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

Ad Hoc Group Progress Report by the Co-Chairs

[The AHG comprises Afghanistan, Australia, Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, New Zealand, Pakistan, Sri Lanka, Thailand, as well as representatives from the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration.]

In April 2009, Ministers at the Third Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (Third Ministerial Conference) re-established the Ad Hoc Group (AHG) to develop regional responses to current challenges. The AHG was tasked to: develop practical outcomes at the operational level to assist countries to mitigate increased irregular population movements; enhance information sharing arrangements between most-affected countries; and report to Co-Chairs through the Steering Group with recommendations to inform future regional cooperation on people smuggling and trafficking in persons.

The AHG has maintained a regular program of activity at both senior official and working group level and has made substantial progress in achieving the objectives set by Ministers in 2009. Nonetheless, people smuggling and trafficking in persons remain persistent challenges for AHG members.

Coordination, funding and administration

The Steering Group has overseen the work of the AHG. IOM has provided support on administrative and substantive matters.

Funding for AHG activities and administration has been a mixture of targeted contributions (notably by New Zealand, Japan, the United States, the European Union, Indonesia and Australia) and in-kind contributions from those countries that have hosted Bali Process activities (including Indonesia, Thailand, Sri Lanka, Malaysia, Philippines and the Maldives). The United States has also provided generous funding in support of AHG events. The Co-Chairs and Steering Group will continue to consider means to secure funding for both specific activities and core funding.

Activities since the Third Ministerial Conference

AHG Senior Officials' Meetings

Outcomes of the first meeting of senior officials of the AHG (AHG SOM), in Bali in July 2009, included agreement to: improve legal and law enforcement cooperation; measures to focus on particular caseloads moving through the region; greater cooperation to combat irregular movements by sea and air; and a proposal to share best practice on anti-people smuggling information campaigns.

At the second AHG SOM in Perth in December 2009, officials agreed to develop regional responses based on four areas of cooperative engagement: diplomatic and technical
assistance; legal and law enforcement; immigration and border management.

Officials at the third AHG SOM, in Bali in June 2010, recognised the critical role that consistent approaches, including in processing timeframes, accommodation and treatment of irregular migrants, would play in ensuring that the efforts of source, transit and destination countries contributed to stemming irregular movement through the region.

A fourth meeting of AHG senior officials is scheduled for 9 March 2011 in Bali. Final co-chairs statements from the meetings are available at www.baliprocess.net.

**Achieving AHG Objectives**

The AHG has proved an effective mechanism in advancing the aims set by Ministers in 2009. A substantive program of workshops has effectively addressed a number of the priority action areas identified by AHG officials. A list of the eight AHG workshops and a summary of their outcomes is at Annexure A. Co-chairs’ statements from the workshops are available on the Bali Process website at www.baliprocess.net.

The workshop program has given officials an opportunity to develop practical outcomes at an operational level that address irregular population movements in the region. Many of these outcomes are specific and pragmatic. For example, officials at the Workshop on Passport Integrity in Kuala Lumpur in July 2010 conducted exercises with the assistance of International Civil Aviation Organisation assessment tools to identify and mitigate risks in their passport issuance processes.

The AHG has successfully enhanced information sharing between countries in the region. In addition to the information sharing opportunities provided by workshops and SOMs, AHG members remain committed to the further development of the Regional Immigration Liaison Officer Network, or RILON. Once operational, RILON will have teams in at least seven regional capitals and will share information on a range of activities, including visa and fraud trends; generic modus-operandi of people smugglers/traffickers; statistical data on irregular migration; and opportunities for capacity building and training. The follow-up to the March 2010 Technical Experts Group on the Irregular Movement by Air meeting is to be held from 9-11 May 2011 in Colombo, Sri Lanka. This meeting represents the next important step in advancing the RILON concept.

Over the past two years, the focus of the AHG has reflected an expansion in members’ efforts to address people smuggling, trafficking in persons and irregular migration at a regional level. In addition to the traditional Bali Process interest in border integrity and law enforcement measures, AHG members have increasingly turned their attention to issues of protection, resettlement, repatriation and reintegration as a means of addressing irregular movements.

At the Protection, Resettlement and Repatriation workshop in Bali in June 2010, participants agreed on the desirability of developing and applying consistent standards for protection, resettlement and repatriation at a regional level. Disparity between approaches in the areas of timeframes, accommodation and the treatment of irregular migrants was identified as a contributor to irregular migration, and participants agreed that uniformity in these areas would be a strong disincentive to irregular migration.

Participants at the June AHG SOM reiterated these themes. The UNHCR and IOM subsequently convened workshops to further consider a comprehensive regional approach.
to refugees and irregular movements, and repatriation and reintegration assistance respectively.

At the workshop on regional cooperation on refugees and irregular movements, in Manila in November 2010, UNHCR distributed a discussion paper titled 'Regional Cooperative Approach to address Refugees, Asylum Seekers and Irregular Movements'. The paper advocated the development of a Regional Cooperation Framework. Participants at the workshop welcomed the paper as a useful reference point for the development of workable framework arrangements. Participants saw value in complementing national responses and addressing existing gaps through an inclusive, but non-binding regional cooperation framework to respond to complex population and refugee movements in the region in a more predictable manner.

IOM convened a technical workshop on repatriation and reintegration immediately following the UNHCR workshop. Harmonisation of regional approaches to repatriation and reintegration and the consistent application in the region of international instruments, such as the Protocol on Smuggling of Migrants, were considered important in the prevention of secondary movements. A regional cooperation framework would offer opportunities to realise these objectives.

The future for the AHG

Despite the AHG’s successes, people smuggling and trafficking in persons remain challenges for all states in the region and AHG members are committed to continuing their efforts to combat these transnational crimes.

Traditional border integrity and law enforcement cooperative measures will remain a core component of the AHG’s work. Recent initiatives on protection, resettlement, repatriation and reintegration have underlined the collective responsibility of source, transit and destination countries in responding to mixed migration and have highlighted the need for agreement to a framework for regional cooperation to underpin practical arrangements. Core principles of a regional framework could include the harmonisation of processing arrangements, both in terms of the opportunity to make asylum claims and the assessment of those claims; delivering durable solutions, including resettlement, for those determined to be in need of international protection; and the sustainable, safe return of people found not to be owed protection. Given this focus and pursuant to Ministers’ original direction to the Steering Group to draw participation for the AHG from the ‘most-affected countries’, we would recommend opening AHG membership to other interested Bali Process members or participants.

Conclusion

In looking forward, the AHG and the Bali Process more broadly should seek to build upon its past: enhanced capacity, a shared understanding of the issues and a strengthening of linkages between the region’s counterpart agencies. We believe the Ad Hoc Group remains a relevant and highly effective mechanism for progressing the region’s common aims. We commend the AHG to Bali Process Ministers as the appropriate vehicle through which to support and inform future regional cooperation on people smuggling, trafficking in persons and irregular movements generally. We believe the AHG could usefully provide a forum for participating States to share their experiences and knowledge flowing from measures implemented under a regional cooperation framework.
This Co-Chairs' report was considered by Ad Hoc Group senior officials at the AHG SOM in Bali on 9 March 2011.

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ANNEXURE A

AHG Workshop Summaries

October 2009: Best Practice Information Campaigns to Combat People Smuggling Workshop, Bangkok. Participants at the Workshop agreed that public awareness campaigns were an important means of preventing people smuggling and human trafficking, and that information campaigns should seek to convey a broad range of messages, beyond the obvious dangers and illegality of irregular migration. Participants agreed to intensify regional cooperation in information exchange in the interests of achieving more effective results in addressing irregular migration.

December 2009: Inter-regional People Smuggling and Human Trafficking Conference, Semarang. Law enforcement agencies that participated emphasised the importance of intelligence and information exchange; the importance of capacity building to enhance investigative capabilities; and assigning single national points of contact within the law enforcement group in the region.

March 2010: Technical Experts Group on the Irregular Movement by Air meeting in Colombo. This group is taking forward the establishment of a Regional Immigration Liaison Officer Network, or RILON, a key information-sharing initiative of the AHG.

June 2010: Workshop on Regional Protection, Resettlement and Repatriation, Bali. The Workshop agreed on the desirability in developing and applying consistent standards for protection, resettlement and repatriation, at the regional and at the national level. Disparity between countries’ approaches contributes to irregular movement, and uniformity throughout the region would be a strong and effective disincentive to potential irregular migrants. The Workshop also recognized the importance of consistency in the areas of timeframes, accommodation and treatment of irregular migrants.

July 2010: Workshop on Passport Integrity, Kuala Lumpur. The three central themes of this AHG workshop were securing passport issuance, security of travel documents and working with border control authorities. The workshop included a field trip to the Malaysian Immigration Department’s passport issuance centre.

November 2010: Regional Cooperation on Refugees and Irregular Movements Workshop, Manila. Building upon the AHG’s discussions in June in Bali, Participants in this workshop saw value in complementing national responses and addressing existing gaps through an inclusive, but non-binding regional cooperative framework to respond to complex population and refugee movements in the region in a more predictable manner.

November 2010: Technical Workshop on Repatriation and Reintegration, Manila. Participants considered issues for continued focus of the AHG in the areas of prevention, repatriation and reintegration. Harmonisation of approaches in the region to repatriation and reintegration was considered important in preventing secondary movements. A regional cooperation framework would offer opportunities to realise these objectives.

December 2010: Workshop on Visa Integrity, Maldives. The workshop explored visa regimes of AHG members and discussed opportunities to improve them. Participants were briefed by IOM on international standards for visa label developments and issuing.