# REFUGEE MOBILITY IN THE AGE OF CONTAINMENT:

# THE ROLE OF UNHCR IN THE "BALI PROCESS"

By

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I, the undersigned Laura Berta hereby declare that I am the sole author of this thesis.

To the best of my knowledge this thesis contains no material previously published by any other person except where due acknowledgement has been made. This thesis contains no material which has been accepted as part of the requirements of any other academic degree or non-degree program, in English or in any other language.

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## Abstract

Regional cooperation is a tool of the current "migration management" policy paradigm in which international organisations ("IOs") play a prominent role in facilitating cooperative measures to regulate mobility. The *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime*, supported by the United Nations High Commissioner of Refugees ("UNHCR"), was initiated by the government of Australia in 2002 as part of its plan to control the arrival of asylum seekers in Australia by boat, via transit through South-East Asia. Key strategies promoted by the Bali Process are the criminalisation of people smuggling and strong national and cross-border law enforcement measures. The thesis questions why, and in what manner, UNHCR engages in the Bali Process when its participation appears to compromise refugee protection, the fundamental tenet of its mandate. It argues that UNHCR's involvement in the Bali Process may be partly explained through realist and rational actor theories, which hold that IO behaviour is driven by the interests of dominant states. However, constructivist approaches allow for a more complex identification of the sources of autonomous IO power, which can give rise to "pathological" behaviour. Ultimately, UNHCR's pursuit of funding, relevance and influence, effected through its exercise of rule-making power, reveal serious tensions with its mandated policy interests in the protection of refugees and raises the question of its future role as a humanitarian actor.

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## Introduction

Recent decades have seen increasing regionalisation of migration policy through regional forums and agreements (Thouez and Channac 2006), reflecting the reality of migration as a multi-dimensional global issue that cannot be adequately addressed through unilateral action (Sassen 1999). But beyond being a cause of globalisation, regional cooperation is a tool of the current "migration management" policy paradigm in which non-state actors play a prominent role in facilitating cooperative measures to regulate mobility (Geiger and Pécoud 2014). The *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* ("the Bali Process"), supported by the United Nations High Commissioner of Refugees ("UNHCR") and other international agencies, is one such example. A regional forum for cooperation on migration policy with forty-five member states, its principal aim is to address "irregular" or "undocumented" human movement in the Australia and Asia-Pacific region.

The Bali Process was initiated by the government of Australia in 2002 as part of its plan to control the arrival of asylum seekers in Australia by boat, via transit through South-East Asia. A crucial strategy promoted by the Bali Process is the criminalisation of people smuggling and strong national and cross-border law enforcement measures to prevent and prosecute smugglers. Although its core mandate is the protection of refugees, UNHCR officially lends its support and organisational resources to the Bali Process. As the peak international organisation ("IO") representing the rights of refugees and asylum seekers, it cites a commitment to ensuring a "protection-sensitive regional framework" through its participation (UNHCR 2010a). However, an important consequence of the measures intended by the Bali Process is to hinder human mobility, and thus the ability of forced migrants to flee persecution to a safe country. In this

regard, the Bali Process can be considered an example of what have been termed policies of containment, which undermine the protection of refugees (M. Barnett 2001).

This thesis questions why, and in what manner, UNHCR engages in the Bali Process when its participation appears to compromise the fundamental tenet of its mandate. The Bali Process has received little academic attention despite its ongoing relevance to national and regional migration policies. The role of IOs as problematic agents of migration management is an emerging field of research (Geiger and Pécoud 2014; Koch 2014), although previous studies of the evolution of UNHCR's mandate and operations are of direct relevance to an understanding of the current predicament (Betts 2009; Loescher 2001a). With few exceptions that focus on particular historical cases of refugee flight in the region (Kendle 1998; Neumann 2006; Peterson 2012), there has been little critical assessment of UNHCR's practices in Australia and the Asia-Pacific. The thesis seeks to present a new analysis of UNHCR's role as a regional actor and thereby contribute to both the study of IO behaviour in migration management and its manifestation in Australia and the Asia-Pacific.

The thesis argues that UNHCR's involvement in the Bali Process may be partly explained through realist and rational actor theories, which hold that IO behaviour is driven by the interests of dominant states (Abbott and Snidal 1998). UNHCR's policy formulations appear to satisfy the expectations and pursue the incentives posited by powerful states, most importantly Australia. In adopting a leading role as a migration management actor, it has been able to secure institutional relevance, influence and resources. On the other hand, UNHCR has been very critical of aspects of Australia's border security policies in ways which suggest a deeper normative conflict within the institution. Constructivist approaches provide a fuller explanation of the behaviour of IOs. Rather than the mere passive agents of states, constructivists identify that IOs exercise

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autonomous power, particularly through their appearance of neutrality and capacity to fix social meanings, which can result in instances of dysfunctional, self-defeating behaviour (M. Barnett and Finnemore 1999; M. Barnett and Finnemore 2004). The thesis argues that in the attempt to uphold the integrity of the right to asylum, UNHCR's conceptualisation of who is deserving of protection works to validate state-driven aims of border securitisation. In particular, it traces UNHCR's categorisation of genuine refugees and "illegal migrants" within Bali Process exchanges, which is reinforced by its cooperation with IOM's voluntary repatriation programs (Koch 2014). Ultimately, UNHCR's pursuit of institutional goals, exercised through its rule-making power, reveal serious tensions with its mandated policy interests in the protection of refugees. Consequently, its role in the Bali Process is indicative of what Barnett and Finnemore term a "pathology" of bureaucratic behaviour (M. Barnett and Finnemore 1999), questioning its future role as a humanitarian actor in the migration field.

The thesis is set out as follows. First, it outlines the aims and underlying tensions in the international migration management paradigm, as well as its relevance to UNHCR's transforming functions which appear to suggest complicity with state-driven policies of containment. Second, it sets out the theoretical framework for the analysis of UNHCR's participation and behaviour in the Bali Process. Third, it describes the development, aims and institutional structure of the Bali Process. It considers the important interests of the two co-chairs of the Bali Process: Australia as its instigator and Indonesia as the key country of transit to Australia. The fourth section applies the theoretical framework to UNHCR's participation in the Bali Process, by analysing Bali Process and related policy documents and taking into consideration the key state interests and institutional context outlined. It identifies the influence of state pressures as important, but not exhaustive, to UNHCR's pursuit of resources and

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institutional relevance. Finally, it goes on to more broadly consider how its exercise of autonomous power reinforces migration management goals, and in doing so creates a fundamental normative conflict with its mandate.

## Case Selection

The Bali Process is significant in its scope in terms of its number of members, and unique in its ambitions as the only regional consultative process dealing primarily with migrant smuggling and trafficking (Douglas and Schloenhardt 2012, 10). Since its inception in 2002, it has continued to develop as a migration framework in the Australia and Asia-Pacific region. Despite the growing interest in regional consultative processes in general (Thouez and Channac 2006), and its relevance for national and regional migration policy specifically, the Bali Process has received minimal academic attention. Equally, IOs in the region have been largely overlooked as active participants in migration policy and implementation, other than a handful of studies that consider the role of UNHCR in specific historical cases of refugee flight ( Kendle 1998; Neumann 2006; Peterson 2012).

The thesis focuses on the role of UNHCR in the Bali Process. IOM, who has been involved since its inception, is also considered to some extent, particularly where its role is of direct relevance in legitimating or complementing the work of UNHCR. However, the thesis will maintain its focus on UNHCR as the key IO charged with the protection of refugee rights. The third international agency actively participating in the Bali Process, the United Nations Office on Drugs and Crime (UNODC), joined only in April 2013 and will not be considered in detail given the absence of documentary evidence of its participation. Of its forty-five member states, the

thesis considers the roles of co-chairs Australia and Indonesia to be of principal institutional importance and will analyse these in the most detail.

**Methods and Limitations**

The analysis will involve a consideration of relevant primary documents relating to the Bali Process, including joint progress and co-chair reports, and individual and joint statements produced by participants from its inception in 2002 until currently. There is relatively little publically available documentation on the roles and activities of UNHCR specifically referring to the Bali Process, but it is possible to supplement this with documents produced by the agency in relation to its activities in the region and explanatory and policy documents regarding regional frameworks and the protection agenda. The analysis will also incorporate secondary literature on the social and political context of the Bali Process, and theoretical and practical accounts of IO behaviour and migration management. It will employ a process-tracing approach, which seeks to identify elements in the available documentation that support the theoretical explanations of IO behaviour.

The thesis is confined to drawing conclusions from publically available primary documentation and relevant secondary literature. As such, it is difficult to accurately gauge differences in available documentation to practices and perceptions of actors and organisations on the ground. Nor can it measure the empirical impact of UNHCR's involvement in the Bali Process. In addition, a detailed consideration of the motivations and behaviour of its many state participants and observers is outside the scope of this research. Nonetheless, the thesis is able to draw conclusions explaining UNHCR's behaviour from available documentary evidence and

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secondary literature with the aid of the theoretical framework provided. This could be tested in further research to provide a fuller understanding of values and practices at play, which may encompass interviews of high-level state and IO representatives, observation of UNHCR and IOM's ground operations and consideration of internal documents.

## Management or Containment?

### International Migration Management and Transmigration

Globalization is associated with social openness and fluidity, represented through images of the free movement of goods, people, ideas and technologies. But whilst it has resulted in the hypermobility of some, differentiated mobility has also become a divisive social force separating privileged countries and regions from those considered to have dangerous or undesirable elements (Shamir 2005). Transnational crime and terrorism are commonly conflated with migration in a "paradigm of suspicion" to justify state policies of closure and blocking of movement (Shamir 2005, 200). Critiques of the post September-11 political climate have observed examples of extreme border securitisation that lack proof of effectiveness but are accompanied with grave risks to human life, such as the drastic reinforcement of the US-Mexico border (Cornelius 2005; Massey 2006). Transmigration, [1] defined as "the movement of individuals from their place of origin through another without intention to settle and on their way to a final destination" (Cruz 2012, 1019), has been closely associated with threats to security and sovereignty (Duffield 2001) and consequently ignored as a humanitarian problem (Missbach and Sinanu 2011, 62). The image of the transnational people smuggler, who assists migrants to cross borders in defiance of national laws, has been conceptualised as a "crime against states" that demands a shared strategic response (Lee 2005, 5–7).

International migration management has become a prevalent discourse in the migration policy field, used as much by international bodies as by states, advocates and researchers for a range of policies that attempt to regulate the transnational movement of people (Geiger and Pécoud 2010, 1).The language of migration management has self-consciously sought to diffuse the highly

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[1] The terms transmigration and transit migration are used interchangeably in this thesis.

charged politics around migration by extending the debate from a narrow, defensive view of border security to suggesting a positive capacity for orderliness and mutual benefit that encompasses the needs of migrants, destination, transit and source countries alike (Ghosh 2000). Originally expounded by Ghosh, migration management seeks the creation of a global mobility regime, where the control of "irregular" movement and expansion of legal migration pathways are overarching goals (Ghosh 2000, 1–5). This is hoped to be achieved by bringing together the interests of states and harmonising the role of non-state actors. As such, migration management has provided fertile grounds for the involvement of IOs in facilitating policy negotiations between states (Geiger and Pécoud 2014, 866).

But within its mask of neutral language, Castles and Wise consider that international migration management is defined by relationships of power between the global north and the global south,[2] whereby northern states attempt to maximise the benefits of migration for themselves as receiving countries (Castles and Wise 2007, 3). An implicit objective of many migration management policies is to control undesirable south-north transmigration (Collyer, Düvell, and De Haas 2012). The promise of migration management held out to southern states is to balance restrictive policies for the control of irregular movement with more open policies of improving avenues for legal migration and addressing the "root causes" of migration. However, there is little evidence that such balance has been achieved, or that one aim can be genuinely correlated with the other in practice (Geiger and Pécoud 2012, 11–24). In exchange for development aid, destination countries have found successes in externalising border protection to source and transit countries in the south (Adepoju, van Noorloos, and Zoomers 2010). The effect of such

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[2] The global north and global south are typically defined in socioeconomic terms. In the migration context, the north can be considered to encompass industrialised destination states, usually lying outside regions of origin, which enforce relatively high degrees of border control. The south generally refers to refugee-producing countries, transit and host states, typically located within, or close to, regions of origin (Betts 2008, 158). Perhaps counter-intuitively in geographical terms, Australia is a country of the global north.

strategies is to supress the problem of "irregular" migration further south rather than eliminate it, which in turn exacerbates human rights violations suffered by transmigrants including the refoulement of refugees (Adepoju, van Noorloos, and Zoomers 2010, 45–46). The nature of UNHCR's participation in these practices through the Bali Process, which appears to be in direct contradiction with its mandate, is the puzzle posed by this thesis.

## UNHCR's Transforming Mandate

UNHCR's mandate is set out in the 1951 Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees. Its core purpose is the provision of protection to refugees, who are narrowly defined under Article 1(2) of the 1951 Convention as persons fleeing persecution from their country of origin on the basis of race, religion, nationality, political opinion or membership of a particular social group. UNHCR is required to carry out its mandate by strictly non-political means. Of course, it was never intended that UNHCR would carry out its duties in a vacuum; in the words of Betts, "[s]tates have rarely been interested in refugee protection for altruistic reasons" (Betts 2009, 55). It was set up with significant state-imposed constraints, through its narrow mandate and institutional reliance on voluntary contributions from donors (Whitaker 2008). During the Cold War, UNHCR's operations were deeply embedded in the geopolitical interests of granting asylum to persons fleeing the Soviet regime (Bwakira 2001). But despite its inherently charged role from the outset, many observed a dramatic politicisation of UNHCR in the post-Cold War period (Barnett 2001; Krever 2011). The agency's budget and scope of activities grew rapidly following the appointment of Sadako Ogata as its High Commissioner in the early 1990s (Loescher 2001a, 272–339). According to Loescher, UNHCR "launched into new and largely untested waters in countries of origin," shifting the

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scope and nature of its operations such that it began to give precedence to humanitarian aid over protection (Loescher 2001a, 337). The clearest example was the leading role it assumed in coordinating and delivering humanitarian assistance to internally displaced persons (IDPs) (M. Barnett 2009, 638–639). This was seen by many as a significant departure from its mandate, given that the 1951 Convention requires that a person be outside of their country of origin to be considered a refugee (Chimni 2000). Aside from the legal domain, the nature of in-country operations in zones of ongoing conflict required UNHCR to be much more involved in the politics of war, thus posing an obvious compromise to its non-political nature (Suhrke and Newland 2001, 297–299).

UNHCR's leadership in IDP and in-country operations formed one component of its greater role in the emerging migration management regime (Betts 2009). In contrast to the unavoidably controversial nature of its work with IDPs, the neutral language of migration management subtly allowed UNHCR to emphasise refugees as part of a global phenomenon of "mixed flows" of human movement, within and between nations (Scheel and Ratfisch 2014). In an effort to address the problem of refugee flight holistically, UNHCR advocated a role for itself in managing migratory flows through fostering multilateral cooperation and programs to support regional protection needs (Scheel and Ratfisch 2014). This was linked to the encouragement of donor investment in preventative measures to deescalate refugee-producing situations and improve conditions in regions of origin (Suhrke and Newland 2001, 295). The Convention Plus initiative (2003-2005), for example, attempted to bring together state interests by explicitly linking security concerns with the protection of refugees in regions of origin, under the pretext that this could address the problem of onward transmigration to the global north (Betts 2008,

171–173). Following an initial period of competition, it began to partner with IOM in support of its programs for the repatriation of "failed asylum seekers" (Koch 2014).

Donor countries have showed far greater willingness to provide UNHCR with funding for "externalisation" policies, such as IDP, repatriation, reintegration and capacity-building programs over resettlement in their own countries (Krever 2011, 604). Unsurprisingly, the legal and institutional legitimacy of its evolving mandate is contested. Supporters defend it as an innovative and pragmatic response to modern humanitarian crises, which has allowed it to maintain its relevance and safeguard its role in protecting vulnerable people (Lanz 2008). They tend to call for a strengthened legal and institutional foundation for its expanded activities (L. Barnett 2002). On the other hand, others argue that the endorsement and implementation of IDP and migration management regimes reflect the growing securitisation of asylum and the desire of northern states to contain migration within the global south (Betts 2009; Chimni 2000). According to Betts, the vast proliferation of both IDP and migration management institutions formed part of a deliberate strategy by developed states to keep refugees from reaching their territories, in order to curtail their protection responsibilities (Betts 2009, 54). A number of prominent critics agree that UNHCR played into this state-driven strategy in order to safeguard its institutional relevance and funding sources (Betts 2009; Loescher 2001b; M. Barnett 2001). After expanding on the theoretical context, the thesis will consider how the Bali Process fits into this framework of migration management and UNHCR's transforming mandate.

## Theoretical Framework

The role of IOs in global policy-making continues to be an emerging field of study (M. Barnett and Finnemore 2004). The function and work of IOs in the field of migration is particularly under studied; rigorous academic research regarding their influence, strategies, interventions, worldviews and outcomes remains sparse (Geiger and Pécoud 2014, 866). In addition, analyses of IOs in migration politics and policy tend to see IOs as having a "liberalising" effect on migration policy, where this assumption is largely untested and some empirical studies in fact suggest a restrictive effect (Koch 2014, 909). UNHCR is the most researched IO in migration policy, having assumed leadership of the development of the refugee protection regime in the post-World War II period (See especially Loescher 2001a). But despite the considerable range of institutional literature and criticism on UNHCR's activities, much of it critical of UNHCR's weakened approach to protection and apparent surrender to state pressures, criticism has tended to be framed as "well-intentioned;" the cause of inevitable external pressures rather than the actions of UNHCR itself (Geiger and Pécoud 2014, 872). Furthermore, few studies interrogate UNHCR's broader role as a migration management actor (Koch 2014). In contrast, more recent constructivist approaches to IO behaviour have allowed for greater normative scrutiny of UNHCR's behaviour as an independent actor (M. Barnett and Finnemore 2004).

Dominant understandings of IOs stem from realist and rationalist traditions in international relations. They characterise the existence and actions of IOs as an embodiment of the political will of states, which reflect the unequal distribution of power among state actors (Karns and Mingst 2010, 46). In the realist tradition, IOs are of little influence; their purpose is to enhance the collective welfare of states and increase efficiency by overcoming information problems and other externalities. They provide a centralised structure, which supports enhanced state

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interactions and the pooling of administrative and technical resources (Abbott and Snidal 1998, 10–16). As such, they do not exercise real authority or possess any power independent of states. Rational choice theories, which build on realist traditions, agree that the function of IOs is to facilitate the self-interested cooperation aims of states, but add that the institutional rules followed by IOs are the product of rational design (Karns and Mingst 2010, 48). This may require IOs to compete for resources in order to remain efficient, but in either case, IOs are not considered to be subjects worthy of detailed study beyond the motivations and intentions of the state actors who create them.

Institutionalist critiques of realism emphasise that although IOs may be created and subjected to constraints by states, they "are not immune to the iron law of bureaucratization" (M. Barnett 2001, 246). Bureaucratisation instils IOs with an autonomy that, although subject to state pressures, is independent of the nation state. Barnett and Finnemore's constructivist approach seeks to address shortcomings in the predominantly neoliberal and realist scholarship that treats IOs as passive instruments of state power (M. Barnett and Finnemore 1999). They argue that whilst economics-based theories provide explanations for the creation of IOs, they fail to explain IO behaviour once they have been established. The approach is informed by sociological institutionalism and Weberian notions of bureaucracy, in which IOs are autonomous actors who source their power from their "rational legal-authority" to create rules, as well as their ability to access information and expertise. The constructivist approach accepts that IOs may well be driven by concerns over resources and turf, but emphasises that these do not necessarily "exhaust or even dominate their interests" (M. Barnett and Finnemore 1999, 706). Instead, an IO's response to other actors, cultural and normative forces may prove more determinative in shaping their behaviour. Independence and neutrality are crucial to an IO's rule-making capacity, and the

imperative to maintain impartiality in the face of external pressures can pose a significant constraint that determines how policies are formulated.

Constructivists suggest that it is for these reasons that as well as being its greatest strength, bureaucratic culture can create "pathologies" that may compromise an IO's mandate and result in "inefficient, self-defeating behaviour" (M. Barnett and Finnemore 1999, 700). In contrast to realist assumptions, which imply that IOs are on balance "good" actors who exist to help states overcome transactional problems, the constructivist approach allows for greater criticism of IO behaviour. Efficiency and effectiveness are empirical questions to be tested rather than presumed.

Abbott and Snidal argue for a synthesis of rationalist and constructivist approaches (Abbott and Snidal 1998). In their view, it is difficult to deny that powerful states create IOs to facilitate the pursuit of their own interests. Thus, economic arguments of efficiency must have a central significance in any understanding of IO behaviour. However, they equally accept the constructivist belief that realists underestimate the extent to which IOs become active components of social processes, and are useful to states for purposes beyond the reduction of transaction costs. Rather than being passive participants, IOs function to "create information, ideas, norms, and expectations; to carry out and encourage specific activities; to legitimate or delegitimate particular ideas and practices; and to enhance their capacities and power" (Abbott and Snidal 1998, 8). These roles instil IOs with an agency and influence of their own, although ultimately their autonomy remains heavily constrained by state interests (Abbott and Snidal 1998, 8).

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The thesis adopts a similar hybrid approach in explaining the role of UNHCR in the Bali Process, in agreement with Abbott and Snidal that each theory holds a key insight and the study of IOs is best "concerned with highlighting formal IOs as empirical phenomena rather than with maintaining a particular theoretical dogma" (Abbott and Snidal 1998, 8). An important intersection between these approaches, drawn out by the Bali Process analysis, is the manner in which IOs are compelled to use their agency in order to compete for institutional resources and relevance (M. Barnett 2001). Whilst this supports the constructivist argument of autonomous IO power, it simultaneously highlights the limitations on autonomy where an IO's existence is heavily reliant on state donors and its own normative legitimacy. In the case of the Bali Process, the major tension which arises is that the challenge to maintain its humanitarian identity, expressed through the diffusion of norms in relation to refugee protection, struggles to remain consistent with the interests of its major donors. This reflects a process that moves beyond playing squarely to the political interests of states, and requires the development of "interesting approaches" to refugees (M. Barnett 2009, 639–640). It is in this space that a tendency towards bureaucratic "pathology" is evident.

## The Bali Process

### Overview of the Bali Process

The *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* (the "Bali Process") was established in 2002 under the co-chairmanship of the governments of Australia and Indonesia. It has forty-five member countries, mainly from the Asia-Pacific region and the Middle-East. The United States joined in 2013 and is the furthest removed member geographically. It is funded by the governments of Australia, New Zealand, Japan and the United States (Douglas and Schloenhardt 2012, 8). Three international agencies have official participant status: UNHCR and IOM, which have been involved from the outset, and UNODC which joined in 2013. A further ten international agencies and eighteen states, mostly from the European Union, are observers and participate in some meetings and workshops. The principal forum of the Bali Process is its ministerial conferences, of which there have been five to date, typically involving heads of state, foreign ministers and high-level officials. UNHCR and IOM have been active participants in each ministerial conference and are members of both working committees of the Bali Process, the steering group and ad hoc group. The steering group is led by Australia and Indonesia and additionally comprises New Zealand, Thailand, IOM and UNHCR. In 2013, the "ad hoc group" comprised of 15 member states as well as IOM and UNHCR.

The purpose of the Bali Process is to improve regional cooperation in relation to people smuggling, trafficking and other transnational crimes. Principal strategies promoted include intelligence sharing, coordination of law enforcement operations and border protection, and the enactment of national legislation to criminalise people smuggling. By and large, the Bali Process has remained focussed on legal and security measures to combat people smuggling. However, as will be further explored, it has gradually displayed a greater emphasis on asylum seekers and

their secondary movements. Consequently, the Bali Process has purported to take a "protection-sensitive regional approach," which includes addressing the root causes of irregular migration and promoting "best practices in asylum management" ("Jakarta Declaration on Addressing Irregular Movement of Persons" 2013).

At the fourth ministerial conference in 2011, participants endorsed a non-binding Regional Cooperation Framework (RCF). Soon thereafter, a Regional Support Office ("RSO"), managed by Australia, Indonesia, UNHCR and IOM, was formally established in Bangkok for the purpose of practically implementing the RCF (RSO 2012). The principles of the RCF are as follows:

> i. Irregular movement facilitated by people smuggling syndicates should be eliminated and States should promote and support opportunities for orderly migration.
> ii. Where appropriate and possible, asylum seekers should have access to consistent assessment processes, whether through a set of harmonised arrangements or through the possible establishment of regional assessment arrangements, which might include a centre or centres, taking into account any existing sub-regional arrangements.
> iii. Persons found to be refugees under those assessment processes should be provided with a durable solution, including voluntary repatriation, resettlement within and outside the region and, where appropriate, possible "in country" solutions.
> iv. Persons found not to be in need of protection should be returned, preferably on a voluntary basis, to their countries of origin, in safety and dignity. Returns should be sustainable and States should look to maximise opportunities for greater cooperation.
> v. People smuggling enterprises should be targeted through border security arrangements, law enforcement activities and disincentives for human trafficking and smuggling.

(Bali Process 2011).

The Jakarta Declaration was concluded on 20 August 2013 at a Special Conference on the Irregular Movement of Persons. It expands on the RCF, setting out goals for the prevention, early detection, and prosecution of smuggling, as well as meeting the protection needs of smuggled migrants and trafficked persons. Whilst stressing the elimination of people smuggling, the RCF and Jakarta Declaration also make provision for the assessment of asylum seekers and return of those found not to be refugees. Consistent with the migration management approach set out earlier, the key policy formulations of the Bali Process appear to seek out a balance between enhanced border controls and humanitarian concerns.

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As noted, there has been little academic commentary on the Bali Process and only one evaluation of its purpose and effectiveness. The review by Douglas and Schloenhardt concluded that despite Australian politicians' frequent praise of its success, the absolute number of smuggled migrants and smugglers in the region has not abated (Douglas and Schloenhardt 2012). Whilst they note that it has been a "useful forum for facilitating dialogue on policy formulation" and, above all, has served Australia's political interests well, it has achieved few concrete outcomes (Douglas and Schloenhardt 2012, 3). Despite a lack of evidence as to an overall reduction of people smuggling, it is nonetheless conceivable that the Bali Process is contributing to a change in the movements of asylum seekers. Furthermore, although there is little empirical evidence as to its concrete impact, the argument of this thesis is that the Bali Process contributes to the normalisation of institutional norms and mechanisms in relation to refugees and migration management, which has possible implications for the future of refugee protection.

## Australian and Indonesian State Interests

As co-chairs and actors in each of its important organisational structures – the ad hoc group, steering committee and RSO – the interests of Australia and Indonesia are crucial to any analysis of IO involvement in the Bali Process, given the need to consider both the weight of state interests in UNHCR's involvement and how these might influence its pursuit of resources. The Bali Process was initiated by the former Howard government of Australia as part of its plan to reduce asylum seekers arriving by boat in Australia via transit countries in South-East Asia (Grewcock 2014). From the 1990s onwards, Australia has increasingly sought to deter, intercept and curtail the movement of forced migrants in the region, largely by "externalisation" of border controls and the prevention of entry into its migration zone (Grewcock 2013, 11). Border

security measures were escalated following the "Tampa Affair" of 2001, which involved a highly

publicised controversy over a distressed vessel of mainly Afghani asylum seekers who were

denied entry into Australian waters. The Tampa Affair temporally coincided with the September-

11 terrorist attacks and led to a frenzied politicisation of migration as a national security issue

(McAllister 2003). The Howard government went on to implement a range of measures known

as the "Pacific Solution", which included:

> the introduction of new 'people smuggling' offences, mandatory sentences, tougher immigration detention arrangements, attempts to turn around vessels carrying smuggled migrants, offshore detention and procession of asylum seekers, a re-organisation of border and naval control arrangements, [and] the pursuit of new international and regional responses, including the Bali Process (Douglas and Schloenhardt 2012, 3).

It became evident that Australia would need to take a regional approach to address the issue of

boat arrivals, and as Australia's closest neighbour and principal transit point for transmigrants

the support of Indonesia was key (Downer 2004, 5). According to Cotton, "patient preparation of

the diplomatic ground" for the Bali Process eventually resulted in a sufficiently high degree of

policy convergence to allow for cooperation on previously contentious issues such as law

enforcement, customs and immigration authorities in the region (Cotton 2008, 127). In

conjunction with its leading role as co-chair and host, Indonesia began to accept significant

resources from Australia to develop its border control and immigration detention capacities. This

includes the posting of Australian officials and police to assist in the interception of boats, the

provision of surveillance aircraft and communications technology and the construction of

detention centres (Ford and Lyons 2013, 222; Nethery, Rafferty-Brown, and Taylor 2013; Taylor

and Rafferty-Brown 2010, 139). In addition to the acceptance of financial and in-kind

contributions, in 2011 Indonesia introduced legislation in relation to the detention of

undocumented migrants (Nethery, Rafferty-Brown, and Taylor 2013, 94–97) and criminalisation

of people smuggling and human trafficking (Nethery and Gordyn 2014, 118). The legislation is

closely modelled on Australian law, and Nethery, Rafferty-Brown and Taylor observe that it "owes much to the persistent diplomatic efforts of the Australian government" (Nethery, Rafferty-Brown, and Taylor 2013, 97). A further eighteen member states of the Bali Process adopted similar legislation (Douglas and Schloenhardt 2012, 14).

Nethery and Gordyn have characterised the relationship between Australia and Indonesia an example of "incentivised policy transfer" (Nethery and Gordyn 2014). Prior to Australia's concentrated interventions, Indonesia had little interest in regulating transit migrants. According to Missbach, it "chose to ignore to the greatest possible extent the presence of these transiting asylum seekers, assuming that they would not stay for the long term" (Missbach 2013, 297). Indonesia generally leaves the care of asylum seekers to UNHCR to undertake status determinations and identify a "solution", and IOM to provides basic food, healthcare and accommodation whilst a person's status is being determined (Biok 2007, 79–81). Those found not be refugees are referred to IOM's "assisted voluntary return" program. Despite its institutional and diplomatic engagement in the Bali Process, Indonesia's practices of cooperation with Australia on border management are "lukewarm", spanning from:

> very willing when it comes to diplomatic statements, to moderately willing when it comes to law enforcement cooperation, to hostile when the issue turns to the repatriation of asylum seekers to Indonesian territory. Quite plainly, Australia obtains the most cooperation from Jakarta when the Indonesian government is least inconvenienced (Missbach and Sinanu 2011, 64–66).

However, although it may demonstrate indifference (and occasional hostility) to Australia's aims of border externalisation, Indonesia's diplomatic acquiescence, acceptance of resources for border security purposes and implementation of legislative changes has very real implications for asylum-seekers in the region (Nethery and Gordyn 2014). UNHCR's normative and practical participation in these arrangements appear to facilitate Australia's aims of border externalisation; why and how they do so merits detailed consideration.

## Analysing the Role of UNHCR in the Bali Process

### Why does UNHCR participate in the Bali Process?

A realist understanding of the history of the Bali Process is likely to conclude that UNHCR's participation is a direct manifestation of the political will of its most influential and invested member state, Australia. The border security measures that are the emphasis of the Bali Process are clearly aligned with Australia's interests in regulating (or appearing to regulate) undocumented transmigration in the region. UNHCR is a useful tool for Australia for its capacity to obtain and share information and promote multilateral cooperation from member states consistent with its desired political messages, whilst retaining the appearance of independence (Abbott and Snidal 1998).

Primary evidence of UNHCR's co-optation may be indicated through its funding sources. The Bali Process is funded by a small number of developed member states who share Australia's goals in minimising irregular migration. Transit countries, such as Indonesia, provide only in-kind contributions to the Bali Process through hosting meetings and workshops. Whilst they retain an interest in being consulted and may accept resources where offered, there is little to suggest that UNHCR is acting with the express interests of transit countries in mind given that a central aim of the Bali Process is to minimise onward movement from transit locations. Excluding the United States and Japan, who are also chief sponsors of the Bali Process and UNHCR's activities in the region, of the Bali Process' member states Australia is the largest contributor to UNHCR and IOM. In 2012, it contributed US$48.6 million to UNHCR and in 2011 it made US$56.3 million in earmarked contributions to IOM (UNHCR 2012, 108; Houston, Aristotle, and L'Estrange 2012, 114). In contrast, other member states of the Bali Process provide minimal sums of funding; for example, in 2012 Indonesia made a token contribution of

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$50,000 to UNHCR (UNHCR 2012, 109). Australia's donations to UNHCR and IOM fund programs that support the policy direction of the Bali Process, such as UNHCR's regional processing operations in Indonesia and Malaysia (Houston, Aristotle, and L'Estrange 2012, 113). Australian funding of IOM also goes predominantly to its regional asylum seeker programs, including the "assisted voluntary return" scheme and basic living assistance to asylum seekers awaiting the outcomes of status determination, resettlement or repatriation and to border control capacity-building operations (IOM 2013).

On these bases, it is difficult to deny that UNHCR, which is ninety-eight percent reliant on voluntary contributions from member states (Whitaker 2008, 243), has a strong financial incentive to cooperate with the interests of Australia and developed state stakeholders as a means of securing funding for its operations. State interests alone, however, cannot fully explain this dynamic. UNHCR is not uncritical of Australia's actions in relation to refugee protection in the region. For example, UNHCR has "deplored" Australia's use of regional processing centres on Nauru and Manus Island, withdrawing its short-lived participation in status determinations and criticising living conditions in the facilities and delays in processing claims (Garnier 2014, 952; UNHCR 2013c). It has been deeply critical of Australia's regional resettlement agreement with Papua New Guinea ("PNG"), which provides for the processing and resettlement of asylum seekers who arrive in Australia by boat in PNG, stating that the "sustainable integration of non-Melanesian refugees in the socio-economic and cultural life of PNG will raise formidable challenges and protection questions" (UNHCR 2013a). Most recently, it has expressed concerns and demanded information about reports of the Australian navy forcibly turning boats presumed to be carrying asylum seekers back to Indonesian waters (UNHCR 2014).

UNHCR's public criticisms of Australia suggest that its financial motivations are not unbounded. As well as funding imperatives, it retains an interest in demonstrating its normative authority to represent the interests of asylum seekers and refugees. To this end, it must be seen to behave in a manner that is neutral and impartial to state interests. Beyond the passive execution of policies desired by states, maintaining neutrality is of significance over the long term to the agency. UNHCR's usefulness to major donor states – and therefore, its future ability to obtain funding – derives largely from this authority. Its financial and reputational motivations, then, are intimately intertwined with the state-imposed constraints on its autonomy. Revealingly, at the same time as it has criticised Australia for perceived transgressions of its obligations under international law, UNHCR has also affirmed the work of the Bali Process in "addressing protection and humanitarian needs in mixed migration flows in the Asia-Pacific region" and promoted continued efforts of regional cooperation and burden-sharing (UNHCR 2014). In doing so, UNHCR confirms its own relevance and utility as an institution mandated to protect refugees.

Carefully related to the performance of its relevance, UNHCR's participation in the Bali Process provides an important means for it to exert influence over policy direction in the region. The progression of Bali Process documents over time suggests that as the forum has developed, more attention has been paid to the refugee dimension of mobility as a counter-balance to the narrower border security and criminalisation focus that marked its commencement. The second source of IO power highlighted by Barnett and Finnemore's constructivist approach, access to information and technical expertise (M. Barnett and Finnemore 1999, 708), becomes a further way for UNHCR to justify its role as a leading migration management actor, in a manner which is not merely reflective of state interests but also aligned with its own agenda. Its participation in the Bali Process is consistent with a continued growth of its mandate that allows it to play a decisive

role in migration management – a policy field far broader than refugee protection – in accordance with its historical tendency towards bureaucratic expansion (Betts 2009; M. Barnett 2001).

Evidently, its bureaucratic quest for resources, relevance and influence on the one hand and the exertion of state pressures on the other are deeply interconnected and cannot be easily distinguished as motivations for UNHCR's participation in the Bali Process. Where it is undeniable that its cooperation is broadly consistent with donor state interests, UNHCR's independent bureaucratic ambitions are also evident. This is reflected in the tensions between its affirmation of destination state driven policies and its need to retain authority over refugee protection by drawing a normative line at state actions considered to be unacceptable. The question of "why" UNHCR participates in the Bali Process is inextricably linked to "how" it does so. Accordingly, it is important to consider in greater depth the means by which UNHCR exercises its normative power as a humanitarian actor in the region, and the problems this engenders.

## How does UNHCR participate in the Bali Process?

The salient elements of the constructivist view of IO power and its propensity towards pathology are evident in UNHCR's participation in the Bali Process. A chronological appraisal of Bali Process documents indicates that UNHCR has played a significant role in securing a place for refugee and humanitarian concerns on the agenda, which was initially predominated by border protection and law enforcement concerns. However, further analysis of its contribution in framing the issue of refugee protection, through its classification of deserving refugees and

cooperation with IOM in "voluntary return" schemes, brings a number of "bureaucratic pathologies" to the fore. These highlight the normative contradictions in its exercise of rule-making power that ultimately lead it to undermine its own mandate. In combination with its institutional aims for resources and relevance, the effect of its participation is to reinforce state-driven aims of border control and containment.

**The Protection Agenda**

As outlined earlier, the Bali Process was spurred by Australia's interests in enhancing regional border security, primarily as a means of controlling transmigration in the region. The co-chairs' report of the first ministerial conference in 2002 confirms its overwhelming focus on migration as a security threat, expressing the view that migrant "flows were creating significant political, economic, social and security challenges, and that journeys were undertaken without respect for either national sovereignty or borders" (Bali Process Co-Chairs 2002, 200). The report makes frequent references to the relationship between irregular migration and terrorism, threats to rule of law and other transnational crimes such as drug trafficking and money laundering. To address these perceived problems, the cooperative measures identified by the conference centre on border securitisation: cooperative action in relation to information and intelligence gathering, law enforcement, border and visa systems, public awareness raising and the identification of illegal immigrants. The issue of human rights and refugee protection is noted but not addressed in any detail, beyond clarifying that "nothing in this statement was intended to prejudice the legitimate rights of genuine refugees."

UNHCR's paper for the second ministerial conference in 2003, titled "Co-operation to Address the Irregular Movement of Asylum-Seekers and Refugees: Elements for an International Framework," whilst affirming the importance of border security points critically to the first

conference's preoccupation with transnational crime and states' general tendency to "rely overly on border migration management" (UNHCR 2003). In redress, UNHCR highlights its own concern as being "to ensure that the measures being considered took proper account of the human rights and protection dimensions of population movements." The paper emphasises the nature of "mixed migratory flows" and the consequent need to adopt a differentiated approach to different types of migrants. Accordingly, it sets out its framework for dealing with flows through the "proper identification of refugees" and exclusion of "persons not deserving of international refugee protection." In addition, the broader vision it outlines for an international cooperation framework includes a range of measures that critics such as Betts would consider to fall under the umbrella of containment (Betts 2009). This includes increased funding for refugee-receiving countries in regions of origin to improve protection capacity, and regional processing arrangements including the return of people to countries of first asylum. In the language typical of migration management, it encourages increasing access to legal migration opportunities and the reduction of "secondary flows" from countries of first asylum by assuming the shared responsibility of capacity building to improve conditions in these countries.

With little visible iteration of UNHCR's views, the co-chairs' reports of the second and third ministerial conferences maintain a strong emphasis on border security and propose a range of practical measures to bring them to effect, particularly through law enforcement cooperation and the implementation of model legislation to criminalise people smuggling (Bali Process Co-Chairs 2002). The border security and criminalisation focus is reinforced in the period between conferences by a number of speeches by senior Australian officials and an interim co-chairs' report (Downer 2004; Miller 2004; Bali Process Co-Chairs 2005). The co-chairs' report of the third ministerial conference continues the attention on border security, noting that the purpose of

the conference is not humanitarian but it would nonetheless use its "best endeavours to deal with the issues of refugees" (Bali Process Co-Chairs 2009).

In contrast, the fourth ministerial conference appears to be a turning point for the incorporation of refugee issues into the agenda and practical implementation of the Bali Process. Although it reiterates the achievements and importance of border security, a far greater proportion of the co-chairs' report is dedicated to humanitarian concerns, stating that:

> while border control and law enforcement initiatives are important and effective measures to combat people smuggling and trafficking in persons, these measures are not sufficient and that practical cooperative solutions that also address humanitarian and protection needs are required (Bali Process Co-Chairs 2011).

A speech by the then Prime Minister of Australia confirms the broadened focus of the Bali Process in addressing refugee and humanitarian concerns, commending the particular assistance of UNHCR and IOM in the development of a regional framework (Rudd 2011). The RCF, endorsed at the fourth ministerial conference, comprises of a non-binding plan for regional management of asylum seekers. It appears to be a direct replication of the policy statements of UNHCR and IOM. UNHCR's statement at the fourth ministerial conference observes that whilst protection issues have been on the "periphery" of the Bali Process, there has been an "evolution of thinking" in this regard (UNHCR 2011). It then sets out its plan for regional protection in three steps. The first step is to ensure that persons requiring protection receive it; second, that persons who are not considered to require protection are "assisted to return home;" and finally, that all persons are treated with dignity while a solution is found. The policy is based closely on UNHCR's "Refugee Protection and Mixed Migration: A 10-Point Plan of Action" (UNHCR 2007) and its policy paper on "The Return of Persons Found not to be In Need of International Protection to their Countries of Origin: UNHCR's Role" (UNHCR 2010b).

The co-chairs' statement from the fifth and final ministerial conference to date concerns itself with reaffirming the commitment of members to enhancing law enforcement and border management and operationalising the RCF (Bali Process Co-Chairs 2013). It underscores the importance of addressing irregular movement by sea through "practical initiatives," noting the success of UNHCR and IOM projects underway through the RSO in assisted voluntary returns. A subsequent statement by UNHCR at a special conference on the irregular movement of persons by sea repeats the importance of possessing an appreciation of the "broader migration context," and stresses the need to take the RCF beyond cooperation towards concrete action, particularly by establishing protocols for "rescue at sea, interception, disembarkation, processing, solutions, as well as readmission and return of those found not to be in need of international protection" (UNHCR 2013b).

## Bureaucratic Pathology

From one perspective, it may be open to praise UNHCR's success in securing a place for refugee protection within a regional mobility agenda that was almost exclusively intent on border securitisation. Indeed, UNHCR claims that its framework addresses both protection objectives and the sovereignty and security concerns of states, and is widely favoured by state, intergovernmental and non-government entities (UNHCR 2011). It is at pains to express that it is "not a migration management agency, [nor] do we seek to become one" and its proposal under the Bali Process does not require formal amendment of its mandate. The pragmatism of the approach is summed up in its concluding remarks at the fourth ministerial conference:

> UNHCR, in partnership particularly with IOM, and others, is prepared to play whatever role in this regard States might wish of us, which is consistent with our mandate and is seen by all to be value-added, notably when it comes to the protection of persons of concern (UNHCR 2011).

The statement flags the inherent tension between the roles "states might wish" and the overarching need for normative consistency with its mandate. The manner in which UNHCR attempts to resolve these opposing forces are the substance of its problematic role in the Bali Process.

As the guardian of the international refugee regime, UNHCR has a unique authority to define who falls within its protection mandate. As well as the authority to make definitive statements about the character and categorisation of refugees, it gives practical effect to its definitive power through the performance of status determinations in states where no national asylum processing mechanisms exist, which is almost always in the developing world (Kagan 2006, 3). The language of "deserving" refugees and persons undeserving of protection runs throughout UNHCR's exchanges in the Bali Process and its policy papers on migrant return. Koch observes that although during most of its existence UNHCR remained neutral to those who did not fall under the international law definition of a refugee, its attitude has now changed: "instead of simply being excluded from UNHCR's protection, they are now defined as a group obstructing international protection for those who, in legal terms, deserve it" (Koch 2014, 920).

The depoliticising language of migration management, evident in UNHCR's formulation of "mixed flows" and the possibility it professes of harmonising goals of border security and protection, is another expression of its legal-rational authority to frame the social world. This language serves the purpose of allowing UNHCR to participate as a key actor in a comprehensive migration discussion, increasing its potential to influence policy and cementing its relevance to donors beyond the narrow field of protection. The appearance of neutrality allows UNHCR to conceal the true power relations between states, and is a means of persuading weaker states to conform to dominant policy preferences whilst remaining respectful of their

sovereignty (Geiger and Pécoud 2014, 875). With UNHCR's backing, powerful states can use regional frameworks to communicate their compliance with international protection obligations and pressure weaker states to do the same, effectively transferring their responsibility.

The partnership with IOM is further evidence of UNHCR's strategic entry into migration management. Despite periods of competition, the relationship of cooperation between the two actors has reached a high point as a consequence of the concept of "mixed migration," which facilitates support of each other's operations (Elie 2010). As a result of the partnership, UNHCR's policy for dealing with non-refugees is able to go beyond differentiating between those worthy and unworthy of protection to actively advocating removal through the services of IOM. Unlike UNHCR, IOM is explicitly authorised to assist states with border management and enjoys a far less constrained mandate (Andrijasevic and Walters 2010). In the Indonesian context the two agencies work together closely in making referrals to each other's services (Missbach 2013). Koch's study suggests that the relationship between UNHCR and IOM is not mere "functional complementariness" but a legitimating force for each agency's engagement with return policies and the objectives of powerful states (Koch 2014). It allows UNHCR to outsource work that is inherently incompatible with its humanitarian character, balancing the needs of states with the normative limitations that arise from its institutional identity (Koch 2014, 918). Consequently, the organisations are engaged in a norm-building exercise that increases the "social and political acceptability of state-induced returns," and ultimately contributes to a "stabilisation of state sovereignty in the governance of migration" (Koch 2014, 907). Adopting a constructivist approach, Koch notes that although this may serve the interests of governments, it does not mean that UNHCR and IOM are passive actors but rather that their actions are strictly bounded by their institutional identities (Koch 2014, 920).

The present analysis of UNHCR's role in the Bali Process supports a similar view. UNHCR's formulation of a regional protection framework serves a complexity of aims in satisfying the needs of its donors and its own pursuit of institutional relevance and influence. Its exercise of power appears to protect the integrity of asylum as distinct from other forms of migration and is ostensibly effective in bringing protection issues to the agenda. However, its formulation of protection as a dichotomy between "legal refugees" and "illegal migrants," which is duly strengthened by its cooperation with IOM, allows states to perpetuate security and border management discourses. Inevitably, enhanced border management systems compromise the ability of refugees to flee to a safe country and undermine UNHCR's core protection mandate. Its underlying complicity with containment policies is confirmed through its support of other measures that facilitate border externalisation, such as advocating resources for capacity building in regions of origin and countries of first asylum. In the face of external state and internal institutional pressures, UNHCR formulates policies that are successful in winning institutional resources and relevance at the expense of its normative interests, creating an impossible pathology. The result, whether or not it is intended, is to reinforce state-driven policies of containment.

## Conclusion

Geiger and Pécoud observe that the problem with the ways in which IOs interact within the conflicting migration agendas of security, labour and humanitarianism is not that they are unsuccessful in resolving irreconcilable political objectives, but rather that they "claim to do so by offering a somewhat totalising policy narrative that transcends political dilemmas and diverging interests" (Geiger and Pécoud 2014, 877). Taking this idea further, Marriage suggests that humanitarian actors operating in politicised environments have the propensity to become trapped in a paradox: they design and profess to follow rules that can never truly be followed, where these same rules allow them to simultaneously justify their intervention and relinquish responsibility for their own failure (Marriage 2006, 210–217).

UNHCR's role in the Bali Process invokes something of this paradox. In carving out a role for refugee protection within a security-focussed paradigm, it effectively validates the underlying containment agenda and undermines its goals of protection as a humanitarian actor. Yet, however normatively inconsistent its policy formulations may appear, UNHCR's choices are far from irrational. As a major international player, it has strong bureaucratic incentives to follow its current course of action, where the pursuit of funding and relevance are mutually reinforcing and perceived to be necessary for its continued survival.

The problem is of broader significance to the future of UNHCR as a world actor in the overlapping policy fields of migration and humanitarianism. From the perspective of former High Commissioner Ogata, UNHCR faces a "Hobson's choice" between following the narrow dictates of its protection mandate, or compromising on a pragmatic approach that allows it to help whomever possible, and "save what little there [is] to save" (Krever 2011, 600). Barnett, in contrast, sees the problem as more fundamental:

> The challenge for UNHCR is to encourage a humanitarianism that does not widen the humanitarian space with one hand and constrict it with the other so that humanitarianism would become the enemy of refugee rights (M. Barnett 2001, 246).

This normative question, highlighted in the complex dynamics of the Bali Process, are of clear relevance for the plethora of other regional consultative processes in which UNHCR plays an active role. Although outside the scope of this assessment, the empirical impact of the Bali Process is a valuable area for future research. In the very least, from a theoretical and ethical perspective UNHCR's problematic execution of its mandate warrants careful reconsideration. At the heart of the question is the protection of human life and dignity.

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## Appendix 1: Members and Observers of the Bali Process

*Member states*

Afghanistan

Australia

Bangladesh

Bhutan

Brunei Darussalam

Cambodia

China

DPR Korea

Fiji

France (New Caledonia)

Hong Kong SAR*

India

Indonesia

Iran

Iraq

Japan

Jordan

Kiribati

Lao PDR

Macau SAR*

Malaysia

Maldives

Mongolia

Myanmar

Nauru

Nepal

New Zealand

Pakistan

Palau

Papua New Guinea

Philippines

Republic of Korea

Samoa

Singapore

Solomon Islands

Sri Lanka

Syria

Thailand

Timor-Leste

Tonga

Turkey

United Arab Emirates

United States of America

Vanuatu

Viet Nam

*Agencies*

International Organisation for Migration (IOM)

United Nations High Commissioner for Refugees (UNHCR)

United Nations Office on Drugs and Crime (UNODC)

*Observing Countries*

Austria

Belgium

Canada

Denmark

European Commission

Finland

Germany

Italy

Norway

Poland

Romania

Russian Federation

South Africa

Spain

Sweden

Switzerland

The Netherlands

United Kingdom

*Observing agencies*

Asian Development Bank (ADB)

Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC)

International Centre for Migration Policy Development (ICMPD)

International Committee of the Red Cross (ICRC)

International Federation of Red Cross and Red Crescent Societies (IFRC)

Intergovernmental Consultations on

Migration, Asylum and Refugees (IGC)

International Labour Organisation (ILO)

Interpol

United Nations Development Programme (UNDP)

World Bank

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