

Bali Ad Hoc Experts' Working Group 1 (AHEG1) Plan of Action

To strengthen regional and international efforts to combat the transnational crimes of people smuggling and trafficking by:

1. Promoting awareness and understanding of the problems of people smuggling, trafficking in persons and related transnational crime
2. Identifying existing efforts to combat people smuggling and trafficking
3. Supporting new measures to combat people smuggling and trafficking

Background

The development and implementation of this Plan of Action is guided by the Bangkok Declaration and the First Bali Ministerial Conference Co-Chairs' statement and the principles below:

- a) Collective regional and international effort is required to combat the transnational crimes of people smuggling and trafficking - countries cannot successfully tackle these problems alone.
- b) States have the sovereign right to determine which non-nationals can enter their territory and under what conditions.
- c) States have the responsibility for facilitating the return of their nationals, and should have other responsibilities, including the provision of assistance to victims of people trafficking, as set out by international instruments to which they are signatory.
- d) Migrants have the responsibility of conforming to the laws and regulations of any country that they enter, including presenting without delay their personal details and claims to right of entry.
- e) States should, within the framework of their international obligations and domestic laws, provide appropriate protection and assistance to the victims of traffickers of people, particularly women and children.
- f) Action to combat people smuggling and trafficking should be integrated and comprehensive, with States working cooperatively and contributing according to their capability.
- g) Ministers, while acknowledging that the Bali Conference had not been convened to deal directly with the issue of refugees, affirmed that nothing in their ministerial statement was intended to prejudice the legitimate rights of genuine refugees to seek and enjoy asylum in accordance with relevant conventions and protocols. Ministers called for effective measures to be put in place to ensure that protection is provided, consistent with the international obligations of individual States, while preventing abuse by people smugglers of the relevant UN Conventions on refugee protection. Ministers noted that all countries, including

origin, transit and potential destination, should play a part in finding solutions for refugees, while providing for return in a humane manner for those found not to be refugees. In certain circumstances, for return to be sustainable, the issue of return would require international support and cooperation.

- h) States urge the international community to address the root causes of the illegal movement of people.
- i) Cooperation should be based on an acknowledgment that each State has a sovereign right and legitimate interest to develop and implement its own laws to address people smuggling and trafficking in persons, reflecting the non-binding nature of the Co-Chairs' Statement.

MEASURES: To strengthen regional and international efforts to combat the transnational crimes of people smuggling and trafficking by:

- 1 Strengthening and developing regional and national information sharing to combat people smuggling, trafficking in persons and transnational crime
- 2 Identifying and meeting capacity needs through cooperative action in the area of border management
- 3 Facilitate the return of persons who have no legal authority to remain, in accordance with national laws and international conventions.
- 4 Conducting public awareness campaigns
- 5 Improve international cooperation by establishing effective domestic coordination mechanisms
- 6 Develop a comprehensive regional approach to mixed flows
- 7 Post-Bali arrangements

1 Strengthening and developing regional and national information sharing to combat people smuggling, trafficking in persons and transnational crime

- 1.1 States to contribute information about any existing arrangements (simple questionnaire to be answered at the first meeting of AHEG1). Booklet to be prepared for Ministers attending the second Bali Ministerial Meeting. [New Zealand to coordinate]
- 1.2 A small subgroup, open to all Bali participants, will be established to coordinate and progress cooperative activities in information sharing. It will:
 - 1.2.1 Update contacts list for Bali process officials. Countries to supply email addresses, postal addresses and telephone/fax numbers to unc@mft.govt.nz.
 - 1.2.2 Use existing post-Bali website at www.bmw-2.com and post working group information, including public information, government information and links to other organisations.
 - 1.2.3 Encourage countries to establish arrangements in capitals where agencies involved in combating people smuggling and trafficking and local representatives of Bali participating countries can meet and exchange information.
 - 1.2.4 Encourage the development of regional instruments on information sharing including agreements among states building on existing bilateral and multilateral arrangements.
 - 1.2.5 Explore the possible development of a regional information network.
[XXXX to coordinate]

1.3 Explore developing an electronic process for communicating, sharing and accessing lost and stolen passport information to replace the current paper based third person note system. [XXXX to coordinate]

2. Identifying and meeting capacity needs through cooperative action in the area of border management.

2.1 States to contribute information about any existing arrangements (simple questionnaire to be answered at the first meeting of AHEG1). Booklet to be prepared for Ministers attending the second Bali Ministerial meeting [New Zealand to coordinate]

2.2 Assist Bali member states to identify and prioritise their appropriate needs to combat people smuggling, trafficking in persons and related transnational crime. IOM to collect requests and coordinate with the activities of AHEG2. [XXXX to coordinate with IOM]

2.3 States to recognise opportunities for ODA funds to be used for good governance activity aimed at deterring people smugglers, trafficking in persons and related transnational organised crime. [AHEG1 Coordinator to report to states]

2.4 Workshop to be held at Mekong Institute in early 2003 to promote “best practice” status determination procedures, standards for the treatment of asylum seekers and relevant durable solutions. (See flow chart) [XXXX to coordinate with UNHCR]

3. Facilitate the return of persons who have no legal authority to remain in accordance with national laws and international conventions.

3.1 Prepare information for regional countries to assist them in managing the return of people to and from their territory on the following key issues:

- Countries have arrangements in place to allow or facilitate return both voluntary and involuntary
- Implications of international practice/obligations, instruments and agreements on returns
- Issues related to establishing and/or confirming identity
- Availability of documentation for travel
- The costs of removal; use of confiscated assets of smugglers and traffickers.
- Protection needs being identified and addressed.

[XXXX to coordinate]

4. Conducting public awareness campaigns

4.1 Evaluate the efficacy of public awareness campaigns to improve future interventions. [Korea to coordinate]

4.2 In liaison with IOM, UNHCR and APC, develop a “regional pilot project” to conduct public awareness campaigns about people smuggling, trafficking in persons and related transnational organised crime, involving countries of origin, transit and destination. [Korea to coordinate]

5. Improve international cooperation by establishing effective domestic coordination mechanisms.

5.1 It is recommended that Bali states develop interdepartmental committees, with a focus on people smuggling, trafficking in persons and related transnational crimes, to ensure national coordination. [XXXX to coordinate]

5.2 Each country is asked to ensure that the Bali agenda is included wherever possible in regional and international fora and to assist with follow through. The recent Pacific Islands Forum Communiqué is a relevant example. Bali states may consider utilising an informal “Friends of Bali” caucus at regional and international meetings. [AHEG1 Coordinator to action]

5.3 Establish a process for analysis of migration flows to, from and within the region to assist in developing appropriate responses and responsibility sharing arrangements. [IOM to coordinate in conjunction with XXXX]

6. Develop a comprehensive regional approach to mixed flows

6.1 Develop, pursuant to paragraph 26 of the Bali Co-chairs’ statement, a comprehensive regional approach to mixed flows, including cooperation with UNHCR to address the phenomenon of secondary movements of refugees and asylum seekers.

7. Post-Bali arrangements.

7.1 Co-chairs Indonesia and Australia to prepare options for consideration by Bali member states at the next meeting of AHEG1.

ACTIVITY 2.4

Detection and interception of smuggled migrants

- **Flows are mixed**
 - refugees
 - other humanitarian
 - economic
 - criminal

