

**Global Commission on International Migration  
(GCIM)  
Workshop on Regional Consultative Processes**

**The Bali Process on People Smuggling,  
Trafficking in Persons and Related  
Transnational Crime**

**Paper from the co-chairs, Australia and Indonesia**

14-15 April 2005, Geneva

**1. In cases where different ministries are involved in dealing with issues discussed in one or more RCPs, how is this work coordinated internally? How could it be coordinated? Is coordination considered beneficial and/or necessary?**

People smuggling and trafficking in persons are complex transnational problems that no single ministry or government can deal with alone. In the Asia Pacific region we have found that any serious effort to prevent and intercept illegal people movements, to prosecute those responsible and to deal effectively and humanely with smuggled and trafficked persons has required extensive coordination within governments and between them—involving foreign, immigration, justice, law enforcement, women's affairs and development assistance ministries as the core institutions. It has also required coordination with relevant international organisations and, as appropriate, with relevant non-government organisations and other elements of civil society.

The **Bali process on people smuggling, trafficking in persons and related transnational crime** has had demonstrable success in creating an environment in which operational agencies in regional countries increasingly cooperate in practical ways to combat people smuggling and trafficking. It has also assisted countries to improve their own internal coordination on these issues.

The Bali process flowed from a major **regional ministerial conference co-chaired by the Australian and Indonesian Foreign Ministers in Bali in April 2002**, following a sharp increase in illegal people movements in the region over the previous two years. Objectives for the Bali process were determined by ministers at this and a successive ministerial conference in 2003, and further reviewed and streamlined by the co-chairing ministers after a 2004 senior officials' meeting. These objectives have been given practical effect through carefully targeted workshops and activities involving all or some of the relevant ministries and participating governments and organisations. For example, justice and immigration ministries have participated in workshops on developing legislation to criminalise people smuggling and trafficking; and law enforcement and immigration officials have participated in sub-regional workshops targeting people smugglers and traffickers. (See full list of activities at **A**.)

A senior officials' level **steering group provides overall direction and coordination of Bali process activities** with responsibility for **coordination of specific activities** being handled by **New Zealand** (policy issues and legal frameworks) and **Thailand** (policy issues and law enforcement). The steering group comprises Indonesia and Australia representing the co-chairs; New Zealand and Thailand as the coordinators; and two partner agencies, the International Organization for Migration (IOM), which also administers the process, and the Office of the United Nations High Commissioner for Refugees (UNHCR).

The steering group meets approximately twice a year to plan forward activities, review progress and exchange information. Steering group members also coordinate interessionally by email and telephone. Key issues for consultation include: identifying prospective activities where the Bali process can add value; workshop design and participation (including which ministries need to be involved); information sharing, including on the activities of other regional forums; and funding and administration.

Coordination within RCPs and within participating governments is essential to avoid duplication with other regional processes dealing with related migration issues whose membership—though not identical—crosses both processes. In the Asia Pacific region for example, we have sought to avoid overlap and coordinate work undertaken in the Bali process with that taking place within the Asia Pacific Consultations on Refugees, Displaced Persons and Migrants (APC). After discussion within both processes, refugee and asylum issues are now dealt with primarily in the APC.

**Australia’s internal coordination on the Bali process is led by the Ambassador for People Smuggling Issues** from the Department of Foreign Affairs and Trade. The Ambassador chairs an inter-departmental meeting every two weeks which also includes the Department of Immigration and Multicultural and Indigenous Affairs, the Attorney-Generals’ Department, AusAID, the Australian Federal Police, and the Office for Women. At these meetings, agencies discuss proposed future Bali process activities and assess past activities, coordinate positions, share information on broader issues and discuss external coordination arrangements. We have found that our national effectiveness in dealing with people smuggling and trafficking has been greatly enhanced by this kind of ‘whole-of-government’ cooperation and coordination.

Coordination among related government ministries is considered of high importance in Indonesia particularly as Indonesia is finalising national laws on people smuggling and human trafficking. Until the national laws are finalised, to coordinate the issues of human trafficking and people smuggling on a national scale, the Department of Foreign Affairs has created a special group of Directors from a core group of ministries, namely, the Department of Law and Human Rights, Department of Foreign Affairs and the Indonesian National Police. This core group is in charge of handling both strategic and operational policies and meets on a regular basis, as well as on a case-by-case basis.

Internally, the Government of Indonesia decided to appoint the Coordinating Ministry of Political, Law and Security Affairs as the national focal point for coordinating inter-agency consultations on people smuggling issues; while the State Ministry of Women Empowerment was appointed as the national focal point for coordinating inter-agency consultations on people trafficking issues. The key Indonesian officials working on the Bali process as well as all related institutions, such as the armed forces, local governments, academics and related international organisations, all play important roles in these inter-agency consultations.

Coordination between governments takes place mainly, though not exclusively, through foreign ministries. Diplomatic networks and focal points can greatly facilitate communication, including by ensuring that invitations to practical activities reach the relevant ministries and officials.

Without the kinds of coordination processes described above, the Bali process would have far less practical impact, its activities would be less focused on the priority needs of countries and ministries, its administration would be less efficient and its funding would stretch less far.

***2. To what extent are the RCPs achieving the goals they have set? Is there concrete follow up - and what kind - to the consultations and any recommendations they adopt?***

The main goals of the two Bali regional ministerial conferences were to raise awareness of and develop greater cooperation among regional countries to combat people smuggling and trafficking. Ministers also agreed on the following specific objectives:

- . the development of more effective information and intelligence sharing;
- . improved cooperation among regional law enforcement agencies to deter and combat people smuggling and trafficking networks;
- . enhanced cooperation on border and visa systems to detect and prevent illegal movements;
- . increased public awareness in order to discourage these activities and warn those susceptible;
- . enhanced effectiveness of return as a strategy to deter people smuggling and trafficking through conclusion of appropriate arrangements;
- . cooperation in verifying the identity and nationality of illegal migrants and trafficking victims;
- . the enactment of national legislation to criminalise people smuggling and trafficking in persons;
- . provision of appropriate protection and assistance to the victims of trafficking, particularly women and children;
- . enhanced focus on tackling the root causes of illegal migration, including by increasing opportunities for legal migration between states; and
- . assisting countries to adopt best practices in asylum management, in accordance with the principles of the *Refugees Convention*.

The co-chairs convened a senior officials' meeting (SOM) in June 2004 in Brisbane to review progress against the objectives set by Ministers, to review the outcomes of the various workshops (which sought to give practical effect to the objectives) and to discuss follow-up work and future directions for the process. (See SOM Report to Ministers at **B**.)

The SOM agreed that the two overarching goals of the ministerial conferences had 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, immigration, justice, law enforcement and women's affairs ministries. The SOM agreed that the networks developed through the Bali process had helped to create an environment in which regional operational cooperation was becoming increasingly self-sustaining (for example, through other regional or bilateral cooperation). Nonetheless significant challenges remained, including in dealing with trafficking in persons issues.

With respect to ministers' specific objectives and related activities, the SOM agreed that some areas of work had now been completed (at least in so far as they could be taken forward in a multilateral process of this kind), for example the development of

model legislation to criminalise people smuggling and trafficking in persons. The SOM also agreed that other areas of work should be taken forward bilaterally or in other forums (including to avoid duplication), for example work on refugee and asylum issues could be taken forward in the APC, although broader UNHCR involvement in the Bali process would remain important. The SOM identified a streamlined program for ongoing and new work in areas where participants judged the Bali process could add best value, notably:

- . regional law enforcement cooperation, including on border controls;
- . regional training for law enforcement officers in dealing with the victims of trafficking and in combating trafficking;
- . raising further public awareness of people smuggling and trafficking;
- . combating child sex tourism;
- . mutual assistance and extradition;
- . development of policy and/or legislation on lost and stolen passports; and
- . targeting people smugglers and traffickers.

A program of practical, capacity building activities to take forward these recommendations is now underway or being planned.

Following the SOM, the Australian and Indonesian foreign ministers wrote to counterparts and heads of relevant international organisations to advise them of the outcome of this review. They also advised that the co-chairs would be undertaking a further report in a year's time to review activities that had taken place and to seek Bali process participants' views on further directions. The need for a further SOM or ministerial meeting would be kept under review.

***3. Migration has to an increasing extent been put on the agendas of regional inter-governmental organisations, such as the EU, AU, ASEAN and Mercosur. Will RCPs continue to be important fora for informal discussions or will RCPs be subsumed by the work of these organisations? If RCPs continue to have a role, can and should their work link up directly with the work of these more formal regional and political frameworks or organisations?***

The Bali process was established to address specific regional issues through practical, flexible, non-binding arrangements. This approach has proved highly effective in the Asia Pacific region. Bali process participants come from source, transit and destination countries. Accordingly, their interest and engagement in specific activities varies. The non-binding RCP framework enables participants to engage in all aspects of the Bali process or only in those areas of direct relevance to them.

At the two ministerial conferences, Bali process participants did not support setting up a new institutional structure nor could they identify an appropriate regional forum in which all the diverse elements of the Bali process' work could be subsumed. The co-chairs see little prospect that these views will change. As noted under 2, however, the 2004 SOM clearly identified specific areas of work which might better be taken forward in other forums, to avoid duplication and focus on the Bali process on areas in which it could best add value. And the co-chairs stand ready to convene a further

ministerial conference or senior officials meeting as needed to provide political impetus and guidance to its future work.

The contribution of the Bali process to combating people smuggling and trafficking has been recognised in regional political processes, for example the 2004 joint statement of the commemorative summit between ASEAN and Australia and New Zealand. The co-chairs and coordinators remain happy to share information and otherwise engage with other relevant forums including regional inter-governmental organisations.

The experience of the Bali process demonstrates that new institutional frameworks are not required to promote effective regional cooperation on issues not covered by existing regional and/or political organisations.

***4. To what extent is there an interchange of ideas and information between different RCPs? What has been the nature and outcome of that interchange? If no or inadequate interchange exists, would more cross-regional dialogue be beneficial? If so, what purpose would it serve?***

Bali process participants have found the interchange of ideas and information between different RCPs very valuable, including in developing practical approaches to particular problems. The joint Bali-Budapest process workshop on return of unlawful migrants held in Perth in May 2004 was particularly useful in this respect.

Bali process activities—including both ministerial conferences and the SOM—have been attended by a wide range of countries and organisations within and outside the Asia Pacific region, including other RCPs. The 2004 SOM welcomed the positive engagement of non-regional countries and international organisations in the Bali process, including at practical workshops, and encouraged them to participate fully in future Bali process activities as appropriate. This approach is being reciprocated by other RCPs. For example, the Bali process (represented by the Thai coordinator) attended the Budapest process SOM in St Petersburg in October 2004. The Bali process is currently discussing a further inter-regional workshop with European participants on issues of common interest (such as document security; prevention of irregular migration, notably trafficking and smuggling, through information campaigns; and inter-agency cooperation on border management).

The co-chairing ministers circulated the SOM report and the reports of all Bali process workshops to all participating countries and organisations, including RCPs, after the SOM. Reports of all Bali process activities and practical capacity-building information (flowing from the workshops) are also available on the Bali process website, [www.baliprocess.net](http://www.baliprocess.net).

## **Attachments**

- A Report to Ministers, Senior Officials' Meeting June 2004.
- B Summary of Activities
- C Bali Process activities: funding guidelines
- D Bali Process Website flyer