

**BALI PROCESS AD HOC GROUP  
CLUSTER GROUP MEETING  
PERTH, AUSTRALIA, 14-15 DECEMBER 2009**

**CO-CHAIRS' NOTE**

The Co-Chairs of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) hosted an Ad Hoc Group, Cluster Group meeting in Perth, Australia on 14 – 15 December 2009. The meeting was attended by representatives of Australia, Indonesia, Malaysia, New Zealand, and Thailand as well as representatives from the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration; and Afghanistan, Bangladesh, Pakistan, and Maldives as observers.

In the absence of the Sri Lankan delegation the agenda was duly amended to provide for a wider discussion on the irregular movement of people in the region, including Sri Lankans.

The meeting agreed to develop regional responses based on four main areas of cooperative engagement: Diplomatic and Technical Assistance; Legal and Law Enforcement; Immigration and Border Management. The meeting identified a range of possible activities with an emphasis on operational and practical responses under each area of cooperative engagement, as follows:

A. Diplomatic and Technical Assistance

Participants noted that Sri Lanka was emerging from a long period of civil conflict and supported the provision of development and humanitarian assistance to Sri Lanka. The meeting was pleased to note the accelerated level of return of people from camps and also the increased freedoms provided to people who remain in the camps. These together with other continuing confidence building measures will help pave the way for the safe return of its nationals.

Participants noted the provision of development and humanitarian assistance to Sri Lanka should support the Sri Lankan Government's recovery and reconstruction effort, including demining, housing and food security for people affected by the recent conflict.

Participants noted that the provision of consular assistance, including notification and access as outlined in the 1963 Vienna Convention on Consular Relations, was an issue which will require further regional discussion. Diplomatic channels played an important role in managing consular assistance in situations involving irregular people movement.

## B. Immigration

Participants noted the need for sharing relevant immigration information on irregular movements, possibly through the establishment of a regional database. The meeting acknowledged that the Bali Process website could provide the mechanism for this information sharing arrangement.

The meeting noted the importance of developing risk profiles of irregular migrants and the information collected in the proposed database would assist in this process. The meeting further noted the value in developing immigration intelligence units in the region and the benefits that flow from cooperation and information sharing between these units.

The meeting welcomed a proposal from Australia to develop an evidence-based project which would include a stock take on regional cooperation on people smuggling. This would assist to identify gaps in current regional arrangements, and could potentially contribute to the development of a regional Memorandum of Understanding on preventing and combating irregular migration.

The meeting welcomed the proposal to convene a workshop on protection, resettlement and repatriation of irregular migrants. Indonesia's offer to host this workshop was positively received.

The need for enhanced visa issuing procedures and control was highlighted, and several participants informed the meeting of recent efforts on this point.

### C. Legal and Law Enforcement

Participants noted the critical importance of harmonising people smuggling and trafficking laws in line with international instruments, particularly the UN Protocol on Migrant Smuggling supplementing the UN Convention Against Transnational Organized Crime (UNTOC).

Participants noted mutual legal assistance and extradition were integral components of effective legal and enforcement responses to irregular movement. It was recommended that the provisions relating to mutual legal assistance and extradition of the UNTOC could be the basis for international cooperation.

The meeting noted that the regional response to trafficking in persons presented several opportunities for initiatives to also address people smuggling in the region. It was agreed that members would consider exploring anti-smuggling issues in the margins of engagements on trafficking and look to model future anti-smuggling initiatives on those seeking to address trafficking in persons.

Thailand advised the meeting that it would host a workshop in 2010 (possibly March) on mutual legal assistance and law enforcement cooperation. In this regard Thailand suggested that participants consider the desirability of developing mutual legal assistance arrangements.

The participants welcomed the outcomes of the Inter-regional People Smuggling and Human Trafficking Conference at JCLEC in Semarang (7-10 December 2009). They noted the emphasis placed by law enforcement agencies on the exchange of intelligence and information, and the importance of capacity building to enhance investigative capabilities, including the need to assign single national points of contact within the law enforcement group in the region. Participants also noted that a further JCLEC regional conference would be held in the future.

Participants noted a capacity building workshop will be held in Sri Lanka which will focus on harmonising legal frameworks for people smuggling, people trafficking, proceeds of crime and anti-money laundering. Training will be provided to prosecutors with a particular focus on prosecuting transnational crimes. Consideration will be given to hosting similar workshops in other Ad Hoc Group countries.

#### D. Border Management

The meeting noted the importance of good border management across the region. Key aspects that contribute include firm identity management, close cooperation between agencies within countries, and strong connections between agencies across the region, especially in the area of information and intelligence sharing.

The meeting acknowledged the importance of balancing the facilitation of legitimate travel and taking strong action against people smugglers.

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Participants noted with great appreciation the continuing commitment and cooperation by the Government of Sri Lanka and other involved governments in combating people smuggling within the framework of the Bali Process.

The meeting requested the co-chairs brief relevant governments not in attendance on the discussion at the meeting and its outcomes.