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**Resolving Migration  
Conundrums:  
Mobilising partners to provide  
better migration solutions -  
The Asia Dialogue on Forced Migration  
(Track II Dialogue)**



**International Organization for Migration (IOM)**

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# Resolving Migration Conundrums:

## Mobilising partners to provide better migration solutions - The Asia Dialogue on Forced Migration (Track II Dialogue)

Peter Hughes and Travers McLeod

### Executive summary

The migration policy problem the Asia Dialogue on Forced Migration (the Dialogue) addresses is the need for more effective cooperative action by States in Southeast Asia and the Pacific to deal with the realities of forced migration instead of recourse to unilateral responses. The Dialogue's success at prompting government action within a relatively short period is an example of how regional Track II or Track 1.5 processes can be productive in addressing migration conundrums and facilitating more effective policy responses.

The Dialogue, which commenced in 2015, is convened by core partners from Australia (Centre for Policy Development), Indonesia (Indonesian Institute of Sciences), Thailand (Institute of Human Rights and Peace Studies, Mahidol University) and Malaysia (Institute of Strategic and International Studies). Its design reflects the unique characteristics of the migration governance environment in Southeast Asia and the Pacific. It brings together government officials, academic and non-academic (including senior ex-Government) experts from key countries and representatives of international organisations with the aim of putting forward practical and achievable new policy ideas for use by governments.

The Dialogue's agenda includes regional architecture on preparedness for displacement, improving multilateral governance of migration in the region, strengthening implementation of the Association of Southeast Asian Nations (ASEAN) Convention on Trafficking in Persons (ACTIP), exploring opportunities for business to work with governments on countering trafficking and slavery, developing a positive regional agenda for the Global Compacts on Migration and Refugees, climate change displacement, refugee employment pathways, children in detention and repatriation and integration of forced migrants.

The Dialogue has achieved considerable initial success. For example, it has:

- contributed to two major initiatives adopted by the 2016 Bali Process<sup>1</sup> Ministerial Meeting, and assisted the Bali Process in drawing lessons from the 2015 Andaman sea crisis;
- stimulated the development of a Bali Process rapid response mechanism for displacement;
- gained acceptance as an ongoing Track II Dialogue for the Bali Process; and
- advised ASEAN on the implementation of ACTIP.

The Dialogue has been carefully constructed to work effectively within the regional environment, to be "outcomes-focussed", and to ensure that "the right people are in the room" working in an atmosphere of trust and mutual cooperation. Its characteristics are a helpful precedent for organisations elsewhere seeking

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<sup>1</sup> The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, co-chaired by Australia and Indonesia comprises 45 member states, the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the United Nations Office of Drugs and Crime (UNODC), as well as a number of observer countries and international agencies.

to engage better across boundaries and with governments to achieve better migration solutions. Creative use of similar Track II or Track 1.5 processes will be necessary if the Global Compact on Migration embraces the importance of regionalism and mini-multilateralism to achieving its aims.

## Introduction – the migration conundrum being addressed

The migration policy problem that the Asia Dialogue on Forced Migration (the Dialogue) has sought to address is the need for more effective cooperative action by States in Southeast Asia and the Pacific to deal with the realities of forced migration instead of recourse to unilateral responses.

The Dialogue has aimed to add value to this problem by bringing together government officials, academic and non-academic (including senior ex-Government) experts from key countries in the region to inject new policy ideas.

The Dialogue is convened by core partners from Australia (Centre for Policy Development), Indonesia (Indonesian Institute of Sciences), Thailand (Institute Of Human Rights and Peace Studies, Mahidol University) and Malaysia (Institute of Strategic and International Studies). It commenced in 2015.

Its specific objectives are to:

- establish a credible and influential forum for dialogue among policy leaders in the Asia-Pacific region;
- foster collaboration and overcome the trust and information deficits between policy shapers in the region;
- develop lasting regional policy responses to forced migration, particularly the movement of asylum seekers and stateless persons; and
- maintain focus on improving outcomes for vulnerable groups, including enhancing protection for displaced people, building capacity for managing asylum flows, stabilising population movements and tackling issues of smuggling and trafficking.

## Background

The environment for dealing with forced migration issues in Southeast Asia and the Pacific exhibits many characteristics different from other parts of the world.

Governance of migration in Southeast Asia is primarily based on national policies and bilateral arrangements. Legal frameworks remain relatively limited and policies often lack clear articulation and predictability.

Most countries in Southeast Asia have chosen to remain outside formal global frameworks affecting migration such as the 1951 Refugee Convention and the Conventions on Statelessness. For example, only two of ten ASEAN member states (Cambodia and the Philippines) are parties to the Refugee Convention and the UN Conventions on Statelessness.

Similarly only five ASEAN member states (Cambodia, Myanmar, Philippines, Thailand and Vietnam) are members of the International Organization for Migration (IOM), although Indonesia is an observer.

And yet Southeast Asia is an important crossroads for all forms of migration - labour emigration and immigration and forced migration (including internal displacement, refugees, stateless, and trafficked persons). This migration has involved both movements within and between countries in the region as well as movements into and out of the region from other areas.

Thailand, Malaysia and Indonesia host very significant populations of refugees and stateless persons and experience ongoing problems with trafficking.

The May 2015 Andaman Sea crisis was symptomatic of a lack of structures for responding to forced migration in the region. More than 25,000 people fled Myanmar and Bangladesh by boat. Around 8,000 were stranded at sea. Around 370 are believed to have died. After initially acting unilaterally, it took several weeks for regional governments to start putting together a collective response.

[At the time of writing, the issue of displacement of Rohingyas out of Myanmar reasserted itself in dramatic form, with the movement of over 500,000 people across the border into Bangladesh following a new outbreak of violence in Rakhine State on 25 August 2017].

The need for co-operative multilateral efforts to manage the issues arising from these movements has been filled in part by the Bali Process and in part by ASEAN. Within these two institutions structures is the potential for more effective collective action in the region.

Australia and New Zealand are parties to the Refugee Convention and other relevant human rights conventions and are also members of IOM. Australia has experienced a significant flow of maritime asylum seekers over the past 15 years, but has sought to resolve this issue by controversial measures. New Zealand, because of its geographic location, has been largely unaffected by irregular migration of asylum seekers.

The challenge in this environment has been to get better cooperative arrangements amongst states which approach the issues from fundamentally different legal, policy and cultural standpoints.

## Analysis

### Constructing the Dialogue

Given the above context, a careful and deliberate approach was needed to construct a dialogue that could attract participants of substance and be expected to achieve results by changing the behaviour of governments.

As the initiating organisation, the Centre for Policy Development sought funding from private donors and developed a broad plan to engage potential partners outside Australia. Initial establishment of the dialogue based on private, rather than government, funding was seen as essential to signalling its independence. A discussion paper, roundtable and report by the Centre for Policy Development and other domestic partners dealing with unresolved refugee issues in Australia crystallised the interest of donors in supporting a regional dialogue.

The concept envisaged that the Dialogue would be in the nature of Track II diplomacy, although given the intention of involving government officials from around the region, it might more accurately be regarded as Track 1.5.

Although the idea for the Dialogue originated in Australia, it was a conscious intention from the outset that it would be truly regionally based, would focus on forced migration in all its forms (not just refugees and asylum seekers) and aim to tackle cooperatively the priority forced migration needs in the region, rather than the interests of any participating country.

The working method of the Dialogue was to start small with about 20 participants and work up to about 35 participants. As far as possible, the Dialogue aimed to have the same core participants from each country at every meeting in order to build confidence, trust and continuity of working methods. The core group of countries was Indonesia, Thailand, Malaysia, Australia and New Zealand given some common interests in forced migration and some experience of those states working together on similar problems. The convening parties sought to get senior level participants either with expert knowledge of the subject matter or capable of bringing to bear relevant foreign relations or security expertise. Extensive discussion took place amongst convening partners to ensure careful selection of participants who could make a strong contribution to the Dialogue.

The intention of the Dialogue was to make practical contributions to the development of government policies in the region and, therefore, the participation of government officials was seen as essential. The Dialogue was able to secure the participation of the two official-level co-chairs of the Bali Process (Indonesia and Australia) as participants as well as officials from other participating countries. It was seen as essential to be working closely with the pre-eminent multilateral forum on forced migration in the region. Government officials participate in a personal capacity.

In working with government officials, a central feature of the Dialogue was that its members should seek to provide governments with new ideas that were practical and reasonably capable of implementation, rather than generalised advocacy.

The UNHCR and IOM were also invited to participate.

### Issues tackled by the Dialogue and its achievements

The Dialogue has held five major meetings – Melbourne (2015), Bangkok (2016), Kuala Lumpur (2016), Jakarta (2017) and Manila (September 2017).

The agenda for the Dialogue was carefully developed by the convening organisations. Initially, it has focused on regional preparedness for a major forced migration event and better responses to trafficking.

In only two years of operation, the Dialogue has made a major contribution to the thinking and approach of governments in the region. This reflects the need for new ideas and the Dialogue's capacity to contribute them, as well as events that have made forced migration one of the most critical challenges in the region.

Notably, the Dialogue has:

- contributed the **two major initiatives adopted by the 2016 Bali Process Ministerial Meeting**: the co-chairs statement announced a review of regional performance in the Andaman sea crisis and the establishment of a Consultative Mechanism to enable rapid responses to displacement crises; these ideas were largely generated by the Dialogue.
- assisted the Bali Process in **learnings from the 2015 Andaman sea crisis**: secretariat members of the Dialogue acted as expert reviewers of regional performance in the Andaman sea crisis for the Bali process co-chairs.
- **stimulated the development of the Bali Process rapid response mechanism to displacement** in the region: the Bali Process Consultative Mechanism and the accompanying Task Force on Planning and Preparedness (on which the ADFM is an observer) was largely based on ideas generated within the Dialogue; these initiatives represent a complete departure from the previous practices of the Bali Process.
- gained acceptance as **an ongoing Track II Dialogue for the Bali Process**: the Dialogue has been asked to provide continuing assistance to the Bali process in developing its policies and planning for dealing with displacement.
- **informed the establishment of the Bali Process Government and Business Forum** on trafficking, including by linking up officials with interested senior business people.
- **advised ASEAN on the establishment of a focal point system for more effective implementation of ACTIP**, including by liaising directly with senior officials and the chair of the ASEAN Senior Officials Meeting on Transnational Crime.
- **urged** the Bali Process to **activate its Consultation Mechanism** in response to the humanitarian and security crisis in Myanmar and Bangladesh in September 2017.

The Dialogue has struck a chord of interest in the region and has attracted former Ministers from several countries in the region to attend or speak as well as a former Secretary-General of ASEAN.

While continuing to keep ongoing membership compact for the sake of continuity, the Dialogue has been able to progressively accommodate participants from a broader range of countries such as Bangladesh, Myanmar and the Philippines.

Importantly, the Dialogue retains the confidence of its founding convening organisations and continuity of key participants since its establishment.

In addition to its work on preparedness for displacement, the Dialogue has undertaken or plans to undertake work on a broader suite of issues impacting migration in the region. These include improving regional governance (especially the role of ASEAN), strengthening implementation of the ASEAN Convention on Trafficking in Persons (ACTIP), exploring opportunities for business to work with governments on countering trafficking and slavery, climate change displacement, refugee employment pathways, children in detention and repatriation and integration of forced migrants.

At our most recent meeting in Manila, the Dialogue discussed how it can help to develop a positive regional agenda for the Global Compacts on Migration and Refugees. In addition to IOM's Research Leaders Syndicate, the Dialogue has been invited to the Asia-Pacific Regional Preparatory Meeting for the Global Compact on Migration (GCM). Our organising principle in these discussions is that more effective regional governance on forced migration is essential to achieving the GCM's aims, and that it is essential. Creative use of Track II or Track 1.5 institutions at regional level can be instrumental in overcoming trust and information deficits between critical influencers. Over time, this can reduce unilateralism and facilitate more effective, durable and dignified regional governance on forced migration.

## Conclusions

Overall, the Dialogue is achieving the objectives originally envisaged for it. It has developed and executed a strategic focus on policy outcomes and avoided the danger of simply becoming another "talkfest". Several factors have contributed to success so far.

- Careful preparations from the outset – establishment of a small, highly capable Secretariat, close curation of participants (including their agreement to participate for an extended period), recruitment of government and non-government "champions" and detailed preparation of meetings and agendas have helped to ensure commitment and focus. This approach has put "the right people in the room";
- independent funding which has allowed the dialogue to proceed on its merits (and to be perceived to do so) without external direction;
- a guaranteed minimum three-year life of the dialogue has encouraged participants to engage more deeply than possible with any short term, "one-off" process;
- broadening of the Secretariat beyond its Australian origins so that it has become more "regional" than Australian;
- track II/1.5 institutions work well as a basis for injecting new ideas in Southeast Asia and the Pacific, where there is a preference for informality, a policy vacuum regionally and a trust deficit between governments on key issues;
- a strong emphasis on cultivating relationships and trust amongst convenors and participants has been essential. This was a particular priority in the early phase of the Dialogue and had to outweigh physical outputs such as communiqués and recommendations. This investment has paid dividends in the long term in three respects: understanding where there are common interests between states in the region, having a level of trust to press for substantive outcomes and fostering collective ownership; and

- The Dialogue’s focus on practical and achievable outcomes has met with corresponding receptiveness to new ideas from participating senior officials.

The Dialogue has faced difficult choices and challenges. For example, the need to make judgements on the trade-off between a manageable (and affordable) scale of meetings on the one hand and, on the other, the benefits of broader impacts by involving more participants and more countries. A related difficulty has been choosing priority items to pursue from a potentially unlimited migration agenda.

A further challenge is gaining necessary funding to extend the dialogue beyond its initial three-year remit. Although three years is a good “start-up” period in which to test the concept and make reasonable gains, a 5-10 year institution is more desirable for locking in enduring change.

## Recommendations

1. Noting that Track II (or 1.5) forums can foster trust, identify mutual interests and generate innovative, problem-solving diplomacy on migration conundrums, organisations with an interest in providing better migration solutions should consider whether establishing a Track II (or 1.5) dialogue can add value to their work with governments in dealing with migration, including breaking impasses.
2. Recognising that any Track II dialogue must be constructed to work within the unique constraints of its geographical and political environment, the following characteristics should form part of a model dialogue:
  - careful preparation of objectives and selection of participants to get “the right people in the room”;
  - independence through independent sources of funding;
  - minimum two or three-year life;
  - high-quality Secretariat;
  - participation of government officials if practicable; and
  - a realistic agenda and pursuit of practical and achievable objectives.





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