

**ARF Workshop on Security, Stability, and International Migration in the ASEAN Region
10-11 March 2015
Nay Pyi Taw, Myanmar
Co-Chairs' Summary Report**

Introduction

1. As endorsed at the 21st ASEAN Regional Forum (ARF) Ministerial Meeting in Nay Pyi Taw, Myanmar, the Government of Myanmar hosted the ARF Workshop on Security, Stability, and International Migration in the ASEAN Region in Nay Pyi Taw on 10-11 March 2015. The workshop was co-chaired by Myanmar and the United States, with assistance from the International Organization for Migration (IOM). The agenda for this workshop is attached as [Annex 1](#).
2. More than 60 participants from 15 ARF member states attended the two-day workshop. Participants represented ministries of foreign affairs, home affairs, and departments of labor, trade, immigration, and population and members of civil society. Expert speakers from academic and research organizations also attended the workshop, and the list of participants can be found in [Annex 2](#).
3. The overall goal of this workshop was to review ARF priorities in promoting the benefits of legal, safe, and orderly migration and in addressing the security challenges associated with irregular migration. The workshop emphasized regional cooperation to promote the rights of migrant workers and to strengthen regular migration processes at the national and transnational level, including during times of crises.

Opening Session

4. In his opening remarks, H.E. U Aye Myint, Union Minister, Ministry of Labor, Employment and Social Security, Myanmar began by welcoming participants to the workshop. He continued by stating that the aim of the workshop was to share experiences, identify and address challenges in promoting humane migration management, and to highlight the benefits of legal, safe, and orderly migration. He described the labor policies of the Government of Myanmar and their measures to protect workers' rights, promote skills development, and support healthful working conditions. To illustrate these measures, he cited examples of the several Migrant Resource Centers in Myanmar, a Migrant Workers Reporting Counter at Yangon International Airport, and Complaint Mechanisms Centers in Nay Pyi Taw and Yangon that help resolve problems faced by Myanmar workers at home and abroad. He concluded by urging active participation in the workshop, cooperation toward safe migration, and promotion of migrant workers' rights.
5. Mr. Aaron Tarver, Senior Liaison for ASEAN Coordination, U.S. Embassy, Myanmar, thanked the Government of Myanmar for co-hosting the workshop and participants for attending. Mr. Tarver reiterated that international migration needs to be humanely managed to ensure security, stability, and the protection of migrants' rights to maximize the social and economic benefits of migration. He also noted that no single solution to migration crises exists, but

cooperation within regions and countries is a crucial part of the process. The last few years have been an exciting time for ASEAN countries, as both regional and bilateral initiatives have been launched to integrate economies and expand regularized migration opportunities. At the same time, such initiatives may also have led to security challenges and unintended consequences for individuals, families, communities, and governments. He concluded by welcoming the contributions of participants to identify ways to address human security challenges and ways to promote further cooperation in encouraging safe and legal migration.

Session 1: Setting the Scene: Key Challenges in Managing Migration and Human Security in ASEAN

6. Mr. Andrew Bruce, Regional Director at the International Organization for Migration, Regional Office for Asia and the Pacific, provided a presentation about migration trends, patterns, and issues in ASEAN. He noted labor migration grew substantially in the region between 2000 and 2010 and that the Asia-Pacific was also the region with the greatest remittance growth. However, trafficking flows – including labor trafficking – are also the highest in the world. Promoting ethical conduct in recruitment practices also presents a challenge, as some migrant workers must pay one year’s salary upfront to be employed abroad. Existing mechanisms such as the Bali Process have made progress in border management and law enforcement, and as labor migration liberalism increases within ASEAN, IOM will work with member states to promote safe migration.

7. Dr. Sriprapha Petcharamesree, Institute of Human Rights and Peace Studies, Mahidol University, discussed the legal and operational frameworks relating to migration within ASEAN. All three pillars of ASEAN currently address migration within their separate spheres: 1) the political and security community pillar, which focuses on trafficking and protection of victims of trafficking; 2) the economic community pillar, which focuses on qualifications and skills of workers and labor market programs; and 3) the socio-cultural community pillar, which focuses on decent work and social welfare. Since existing frameworks, including the ASEAN Declaration of the Protection and Promotion of Migrant Workers, are not legally binding, countries in the region can encounter some challenges, such as those related to the temporary admission of migrant workers and the exclusion of migrants’ benefits. Dr. Petcharamesree finished by noting the need to ensure both the full implementation of frameworks and their incorporation into national laws and policies.

8. Dr. Song Jiyong, the co-editor of the publication “Irregular Migration and Human Security in Asia,” from Singapore Management University spoke about the relationship between human security and human rights. The numerous themes within the area of human security include personal security, community security, political security, economic security, food security, health security and environment security. Furthermore, different forms of irregular migration such as asylum seeking, human trafficking, and undocumented labor migration can also be placed within a security framework. Dr. Jiyong concluded by stating irregular migration is an urgent transnational issue which requires extra-political and extra-legal measures that transcend state boundaries.

9. Other participants shared their experiences and observations, including the difficulties of tracking migration flows, understanding size of remittances, and the need to include other stakeholders such as trade unions in the conversations about labor migration.

Session 2: Opportunities for Enhancing Positive Economic and Human Security Outcomes of Migration through Cross-Border Cooperation

10. Atty. Jeriel Domingo, Deputy Administrator, Philippines Overseas Employment Agency (POEA) presented the Filipino experience of multi-stakeholder coordination for effective anti-illegal recruitment campaigns. The strategy of the POEA includes both preventive actions (such as provision of information to migrant workers) and remedial actions (such as law enforcement and prosecution). Partnerships with local governments and interagency collaboration have each been crucial to implement and sustain local campaigns against illegal recruitment. One positive example of such collaboration was data sharing between the Philippine Bureau of Immigration and the POEA. Atty. Domingo provided additional examples of good practices in addressing illegal recruitment, but he noted challenges still remain, including the lack of systems to track progress of cases from investigation to prosecution. Domingo noted that potential ways forward include the development of systems for law enforcement agencies to report and monitor cases of illegal recruitment and trafficking in persons.

11. Mr. U Aung Htoo, Deputy-Director General, Ministry of Foreign Affairs, Myanmar provided a presentation on good cooperation practices at the ASEAN level from the perspective of Myanmar and gave examples of promoting legal, safe migration. He noted that attempts are ongoing to regularize the status of Myanmar migrants in Thailand and Malaysia, although some individuals are still overlooked by these processes. Mr. U Aung Htoo noted the need in an ASEAN single market for freedom of movement for both skilled and unskilled workers, and he expressed the need to focus on regularizing irregular and undocumented workers. In this manner, workers' rights could be protected, thus preventing them from being subject to trafficking or smuggling.

12. Ms. Jackie Pollock, Technical Officer, International Labor Organization (ILO), Yangon gave a presentation on opportunities for enhancing positive economic and human security outcomes of migration through cross-border cooperation. She provided an overview of existing ILO frameworks and initiatives, which are built upon a rights-based approach to labor. Two key issues within these frameworks are improving recruitment procedures and ensuring security at work. To reap the benefits of labor mobility, she stated that ASEAN member states need to ratify, implement, and enforce international conventions, ensure portability of social security, and implement the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and the ASEAN Declaration on Strengthening Social Protection.

13. Group discussions focused on opportunities and challenges in making well-managed migration effective within four areas: legal and policy frameworks, human security, bilateral cooperation, and regional cooperation. Discussion outcomes are presented below in the key points for consideration under paragraph 21.

Session 3: Protection of Migrants in Countries in Crisis

14. Ms. Michele Klein-Solomon, Director of the Secretariat for the Migrants in Countries in Crisis (MICIC) Initiative, IOM Geneva provided an overview of this initiative and its goals. During both natural disasters and man-made crises, migrants are particularly vulnerable because of their lack of inclusion in emergency plans, the language barriers they face, and the lack of access migrants have to identity documentation and consular services. MICIC is a state-led consultation process intended to produce non-binding guidelines to address such vulnerabilities in times of crisis by collecting evidence, examining the roles and responsibilities of states, and identifying practical measures to address these issues. As part of the first MICIC consultation, one clear area for focus concerns the importance of communication in the pre-crisis phase, where relevant actors can prepare for crisis contingencies. Ms. Klein-Solomon encouraged participation in this consultation process, which is due to conclude in July 2016.

15. Atty. Jeriel Domingo, Deputy Administrator of the Philippines Overseas Employment Agency (POEA), gave a presentation on the Philippine experience of protecting migrants during times of crisis. He described the Philippine approach as a unified methodology under which all government officials posted in a country operate to assist with the repatriation of migrant workers. He provided an example of this unified approach where the Overseas Workers Welfare Administration will provide subsidies to workers to cover their travel and associated expenses during times of emergency. Furthermore, a National Reintegration Center for Overseas Filipino Workers has also been established to assist returning workers in their reintegration back into Filipino society.

Session 4: Bilateral, Regional and International Cooperation in Combating Irregular Migration: the Role of International Organizations, Civil Society and States

16. Mr. Bebeb Djunjunan, Co-Manager, Regional Support Office, Bali Process (Indonesia) provided an overview of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime and its activities. He discussed the development of policy guides on issues such as criminalizing migrant smuggling, training for NGOs and government officials (including border protection officials) on the identification and protection of victims of trafficking, and voluntary return support and reintegration assistance.

17. Mr. Samydorai Sinapan from the Task Force on ASEAN Migrant Workers presented the perspective of civil society in addressing irregular migration. He began by noting that most migrants in the ASEAN region are in the semi- or low-skilled labor force, and the majority of them do not have social protections or social security. To tackle the irregular migration challenge, civil society engages with labor ministries to shape a reasonable work agenda, cooperate within a tri-partite structure of government, employer and trade unions, promote a rights-based approach with core labor standards, and participate in relevant structures, such as the ASEAN Forum of Migrant Labor. CSOs also play a key role in raising awareness among potential migrants, assisting victims of trafficking, assisting voluntary returns, and disseminating information regarding the rights of migrant workers.

18. Ms. Marizen Santos from Migrant Forum Asia presented an additional perspective of civil society. In particular, she noted that migrant workers who come through informal recruitment

channels are especially vulnerable to abuse. Employer-tied employment is a trend in Southeast Asia, which means that workers are less willing to report or challenge abuse. The post-2015 Sustainable Development Goals can be a platform to promote migrant workers' rights, and she also urged the adoption of relevant regional and international instruments such as the UN Convention of Migrant Workers.

19. Dr. Alistair Cook, the co-editor of the publication “Irregular Migration and Human Security in Asia,” discussed the roles of bilateral, regional and international cooperation in combating irregular migration, particularly with regards to trafficking in persons. Challenges include identifying victims of trafficking, lack of victim protection laws, and slow bureaucratic procedures which keep victims in detention for prolonged periods of time. A comprehensive whole-of-society, including a whole of government, approach is needed to address these challenges, which include implementation of regional instruments at the state level and implementing the 4 Ps: protection, provision, partnership and policy.

20. Other participants shared their experiences and observations and noted the need to standardize recruitment fees and the need for transparency among recruitment agencies regarding fees charged to workers.

Concluding session

21. Based upon the discussions in the previous sessions, participants identified some opportunities and key points for consideration at the national, bilateral, and regional levels.

A. National Level:

- Strengthen communication processes to inform migrant workers of their rights and responsibilities;
- Recognize the value of and promote the more effective use of low-skilled laborers through skills development;
- Cooperate with the private sector in skills development;
- Effectively apply criminal and administrative sanctions for breach of contract by employers and recruiters.

B. Bilateral Level:

- Use existing regional agreements more effectively and identify areas where they could be strengthened through bilateral agreements;
- Strengthen operational partnerships to share responsibilities between countries of origin and destination;
- Increase the role of sending country labor offices and attachés in protecting rights of overseas workers in destination countries;
- Regulate recruitment organizations by having government-to-government agreements, thus eliminating third party involvement and mitigating other problems such as contract substitution;
- Explore where specific issues and cooperation can be advanced at the bilateral level, such as with nationality verification processes; and
- When feasible, facilitate cooperation with regional mechanisms and programs.

C. Regional Level:

- Develop and implement employer standards related to migrant worker rights and shared responsibilities within ASEAN;
- Standardize recruitment practices and costs;
- Conduct more regular and frequent dialogues on migration issues and collaboration between ASEAN member states to facilitate cooperation. These discussions should:
 - Highlight intra-regional similarities, common goals, and principles, including migrants, labor, and human rights;
 - Increase regional information exchange and sharing of best practices;
 - Promote confidence building measures through various existing consultation forums;
 - Explore the use of existing ASEAN frameworks for enhanced consultation on migration, including a follow-up on the ASEAN Declaration on Protection and Promotion of the Rights of Migrant Workers; and
 - Discuss transparency and enforceability of employer compliance with relevant standards.
- Build synergy with existing arrangements such as the Bali and Colombo Processes without duplicating their efforts;
- Take concrete steps to improve integration, and consider measures to allow the free movement of persons to live and work across international borders;
- Implement effective mutual recognition agreements (MRAs) to increase flow of skilled labor, including the standardization of skills, common testing procedures, and internationally-recognized qualifications; and
- Support by dialogue partners for ASEAN cooperation and common efforts, including capacity building and information sharing across different fora.

D. At All Levels:

- Enhance cooperation between government and other stakeholders, and include non-government stakeholders (civil society organizations, unions, employers and recruitment agencies, for example) in discussing and addressing migration challenges;
- Utilize existing international and regional conventions, instruments and guidance to promote and protect the rights of migrant workers. These agreements include but are not limited to the ASEAN Human Rights Declaration, ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, ILO Decent Work Agenda, and the Domestic Workers Convention;
- Improve social integration and perception of migrants and the value they add to society, including cultural diversity, education, economy and skills, and contributions to both home and host countries; and
- Recognize and explore cooperation mechanisms to address the specific vulnerabilities of irregular migrants and migrants in crisis.

22. In closing, the co-chairs conveyed their deep appreciation to all participants, speakers and to the ASEAN Secretariat for its cooperation and invaluable contributions to the workshop. The co-chairs looked forward to further discussions on this issue within the ARF in the near future.