

BALI PROCESS ON PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND RELATED TRANSNATIONAL CRIME

Senior Officials Meeting, Brisbane, 7 to 8 June 2004

Report to Ministers

Introduction

Australia and Indonesia co-chaired a meeting of senior officials involved in the Bali process on People Smuggling, Trafficking in Persons and Related Transnational Crime in Brisbane from 7 to 8 June 2004, as mandated by Ministers at the second Bali Ministerial Conference on this subject. The Australian Minister for Foreign Affairs, the Hon Alexander Downer MP, provided an overview of the measures Australia had taken to combat people smuggling and trafficking in persons, and on the valuable work of the Bali Process.

2. Senior officials reviewed progress against the objectives set by Ministers and discussed future directions. They also discussed the administration and organisation of the Bali process. The meeting was attended by 139 delegates representing 47 countries and nine international and regional organisations. The full list of participating countries and organisations follows below.
3. Senior officials noted that the main goals of the two Bali Regional Ministerial Conferences on People Smuggling, Trafficking in Persons and Related Transnational Crime, co-hosted by the Foreign Ministers of Australia and Indonesia in February 2002 and April 2003, were to raise awareness of and develop greater cooperation among regional countries to combat people smuggling and trafficking.
4. They agreed that these broad goals had largely been met as a result of the high level political focus generated by the two Ministerial Conferences and the active follow-up program of practical workshops and activities undertaken by officials from foreign, justice, law enforcement and immigration ministries. They agreed that the Bali process had created an environment in which regional countries were cooperating increasingly (including bilaterally and sub-regionally) in preventing and intercepting people smuggling (and, to a lesser extent, trafficking) activities, prosecuting those responsible and strengthening border management. Senior officials noted that the Bali process had moved from discussion of principles to the implementation of measures to achieve practical results.
5. Senior officials also agreed that significant challenges remained. They discussed changes in the regional and international environment with respect to people smuggling and trafficking issues since the second Ministerial meeting and made recommendations to Ministers on further work the Bali process could undertake to address these.

Part I: review of progress since the second Ministerial Conference

6. Referring to the co-chairs' statements from the first and second Ministerial Conferences, senior officials noted that consistent with the voluntary and non-binding

nature of the Bali process, Ministers had called for: developing more effective information and intelligence sharing; improving cooperation among regional law enforcement agencies to deter and combat people smuggling and trafficking networks; enhancing cooperation on border and visa systems to detect and prevent illegal movements; increasing public awareness in order to discourage these activities and warn those susceptible; enhancing the effectiveness of return as a strategy to deter people smuggling and trafficking through conclusion of appropriate arrangements; cooperating in verifying identity and nationality of illegal migrants and trafficking victims; enacting national legislation to criminalise people smuggling and trafficking in persons; appropriate national protection and assistance to the victims of trafficking, particularly women and children; enhancing the focus on tackling the root causes of illegal migration and trafficking in persons, including by increasing opportunities for legal migration between states; and assisting countries to ensure effective protection in accordance with relevant UN Conventions and Protocols while balancing the need for effective border controls.

7. Senior officials noted that Ministers had agreed that work on these issues be taken forward as appropriate by two ad hoc experts groups (AHEGs), the first on international and regional cooperation, coordinated by New Zealand, and the second on policy, legislation and law enforcement, coordinated by Thailand.

Reports of the Ad Hoc Experts Groups

8. AHEG I coordinator, Ms Heather Riddell, New Zealand Ministry of Foreign Affairs and Trade, presented to the meeting a report of AHEG I activities since the second Bali Ministerial Conference. She advised participants that a number of countries, including Australia, Indonesia, Japan, Thailand and Vietnam had held national meetings on the Bali process for representatives of the local diplomatic corps and international organisations. She noted that three substantive regional workshops had been held. The first, hosted by the Republic of Korea (ROK) in September 2003, was on the Prevention of International Trafficking and Promotion of Public Awareness Campaigns. The second, hosted by Fiji and organised by Fiji and the United Nations High Commissioner for Refugees (UNHCR) in April 2004, was on reconciling legitimate state interests to control immigration with refugee protection. The third, hosted by Australia, and organised jointly with the Budapest process, in May 2004 was on assisting states to identify the issues involved in returning illegal immigrants. She also highlighted the important work of Japan in the funding and the IOM in the technical support of the Bali process website, and welcomed the initiative of several Bali process members in holding national workshops. Presentations of the individual activities under AHEG I were made by the IOM (Bali process website); ROK (people trafficking/public awareness workshop); Fiji (reconciling border controls/protection workshop); Australia (returns workshop); and Vietnam (national workshops).

9. AHEG II coordinator, Police Major General Krerckphong Pukprayura, of the Royal Thai Police, presented a report of AHEG II activities. Three workshops had taken place since Bali II. The first, hosted by Malaysia, in November 2003 was on developing legislation to criminalise people smuggling and trafficking, following an earlier workshop also hosted by Malaysia in 2002. The second, hosted by Thailand in March 2004, was on identity management and document fraud. The third, again

hosted by Thailand in May 2004, was a pilot workshop developed by the Australian Federal Police, on intelligence and law enforcement cooperation to target the smugglers and traffickers. Presentations of the views and experiences on AHEG II workshop outcomes were made by Malaysia (legislation workshop); New Zealand (identity management workshop); and Pakistan and Australia (targeting workshop).

10. Numerous delegations took the floor to share their own experiences and comment on issues raised by the presentations of AHEG I and AHEG II activities. Senior officials welcomed the lively and productive discussions at the workshops which had increased participants' awareness of the issues and their capacity to deal with them. For example, the legislative workshops had assisted many countries develop their own national legislation, drawing on model legislation developed by Australia and China. This had been a major success of the Bali process and was highlighted by the updates provided by a number of countries on the development of national legislation and the signing/ratification of international conventions and protocols related to people smuggling, trafficking in persons and related transnational crime.

11. Among other workshop outcomes, the returns workshop had developed a checklist of issues for governments to consider on the return of smuggled and trafficked people as well as a compilation of draft paragraphs for countries to draw on in developing bilateral return agreements. The identity workshop had begun useful work on developing best practice guidelines for the initial establishment of identity.

12. Senior officials noted that information on all these activities was on the Bali Process website (www.baliprocess.net), which was becoming an increasingly valuable capacity building tool for regional countries.

13. The meeting also received reports from the UNHCR and IOM on their valuable contributions to the workshops.

14. Senior officials expressed their warm appreciation for the work of the AHEG coordinators in taking forward the issues identified by Ministers. They also thanked the UNHCR and IOM for their substantive contributions and the IOM for its administrative assistance and maintenance of the website.

Part II: future directions

15. Senior officials considered regional and international challenges posed by people smuggling and trafficking in persons and agreed that the Bali process should continue, focusing on practical operational cooperation in areas where it could best add value. Senior officials reiterated the need to address the root causes of illegal people movements and noted that this issue was being addressed in other forums. Many participants noted an increasing focus on trafficking in persons issues and suggested that the Bali process could usefully undertake further work in this area, in addition to continuing work on people smuggling issues.

16. Senior officials agreed that given the success of the Bali process in promoting increasingly self-sustaining regional cooperation to combat people smuggling and trafficking, its future activities needed to be streamlined. Following discussion of the

AHEG coordinators' reports on progress in taking forward the issues identified by Ministers in the co-chairs' statements, senior officials identified activities that had now been completed in the Bali process, activities that might be taken forward in other forums, and potential areas for further work.

Work completed

17. Senior officials agreed that work on legislation to criminalise people smuggling and trafficking in persons and returns had now been completed or soon would be – at least in so far as it could be taken forward in a multilateral process of this kind.

Work underway in other forums

18. Senior officials discussed which activities, if continued, risked duplicating work in other regional forums and therefore might productively be taken forward in those forums. For example, specific activities on refugee and asylum issues could be taken forward in the Asia Pacific Consultations on Refugees, Displaced Persons and Migrants (APC), although continued UNHCR involvement in Bali process activities more broadly would remain important. They also noted that some work on border and visa systems was underway in APEC and sub-regional forums such as the Pacific Immigration Directors Conference – although membership of these forums was not identical to the Bali process. Senior officials encouraged participants in the Bali process to feed back to the co-chairs and/or the coordinators information on related work in other forums. Website links between the Bali process and other forums should be explored.

Areas for future work

19. Senior officials considered possible new and ongoing activities consistent with Ministers' objectives. They noted the importance of continuing information and intelligence sharing. They proposed that the website be reviewed and further developed to include additional information and links to other sites and databases. They noted the need for secure access for confidential law-enforcement information either by making use of the Interpol database or enhancing the Bali website. In recognition of the value of the website as a critical tool for the Bali Process, Japan pledged US\$10,000 for the upkeep and management of the website; New Zealand pledged targeted funding of NZ\$30,000 for the website; while Australia announced that it would also contribute to website funding.

20. Senior officials recommended further work to raise awareness of people smuggling and trafficking issues – nationally, within the region and in multilateral forums. Senior officials welcomed advice from the ROK that it would hold a second people trafficking/public awareness campaign workshop in late 2004. Japan and Thailand announced that they were planning to hold further national workshops in the second half of 2004. Afghanistan announced that it would be willing to host a future workshop.

21. Senior officials also noted the importance of ongoing work to promote regional law enforcement cooperation. Senior officials noted the following as

productive areas for possible further work: law enforcement and border control issues; assisting national capacity building including through the development of regional training programs in trafficking and law enforcement issues; an enhanced focus on trafficking in persons and on child sex tourism; and development of policy and/or legislation on lost and stolen passports. On legislative issues, further work could be taken forward in establishing domestic procedures and mechanisms including for mutual assistance and extradition and encouraging the development of mutual assistance and extradition relationships. Participants noted the intention to hold further workshops on law enforcement and targeting people smugglers/traffickers.

22. Senior officials noted that consistent with the spirit of the Bali process since its inception, these proposals were non-binding and participation in any activities developed as a result would be voluntary.

Interaction with other regional processes, observers and international organisations

23. Presentations were made to the meeting by representatives of the United States of America; the UN Office on Drugs and Crime; the International Centre for Migration Policy Development on behalf of the Budapest process; the International Labor Organization; Interpol; and the International Federation of Red Cross and Red Crescent Societies. Senior officials referred to the value of interaction with other regional processes and recommended that this continue. They also welcomed the positive engagement of observers and relevant international organisations in the Bali process, including at practical workshops, and encouraged them to participate in future Bali process activities as appropriate.

Part III: coordination, funding and administration

24. Senior officials noted the valuable role played by the co-chairs, the AHEG coordinators, and UNHCR and IOM in helping direct and coordinate the work of the Bali process, consistent with the outcomes of the two Ministerial meetings and in consultation with participating countries. They asked for this work to continue. Given progress to date and the more targeted approach proposed for its future work, they suggested that the AHEGs be discontinued in their current form but that New Zealand coordinate activities on regional and international cooperation on policy issues and legal frameworks and Thailand coordinate activities on regional and international cooperation on policy issues and law enforcement. They agreed that the Steering Group should continue in its current planning and coordination role.

25. Senior officials received a report from the IOM on funding issues. They noted that the last appeal had not generated sufficient funds to provide a secure central budget and encouraged further contributions to the IOM appeal. They noted that future activities were likely to be funded on an ad hoc basis largely by targeted contributions and contributions in kind. They welcomed advice from the co-chairs that several countries had indicated a willingness to consider such contributions and asked the co-chairs and the two coordinators to follow up with the countries concerned.

26. Senior officials agreed that the decision on whether to hold another Ministerial meeting was one for Ministers to take but noted that, at this stage, no further

Ministerial meeting was planned. They asked the co-chairs to report to countries and organisations involved in the Bali process after a year on activities that had taken place and to seek their views on future directions.

Part IV: recommendation to Ministers

27. Senior officials recommended that the Bali process continue in a more streamlined way and asked the co-chairs, the two coordinators, UNHCR and the IOM to develop proposals for targeted activities consistent with Parts II and III of this report and subject to available resources.

Participants

Afghanistan, Australia, Bangladesh, Brunei Darussalam, Cambodia, People's Republic of China, Fiji, France (New Caledonia), Indonesia, Iran, Iraq, Japan, Jordan, Kiribati, Laos, Malaysia, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Thailand, Timor Leste, Tonga, Turkey, Vanuatu and Vietnam, as well as representatives of the United Nations High Commissioner for Refugees and the International Organization for Migration.

The following countries and organisations also participated as observers: Austria; Canada; Finland; Germany; the Netherlands; Norway; Russian Federation; South Africa; Spain; Switzerland; the United States of America; the Asia Pacific Consultations on Refugees, Displaced Persons and Migrants (APC); the International Centre for Migration Policy Development Secretariat (ICMPD); Interpol; the United Nations Development Programme (UNDP); the United Nations Office on Drugs and Crime (UNODC); the International Labor Organization (ILO); and the International Federation of Red Cross and Red Crescent Societies.