement, sending country summaries around in advance in lieu of them being presented during meetings, and using meeting time for genuine dialogue.
- Make the most of existing informal or Track II platforms to advance discussions, such as the ADFM.



SUMMARY OF RECOMMENDATIONS

4. STREAMLINE EXISTING WORKSTREAMS AND GROUPS BASED ON A STOCKTAKE OF WHAT MEMBERS WANT

- Conduct a stocktake of the workstreams and groups, measuring them against their mandates and terms of reference, where this has not yet been undertaken.
- This process could be accompanied by a survey of Bali Process members to ascertain what they would like to see continue and what they would like to change. On the basis of responses, streamline workstreams and groups accordingly.

5. STRENGTHEN AND CLARIFY THE MANDATE OF THE REGIONAL SUPPORT OFFICE

- Formally empower the RSO to act as a hub to centralise information sharing, support agenda development and relationship management, and house the Bali Process's institutional memory.

6. DIVERSIFY INVESTMENT INTO THE RSO AND BALI PROCESS MORE BROADLY

- Reduce the administrative burden on Bali Process member states wanting to support the RSO
- Register the RSO as an entity in its own right allowing it to receive direct support from members more easily

7. ELEVATE ENGAGEMENT WITH OTHER REGIONAL BODIES, PARTICULARLY ASEAN

- Formalise relationships with other regional bodies, particularly ASEAN.
- Co-Chairs appoint a distinct special rapporteur (or senior official) to be the formal point of contact with the ASEAN Chair on shared issues of concern related to refugees and migrants at risk.
- RSO work with ASEAN sectoral bodies to dovetail support for trafficking/smuggling efforts.

8. PRIORITISE EARLY WARNING CAPABILITIES AND RESPONSES TO KNOWN MOVEMENTS

- Ensure the Taskforce on Planning and Preparedness (TFPP) fulfils its forward-looking mandate by activities such as:
 - o active mapping of hotspots for future displacement,
 - o information sharing on movements detected in coastal states,
 - o maintain a register of national contact points,
 - o create a technical experts group to lead on concrete action,
 - o encouraging harmonisation of search and rescue efforts.

EXECUTIVE SUMMARY

Anniversaries offer a time to reflect. Two years after the creation of the Bali Process there was a sense of momentum and ambition “to create an environment in which operational cooperation among regional agencies on people smuggling and trafficking issues becomes self-sustaining.”¹ At the Bali Process’s tenth anniversary, Co-Chairs “encouraged members to continue to move the Bali Process forward, **beyond information sharing to broader cooperative and practical approaches to managing irregular migration** and combating people smuggling and trafficking in persons syndicates.”² This ‘movement’ has been inconsistent at best. While the 2011 Regional Cooperation Framework showed promise for collaboratively addressing irregular movement in the region, it appears to have stalled. In 2016 Bali Process co-founder Dr Hassan Wirajuda lamented that “the works of the Bali Process have been very limited and shown slow progress.”³ Now, on its twentieth anniversary, there is an **urgent need to reform the Bali Process.**

CPD economists conservatively estimate that the Australian Government has **spent AUD \$35 million on the Bali Process since 2011.**⁴

An evaluation of how this money has been spent, and whether it is sufficient for the magnitude of the task, would be worthwhile. As Ministers

noted in the historic 2016 Bali Declaration, **irregular migration challenges have grown in “scale and complexity.”**⁵ COVID-19 has exacerbated existing vulnerabilities and created new challenges in preparing for and responding to irregular migration in all its forms.

In the Indo Pacific, ongoing crises in Myanmar, Afghanistan and Sri Lanka each have the potential to lead to further mass displacement. Bangladesh continues to host around one million Rohingya who fled the violence of August 2017, and 2020 was the deadliest year on record for boat movements in the Andaman Sea.⁶

This paper proposes eight opportunities to **strengthen the Bali Process’s effectiveness and ensure it is fulfilling its mandate.** It draws on the experience of ADFM Secretariat, members and partners, who have had a close working relationship with the Bali Process since the ADFM’s inception in 2015.

Despite its flaws, it would be difficult if not impossible to recreate the Bali Process today if it did not already exist. However, that fact alone is not sufficient to justify its ongoing existence. **It is time for serious reflection on the role of the Bali Process in our region’s future, and renewed commitment to reforms that will ensure it is fit to face the challenges ahead.**

BACKGROUND

The Bali Process was established in 2002 as a joint initiative by Indonesia and Australia, and has been co-chaired by the two countries ever since. In its present form it comprises 45 participating countries, plus UNHCR, IOM, UNODC and the ILO. Its mandate covers people smuggling, trafficking in persons and other transnational crime. Over its 20-year history, the level of activity of the Bali Process has waxed and waned, depending both on the level of engagement of the Co-Chairs, and the level of crisis the region was facing; particularly boats at sea.

After a lull between 2003-2009, Ministers requested the Steering Group make available the Ad Hoc Group mechanism, “to comprehensively address situations on a case-by-case basis upon the request of most-affected countries, and to report developments to the wider membership.”⁷ The creation of the Regional Cooperation Framework in 2011, underpinned by five core principles, was a promising sign of boosted collaborative responses to irregular migration.⁸ This led to the creation of the Regional Support Office in 2012, intended to operationalise the Regional Cooperation Framework and “to provide technical support to the Bali Process and to strengthen cooperation on refugee protection and international migration, including human trafficking and people smuggling”⁹. However since then the Regional Cooperation Framework has rarely been invoked, much less operationalised.

This was evident in the absence of a coherent regional response to the crisis in the Andaman Sea in 2015, which sparked a deep moment of reflection and reform within the Bali Process. In response, the 2016 Bali Declaration encouraged members to “provide safety and protection to migrants, victims of trafficking, smuggled persons, asylum seekers and refugees.”¹⁰ The Co-Chairs commissioned a review into the Andaman Sea response which found events “were in large part predictable. The movement was longstanding and in the absence of a coordinated response a crisis was likely.”¹¹

In response, the Co-Chairs created an emergency response ‘Consultation Mechanism’ and

operational level ‘Taskforce on Planning and Preparedness’, to strengthen the capacity of Bali Process members to carry out “more agile and timely responses.” The Consultation Mechanism was first activated in response to the Rohingya crisis in 2017, resulting in ‘good offices’ visits of the Co-Chairs to Cox’s Bazar and Rakhine State. In 2017, the Bali Process Government and Business Forum (GABF) was created, in recognition of the important role of the business community in combatting trafficking in persons, forced labour and modern slavery. The 2016 Bali Declaration was reaffirmed in 2018.¹²

Further progress since 2018 has been limited. In 2020, international organisations called on the Co-Chairs to activate the Consultation Mechanism in response to boats stranded at sea — this request was declined.¹³ This drew remarks from UNHCR Director for Asia and the Pacific that “Having created a mechanism to convene governments from across the region for precisely this purpose, the promise of that commitment remains unfulfilled.”¹⁴

The COVID-19 pandemic has created new health, welfare and security challenges for all Bali Process members. Now is the time for the Bali Process to recover momentum and renew its ambition to support the region as part of the pandemic recovery. Leadership from the Co-Chairs in this regard will be critical.

The twentieth anniversary is the perfect opportunity to review what has worked and to alter course where necessary. Members have more tools and frameworks at their disposal than they did twenty years ago, including the two Global Compacts, which received widespread support in the region. As Pak Hassan told the ADFM in 2016 “we do not need to reinvent the wheel. As Pak Hassan told the ADFM in 2016 “we do not need to reinvent the wheel. We need to strengthen the available processes and mechanisms, such as the Bali Process, and ASEAN (Association of Southeast Asian Nations) mechanism, process and procedures on migration.”¹⁵

CHALLENGES AND OPPORTUNITIES

The following challenges and opportunities have been identified in consultation with ADFM members and experts, and draw on past recommendations made by the Secretariat. They have in mind the role of the Bali Process as a “non-binding, robust and responsive regional forum for policy dialogue, information sharing and practical cooperation across the Indo-Pacific”.²¹

They also take into account resource constraints and the challenges of COVID-19, and aim to streamline and harmonise existing programs rather than duplicate or create additional work. The ADFM Secretariat welcomes feedback and ongoing engagement from the Co-Chairs and Bali Process member states on these opportunities, and stands ready to assist in whatever way would be most helpful.

Challenge: Inconsistent levels of engagement from members and ministers

The Bali Process has been at its best when there has been strong and ambitious Ministerial and Co-Chair engagement, providing leadership and setting the agenda for other member states. The body has seen varying Ministerial level interest over time, which has resulted in two large gaps between ministerial meetings of six years (2003-2009) and four years (2018-2022).¹⁶ The tempo of Ministerial engagement matters. We see this from the Quad to APEC to ASEAN and its related fora. Lethargic tempo negatively impacts both the momentum and the internal and external perception of the institution. There are two opportunities to address this challenge:

OPPORTUNITY 1: CLEARER STRATEGY AND STRONGER LEADERSHIP

Now is time for the Co-Chairs to demonstrate strong leadership and a clear strategy for the Bali Process, drawing on existing frameworks and documents such as the Regional Cooperation Framework, 2016 Bali Declaration, and the aspirations and objectives of the Global Compacts, which received widespread support in the region.

Members are more likely to engage if they consider the Bali Process capable of delivering results to advance the best interests of participating countries, and regional stability and prosperity. The Bali Process should actively assist members to strengthen their systems to address transnational crimes of human

trafficking and people smuggling, and build cooperation to address shared challenges.

As recognised in the 2016 Bali Declaration, ‘the transnational nature of irregular migration requires a comprehensive regional approach, based on the principles of burden sharing and collective responsibility’¹⁷. In the 2016 Declaration Ministers also “underline[d] the need to address the root causes of irregular movement of persons and forced displacement” and links between breakdowns in good governance and transnational crime.

The coup in Myanmar and Taliban takeover in Afghanistan demonstrate fundamental breakdowns in good governance, have led to mass movements of people within and across borders, and will likely continue to test the region for years to come. It is not clear whether or how the Bali Process has reacted or responded to either, despite both Myanmar and Afghanistan being members not only of the Bali Process but also of its Ad Hoc Group.

As indicated above, the Bali Process has many tools already available within its mandate that it could be using to more effect. These include the Consultation Mechanism, ‘good offices’ outreach, and the ongoing monitoring of displacement situations and development of operational responses through the Taskforce on Planning and Preparedness. The ADFM Secretariat has previously outlined how these tools, properly used, can help to inform direct and timely support to affected countries.¹⁸

A clearer strategic purpose for the Bali Process would be aided by a comprehensive strategic assessment of regional priorities for forced migration responses over the next decade. The ADFM Secretariat recommended such an assessment at the onset of the COVID-19 pandemic, and believes it would be valuable to conduct one ahead of the twentieth anniversary Ministerial Meeting.¹⁹ The ADFM Secretariat reiterates its offer to support such an assessment.

OPPORTUNITY 2: CONSIDER ADDING A THIRD ROTATING CO-CHAIR POSITION AND PRECONDITIONS FOR MEMBERSHIP

Rotating third chair position

Members are more likely to engage if they know their turn will come as Co-Chair, and Co-Chairs are more likely to make the most of their time in the role if it is temporary. We have seen in other bodies like ASEAN that rotating the chairing role encourages a sense of ownership and pride in what the body has achieved under each chair.

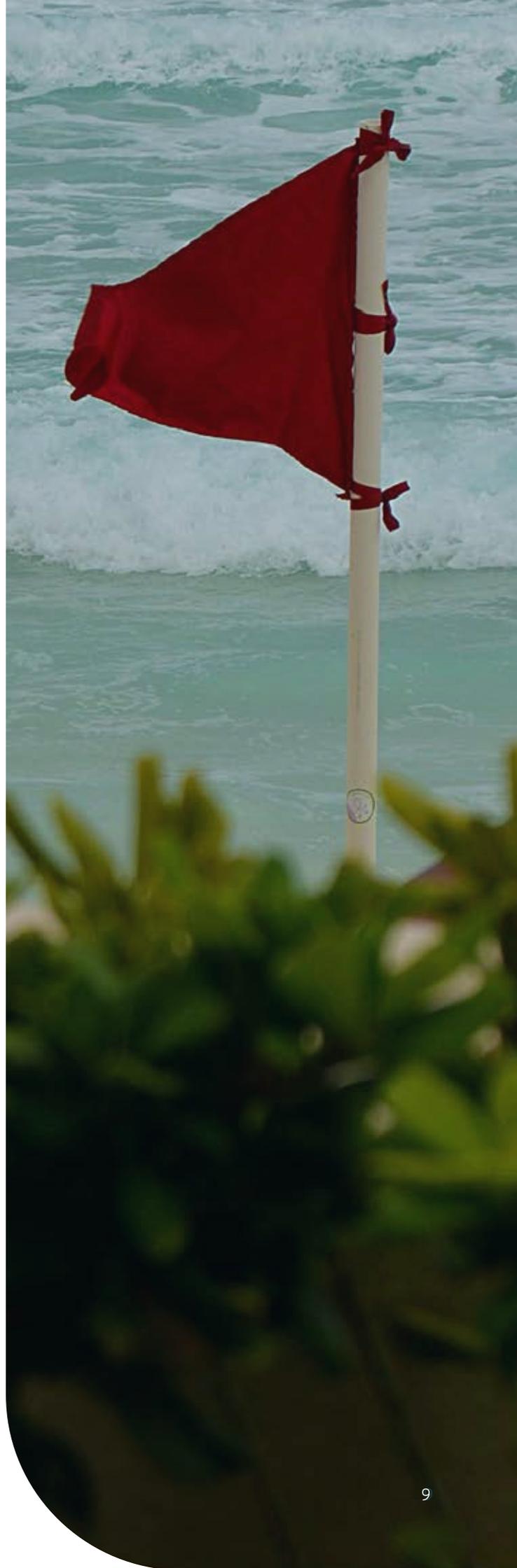
Australia and Indonesia have both made an impact as Co-Chairs over the years: Australia has contributed significant funding and expertise, and Indonesia has contributed political and regional muscle which has helped attract very wide regional participation. However, there is a danger of apathy among other members if strong and consistent leadership is not demonstrated from the Co-Chairs.

In the wake of the 2015 Andaman Sea Crisis, Dr Hassan Wirajuda told the Co-Chairs to “step up, or step aside”. That same choice confronts Australia and Indonesia heading into the twentieth anniversary Ministerial Meeting.

One change that could be considered is a ‘troika’ structure, whereby Australia and Indonesia continue as Co-Chairs, with a third rotating Co-Chair cycling through for two year terms. This third Co-Chair could be drawn from the entire membership if there is sufficient interest, or from the Ad Hoc or Steering Groups. This would allow for institutional memory to be retained by the two permanent Co-Chairs, but refresh leadership with additional perspectives on a rotating basis. Institutional memory would further be maintained through a stronger Regional Support Office (see opportunities 5 and 6).

Preconditions for membership

While the non-binding nature of the Bali Process is a strength in some ways, it also allows for proliferation of membership without any obligations on members, which can make it unwieldy and ineffective.²⁰ It is also unclear how observer status differs from



membership of the Bali Process in practical terms, and the process by which states or international organisations apply for membership appears to be unclear.

To address this, states could commit to certain actions in order to join or remain a member the Bali Process, drawing on the aspirations of the 2016 Bali Declaration and/or the two Global Compacts. Actions to re-confirm membership could include designation of a focal point for Bali Process issues, establishing a senior Human Trafficking and Migrant Smuggling Ambassador position, updating regularly (i.e. annually) on key activities, etc. A pledge has been required to confirm membership of some Bali Process Working Groups in the past, and could work well to renew energy among members ahead of the twentieth anniversary.

Challenge: Maintaining energy and engagement online during COVID-19

COVID-19 has changed how the world works and interacts. Meetings will continue to be virtual or hybrid for the foreseeable future. This far into the pandemic there are few excuses for ongoing technical challenges. While internet connectivity problems may be unavoidable, other issues such as the functionality of the software used, levels of familiarity and comfort with using it, and technical elements like microphones and headsets, can be remedied or ameliorated. Designing online meetings to maximise engagement and dialogue requires different skills to in person meeting design. Investing in this skillset would make a big difference to what online meetings are able to achieve.

OPPORTUNITY 3: INVEST IN TECHNICAL CAPABILITY AND LESS FORMAL MEETINGS

Members are more likely to engage if meetings run smoothly and feature genuine dialogue. Online challenges could be addressed in a number of ways:

- **Invest in technical capability** by providing technical training of hosts and members, run-throughs in advance to familiarise people with new technology, and even providing hardware to members.
- **Make the most of the virtual setting.** One benefit to meeting online is that it

can be easier to include those with the right expertise, who may not always be able to travel to in person meetings. Where necessary, arranging simultaneous interpretation so that those who are not confident in English are able to participate where their expertise is relevant would also be worthwhile, and allow for more inclusive meetings. The ADFM Secretariat has found this to be a major benefit of meeting online.

- **Designing agendas which aim for meaningful engagement.** Some official meetings need to maintain formality and protocol, while others are not as constrained. Where possible, newer more flexible groupings should embrace alternate ways of convening, rather than falling back on members delivering pre-prepared statements. Country summaries can be shared in advance of meetings, leaving meeting time for genuine well-facilitated discussion. This would result in greater member satisfaction and ultimately stronger action points and outcomes.
- **Make the most of existing informal platforms to advance discussions on the sidelines.** Track II processes like the ADFM are able to be more flexible and creative, particularly in a virtual setting. The ADFM Secretariat is happy to facilitate discussions between members where helpful.

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In the wake of the 2015 Andaman Sea Crisis, Pak Hassan Wirajuda told the Co-Chairs to “step up, or step aside”. That same choice confronts Australia and Indonesia heading into the twentieth anniversary Ministerial Meeting.

Challenge: Confused roles and responsibilities

Over time the number of working groups, task forces, forums and other bodies within the Bali Process have grown, without any regular stocktake or review to ensure they all remain relevant. Not only has this stretched the capacity of those involved, it has also led to confusion as to which groups are currently active, and what they each actually do. High staff turnover often means a lack of institutional memory among those attending meetings. Four opportunities to address this challenge are:

OPPORTUNITY 4: STREAMLINE EXISTING WORKSTREAMS AND GROUPS, BASED ON A STOCKTAKE OF WHAT MEMBERS WANT

The working group mechanisms of the Bali Process represent a good opportunity for members to play a more active role in the Bali Process. With this in mind, a formal stocktake of existing mechanisms, working groups and bodies, reviewing their terms of reference and membership and measuring their achievements against their original mandates, would be beneficial to ascertain their value.

Ideally this would be accompanied by a survey of Bali Process members, including the Co-Chairs, to ascertain what they would like to see continue and what they would like to change. We understand this process has been undertaken in some working groups already. Where such a stocktake has not yet taken place, it should ideally happen as soon as possible.

The results of this exercise may lead to the restructuring of groups or workstreams, in a way that streamlines work and allows for greater clarity in roles and responsibilities and greater engagement of members. In the absence of a more thorough stocktake, some immediate opportunities worth considering include:

- Review membership of the Steering & Ad Hoc Groups to ensure all wish to remain engaged
- Consider the frequency of meetings, and

membership of all working groups

- Consider the appointment of individual focal points for each group to ensure consistent attendance

OPPORTUNITY 5: STRENGTHEN AND CLARIFY THE MANDATE OF THE REGIONAL SUPPORT OFFICE (RSO)

Greater clarity could be achieved by strengthening the RSO and clarifying its mandate. The twentieth anniversary of the Bali Process is also the tenth anniversary of the RSO. Over the years, the RSO's work has waxed and waned with changes in Co-Managers and Co-Chairs. Overall it has made a significant contribution to regional awareness of legal obligations and policy responses, through capacity building and training exercises and the creation of numerous policy guides and toolkits. Indeed it is likely the best-known mechanism of the Bali Process.

There is a need for the Co-Chairs to be clearer about the primary function of the RSO. The RSO could play an important role in ensuring the Bali Process delivers upon its commitments in line with its mandate. Formally empowering the RSO to do so, acting as the hub for the Bali Process beyond technical capacity building, would centralise information sharing and relationship management, and also allow it to be a repository of institutional memory, which is lacking in the foreign-affairs heavy Bali Process delegations with their typically high rates of turnover. In Australia this would require strong collaboration and coordination between the Departments of Foreign Affairs and Trade and Home Affairs.

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The Bali Process has been at its best when there has been strong and ambitious Ministerial and Co-Chair engagement

OPPORTUNITY 6: DIVERSIFY INVESTMENT INTO THE REGIONAL SUPPORT OFFICE AND BALI PROCESS MORE BROADLY

Greater investment in the independence and sustainability of the RSO would make a substantial difference to its impact. As it stands, complex administrative arrangements have made it difficult for the RSO to operate to its full potential. Registering the RSO as an entity in its own right, and allowing it to receive direct support from member states through staff secondments and funds would be welcome, not to mention fitting on its tenth anniversary.

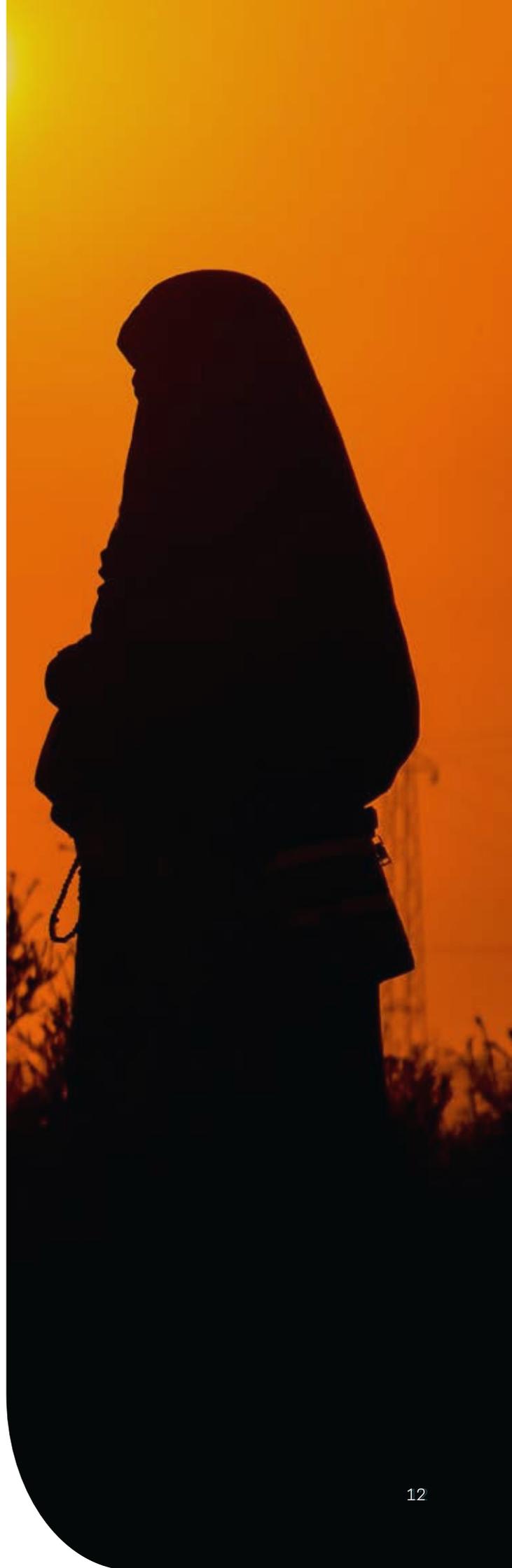
OPPORTUNITY 7: ELEVATE ENGAGEMENT WITH OTHER REGIONAL BODIES, PARTICULARLY ASEAN

Greater clarity could be achieved through formalising relationships with other regional bodies to ensure work programs are aligned and not duplicative. There are many opportunities for stronger alignment, not least due to the fact that all ASEAN member states are also Bali Process member states.

Particular opportunities for greater alignment related to preventing and countering trafficking in persons exist through the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) and also alignment with the Association of South Asian Nations (SAARC), which adopted a treaty on trafficking in 2002.

Some other options, as previously identified by the ADFM Secretariat,²² include:

- Bali Process Co-Chairs could appoint a **distinct special rapporteur** (or senior official) to be the formal point of contact with the ASEAN Chair on shared issues of concern related to refugees and migrants at risk.
- The RSO could work with relevant ASEAN sectoral bodies, such as the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) and ASEAN Intergovernmental Commission on Human Rights (AICHR), to **dovetail support and ensure plans of action are complementary**, including in SOMTC-Trafficking in Persons Working Group (TIPWG) Consultations, and the implementation of the Bohol Work Plan for ACTIP. Ensuring alignment



rather than duplication with the ASEAN-Australia Counter Trafficking (ASEAN-ACT) Program will also be important.

- The Bali Process could invite representatives from regional bodies including ASEAN and SAARC, to attend **training activities to boost capacity** on issues of shared importance.
- The GABF could invite ASEAN representatives to its next Forum to discuss how to boost private sector engagement and ways the Triple A recommendations could be applied within the ASEAN economic pillar.
- The Bali Process could also **engage regularly with civil society groups**, either through Track II forums such as the ADFM, or directly.

Challenge: Addressing future drivers of migrant smuggling, trafficking in persons and related transnational crime

Migrant smuggling, trafficking in persons and related transnational crime remain issues of serious concern to governments throughout the Indo Pacific. The migration environment has continued to change over the last twenty years and presents new and evolving challenges to states, communities and migrants. As the Foreign Ministers noted at the February 2022 Steering Group Ministerial Meeting: "risks will increase as our region emerges from the pandemic, travel resumes, and traffickers, smugglers and other transnational criminal groups adapt to the challenge and identify new opportunities. These will remain enduring issues for the region."²³

There is an opportunity to invest more in the Task Force on Planning and Preparedness (TFPP) to address these challenges.

OPPORTUNITY 8: PRIORITISE EARLY WARNING CAPABILITIES AND RESPONSES TO KNOWN MOVEMENTS THROUGH THE TFPP

The sudden crises in Myanmar and Afghanistan demonstrate the importance of risk mitigation, preparedness and early warning. Safety of life at sea is critical, and sadly deaths at sea remain too common.²⁴ Although the TFPP was established in 2016 to support operational coordination to address large influxes of irregular migrants, it is yet to play that role in practice.

Rather than information sharing about what governments are undertaking, which is not typically the role of a 'taskforce', the TFPP should instead be more forward looking: analysing future trends, or offering trainings to boost preparedness.

A number of proposals in this vein have been made previously, including:

- Active mapping of hotspots for future displacement, including with a climate-lens
- Information sharing from coastal states on what movements are being detected
- Developing early warning capabilities and capacity to coordinate action at an operational level, in the event of a large influx of irregular migrants.
- Actively maintaining the register of national contact points, as set out in the TFPP Terms of Reference
- Recommend measures to harmonise procedures such as detection, search and rescue, disembarkation, shelter management policies.²⁵

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WHAT COULD BE ACHIEVED

IF ALL PROPOSALS OUTLINED IN THIS PAPER WERE IMPLEMENTED, THE BALI PROCESS WOULD BE BETTER PREPARED TO FACILITATE MORE EFFECTIVE RESPONSES TO INEVITABLE FUTURE DISPLACEMENT EVENTS. BELOW IS A SCENARIO OF HOW THIS COULD LOOK:

- » When the next large scale maritime displacement event takes place, the Bali Process will have the capacity to convene affected countries and support them to implement a more effective regional response.
- » Early warning will have been triggered due to the additional resources the TFPP has for these capabilities. States will be able to consider options based on the latest information and scenario planning.
- » National contact points will be easy to identify and contact, via the TFPP's regularly maintained register.
- » The Co-Chairs will be supported to use the Consultation Mechanism to “facilitate the timely coordination of appropriate Bali Process and/or other regional support to help address the issue” and meet to consider regional responses to the emergency.
- » Countries would have the capacity to follow established procedures for detection, search and rescue, using a predictable and equitable mechanism to identify locations for disembarkation, provision of shelter and support, joint identification, screening and referral systems to identify those with protection needs.
- » On disembarkation, people will receive emergency assistance, consistent with relevant protocols.
- » At the same time, countries work to strengthen relationships between operational agencies via participation in Bali Process Working Groups.

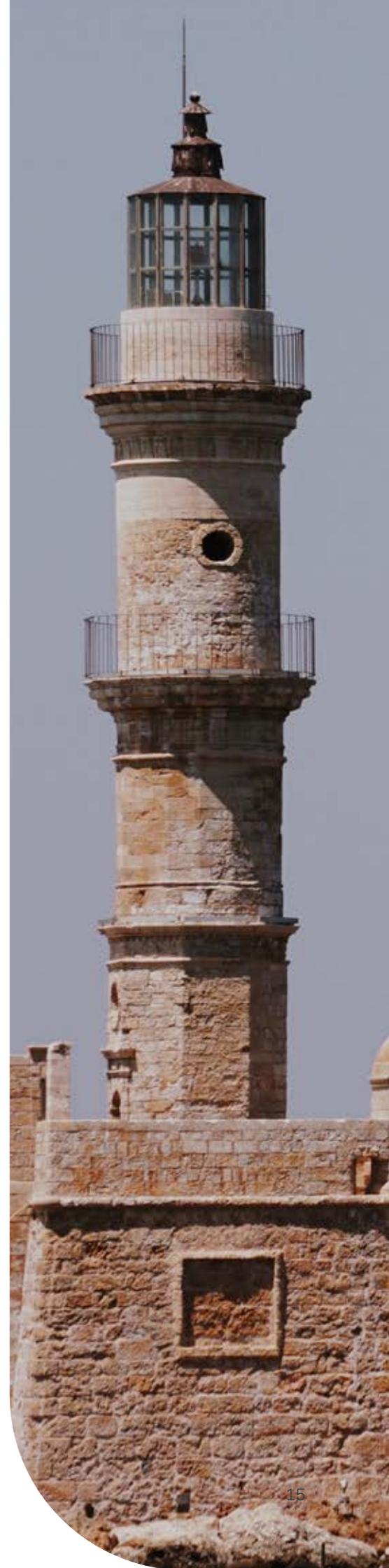
CONCLUSION AND NEXT STEPS

The potential for the Bali Process to play a more active, constructive role in the region on critical issues of forced migration is substantial. As this paper demonstrates, many of the tools are already in place, all that has been missing is sustained commitment to realising their potential.

The proposals in this paper are not radical and would not require significant additional resources to achieve. Rather, they are the result of careful consultation over several years with concerned experts, policy-makers and civil society leaders who believe the Bali Process can be achieving more than it currently is.

In that vein, the ADFM Secretariat suggests this timeline for advancing these proposals before the twentieth anniversary:

- ADFM convene a Track II meeting to discuss the paper with all relevant parties
- Co-Chairs Invest in technical capability and design thinking for the mix of virtual, in-person and hybrid meetings associated with the twentieth anniversary. (Opportunity 3)
- Co-Chairs commence a stocktake, or request that it be conducted by an independent organisation (Opportunity 4)
- Based on findings of stocktake, Co-Chairs circulate agreed proposals to Bali Process members for review and feedback
- Ministerial Statement drafted on elevated strategic intention of the Bali Process and actions members can take to remain involved across the next decade
- Formal endorsement of the Ministerial Statement and associated reforms by Ministers at Bali Process Twentieth Anniversary Ministerial Meeting in late 2022.



Endnotes

- 1 Caroline Millar, 29 July 2004, <https://www.dfat.gov.au/news/speeches/Pages/bali-process-building-regional-cooperation-to-combat-people-smuggling-and-trafficking-in-persons>
- 2 [emphasis added] Co-Chairs Statement, The Tenth Anniversary Commemorative Events of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime', Bali, Indonesia, 12-13 November 2012, para 5, accessed 29 July 2021, available here
- 3 Hassan Wirajuda, 29 January 2016, The state of play of forced migration in the Asia Pacific region, speech made to the ADFM Gala Dinner, <https://cpd.org.au/wp-content/uploads/2016/02/Wirajuda-Speech.pdf>
- 4 This estimate covers about \$1.3 million to support the Regional Support Office (RSO) per annum, and \$2 million annually to support members to attend events and to fund the Ambassador's role. It does not include the additional investment in time spent preparing for and participating in meetings, or funds used for operational activities related to the Bali Process mandate.
- 5 Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime, 23/03/2016, 6th Ministerial Conference, Bali, para 1.
- 6 UNHCR 202w1, Left Adrift at Sea: dangerous journeys of refugees across the Bay of Bengal and Andaman Sea (January 2020-June 2021)
- 7 Ad Hoc Group, [Bali Process Website](#)
- 8 These five core principles are laid out in para 16 of the [Fourth Bali Regional Ministerial Co-Chairs Statement](#) from 29-30 March 2011
- 9 RSO Information Sheet, [Bali Process website](#)
- 10 2016 Bali declaration, para 3, p. 2
- 11 [Attachment A: Review of Region's Response to Andaman Sea Situation of May 2015](#), 16 November 2016, para 2 [emphasis added]
- 12 [Declaration of the seventh ministerial conference of the Bali Process](#) (7 August 2018) Bali
- 13 Joint statement by UNHCR, IOM and UNODC on protection at sea in the Bay of Bengal and Andaman Sea (6 May 2020)
- 14 UNHCR. (2020). Inaction has been fatal, says UNHCR, as dozens of Rohingya refugees perish at sea. 7 September.
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- 25 Many points in this list are already laid out under 'Roles of TFPP' in its original modalities, yet remain unfulfilled to our knowledge. Bali Process. (2017). Modalities of the Task Force on Planning and Preparedness to support the Bali Process Consultation Mechanism. April.

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