

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

Workshop on

“Enabling Electronic Exchange of Lost & Stolen Travel Document Information”

Bangkok, Thailand
20– 22 April 2005

Background

1. The results of an initial questionnaire on the possible development of a regional system for the secure electronic exchange of information between Bali Process member countries on lost, stolen and non-genuine travel documents presented to the Bali Process Ministerial Meeting in April 2003 in Bali, Indonesia by New Zealand indicated that there was some interest in the development of a regional system although a number of member countries identified institutional and legal barriers to the sharing of such information. It was therefore recommended that :
 - (1) member countries consider pursuing amendments to their national legislation to enable the electronic exchange of lost and stolen passport information,
 - (2) further work be undertaken to identify capacity and other barriers of member countries to participation in an electronic lost and stolen passport information system.
2. The Bali Process Senior Officials' Meeting in June 2004 in Brisbane, Australia agreed that member countries could usefully undertake further work on the development of policy and/or legislation on lost and stolen passports. Thailand and New Zealand proposed to jointly coordinate and organize a workshop on this issue for interested Bali Process member countries, to be held in Bangkok, Thailand.

Proposals

3. Some member countries currently exchange information on lost, stolen and non-genuine travel documents in paper form via diplomatic notes, and many member countries have more than one agency involved in the management of passport data and the associated communication of information on lost, stolen and non-genuine travel documents to other countries. As a result, the information is not available in time to be effectively used in border management systems to identify and intercept these documents when used by traffickers.

An effective international information sharing framework needs different elements namely

- Relevant bilateral or multilateral international arrangements and undertakings
- General domestic legal authority and requirements
- Specific domestic legal authority and requirements
- Information technology and operational systems and capacity
- Conditions attached to the provision, storage, access and use of data
- Other potential barriers and issues that may exist in particular member countries
- Detailed operational working arrangements between governments/agencies concerned.

4. Some of these elements need to be considered before member countries could enter into any kind of effective international information sharing while some elements need to be considered as part of the process of entering into specific information sharing systems and arrangements (such as, the RMAL initiative being developed by APEC-BMG). The particular form and nature of empowering arrangements required by each member country will depend on the particular legal and institutional systems in the country concerned. However, it is still possible to develop a checklist and some supporting resources to assist member countries to develop arrangements appropriate to their individual circumstances. At this stage, the checklist and those resources should focus on the establishment of effective frameworks for information sharing on lost, stolen, invalid and non-genuine travel documents.

5. Work and experience to date has focused on the development of effective bilateral frameworks for international information sharing. It is becoming clear, however, that bilateral approaches will become very complex and cumbersome as number of countries participating in particular information sharing arrangements increase. An alternative approach now being explored is the development of common multilateral information sharing framework to which member countries could subscribe once. Further work is required on the feasibility of this concept and the form that such common multilateral framework could take.

Objective

6. The main objective of this workshop is to assist the Bali Process member countries to enhance domestic legislation, policy and institutional frameworks to support the regional sharing of information on lost, stolen and non-genuine travel documents, specifically in the secure and fast exchange of information in electronic format.

Links with other regional initiatives

7. It is important that the Bali Process activities in this area are aligned with related activities in other fora to ensure that they complement and support each other, especially on enabling legislation and other necessary elements of policy and institutional frameworks.

APEC Business Mobility Group (BMG)

8. This forum is currently engaged in the development of a single Regional Movement Alerts System project (RMAL) to exchange inter-country lost and stolen passports data, namely

- The United States and Australia will commence a "Stage One" pilot of the RMAL system in 2005, and New Zealand has recently accepted an invitation to participate in the pilot process;
- Chile is testing a first stage regional movement alert system based on the CAPERS system;
- Australia and New Zealand have recently established and implemented arrangements for international information exchange to support the operation of Advanced Passenger Processing (APP) and Advanced Passenger Information (API) systems;
- Several other economies are at various stages of consideration or commitment to implementing the Advanced Passenger Information system.

9. Participants at the recent Senior Officials Meeting of the BMG in Chile agreed that the APEC BMG and the Bali Process should continue to share information on their respective activities to support the sharing of information on lost and stolen passports.

Pacific Immigration Directors Conference (PIDC)

10. Of the 23 PIDC members, only New Zealand and Australia have currently developed and implemented systems of capturing API and are now using that information in the facilitation of passenger travel and processing. Samoan Immigration has just completed development of a new Border Management System (currently in testing) which has the capacity for API and potentially an organized database for APP interaction.

11. It was proposed at the 2003 PIDC Annual Meeting that the PIDC Secretariat research into the background of API and how a simplified system might be adapted specifically for the Pacific region. All members accepted the conceptual idea of an API/APP system, with a definite preference for the less interactive API system.

12. A number of resolutions supporting further work on API/APP were adopted at the September 2004 Annual PIDC Conference in Palau, namely

- Endorsement of the concept of API/APP and the adoption of a standard form and procedure for implementation in the Pacific region;
- A recommendation that the PIDC Secretariat continue to work with PIDC members to adopt API/APP, including drawing on the experience and advice of those members who have API/APP systems in place;
- Encouragement to review current legislative provisions and processes and consider changes to legislation where necessary;
- Encouragement to establish of MOUs with Airlines in the region; and
- Endorsement of the development of an Inter-Country Person/Document Alert database.

Interpol/ICAO

13. The ICAO New Technology Working Group (NTWG) led by the New Zealand Department of Internal Affairs has undertaken research into the opportunities for global electronic interchange of data on lost, stolen and invalid passports using the Interpol database.

14. Interpol has operated a global database of lost, stolen and invalid passports (particularly blank documents) since 2002. The database now holds over four million records.

15. In the past, this database has only been available to members policing agencies, and has not been accessible in real time. Upgraded systems are being progressively rolled out to facilitate use of the system for "real time" border control applications, but this process is not complete.

16. The ICAO/Interpol systems is not envisaged to potentially extend in future to the exchange of more than travel document information. In this respect, it is different to the RMAL initiative which does envisage this as a possibility.

17. The CTF meeting in Incheon, Republic of Korea, in March 2005 will be considering a proposal from Japan that all APEC members start providing information on lost and stolen travel documents to the existing ICPO database by the end of 2006 (Currently 8 out of the 21 APEC economies do).

Workshop activities

(a) Conduct and report on a follow-up survey of the Bali Process member countries to document current practices on the sharing of information on lost, stolen and non-genuine travel documents and to identify specific barriers to the sharing of such information.

(This will update the 2003 survey and provide more specific information on the legal and institutional status of the member countries towards sharing information on lost and stolen passports. The results of the survey will be analyzed and presented to participants for discussion at the workshop.)

(b) Provide up-to-date information to the workshop participants on :

- Recent New Zealand/Australia experience with the development of bilateral information sharing arrangements to support and enhance the operation of Advanced Passenger Processing (APP) systems.
- Recent development of Thailand's e-passport and how this will enhance information sharing
- Progress in the development of the "Stage One" pilot system for the APEC Business Mobility Group (BMG) Regional Movement Alert List (RMAL) system.
- Pacific initiatives with Advanced Passenger Information (API), Advanced Passenger Processing (APP) and the lost and stolen passport database.
- Current and proposed developments with the ICPO (interpol) database.
- Developments with the proposed Electronic International Traveller System (EITS)

(c) Present, consider and discuss resource materials on :

- The generic and specific elements required for member countries to establish effective international sharing of information on lost, stolen, invalid and non-genuine travel documents.
- Examples of legislation, international arrangements, bilateral MOUs, and "model MOUs" which have been developed by member countries to authorize and facilitate information sharing.
- Possible future approaches to the development of common multilateral frameworks for information sharing.

(d) Develop a repository of useful and relevant resources on the Bali Process website.