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Speech presented by Adam Graycar (Director), and  
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"People smuggling: national security implications"

to the Royal United Services Institute of Australia,  
Keswick Barracks, Adelaide, February 4, 2002

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**AUSTRALIAN INSTITUTE OF CRIMINOLOGY**

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***People Smuggling: National Security Implications***

**Keswick Barracks**

**Adelaide**

**February 4, 2002**

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## **“Human Smuggling & National Security”**

The smuggling and trafficking of human beings has increased throughout the world, owing to the globalisation process and other factors. The problem is exacerbated in size and seriousness by the growing involvement of organised crime groups. The smuggling of migrants by these organised crime groups disrupts established immigration policies of destination countries and often involves human rights abuses. The large scale unregulated movement of migrants across borders is increasingly being recognised by governments as an issue with major security implications.

This talk examines the cocktail of players, the policy responses in Australia, the reforms that have been placed in train, and some of the recent international co-operative efforts. All of this is put together to give some sort of assessment of the security implications of people smuggling.

## 1. Introduction

For as long as there have been people there has been migration. People have always sought to move to better their lot. Many people have willingly sought new lives - many have had little option when faced with violence, terror or economic doom to seek a new life.

For a large number of people, somewhere else looks better. It is said that if you live in Somalia, Egypt looks pretty good. If you live in Egypt, Greece looks pretty good. If you live in Greece, Belgium looks pretty good. If you live in Belgium, Canada looks pretty good.

Of course, not everybody thinks this way, but for many, the grass is greener elsewhere, and a significant political challenge for most countries is to run an immigration program that meets that country's objectives and allows that country sovereignty over an important set of decisions – the ability to choose who may or may not enter and the right to maintain the integrity of the immigration program.

The 1993/1994 international migration population is estimated to be approximately 100 million people, about 2% of the current world population (Lohrmann cited in IOM 1995, 10).

The smuggling and trafficking of human beings has increased throughout the world, owing to the globalisation process and other factors. The problem is exacerbated in size and seriousness by the growing involvement of organised crime groups. The smuggling of migrants by these organised crime groups disrupts established immigration policies of destination countries and often involves human rights abuses. The large scale unregulated movement of migrants across borders is increasingly being recognised by governments as an issue with **major security implications**. At the European Union International Meeting in Paris in 2000, Australian Immigration Minister Philip Ruddock stated that “people smuggling represents a major threat to the international protection framework, national sovereignty and political stability”. Threats to Australia’s national sovereignty and political stability certainly represent threats to our nation’s security.

Domestic efforts to improve institutional capacity to match the technical competence of sophisticated criminals may be *limited* by a lack of resources or political will, human resistance to change, or corruption. Furthermore, domestic efforts are generally concentrated within national borders. Regional and/or international cooperation is needed to address the transnational elements of organised crime and to ensure efforts to **maintain regional and local security** are effective.

## 2. Human smuggling: overview, and the cocktail of players

Undocumented migration involves persons entering a country that is not their country of origin, without the proper authority. When migrants are assisted in this process by a third party or parties, it is generally referred to as smuggling or trafficking. There are various definitions of these terms but I will use those recently suggested by the United Nations in the Global Program Against Trafficking in Human Beings. That is:

- **Smuggling** is the procurement of illegal entry of a person into a State of which the latter person is not a national with the objective of making a profit.
- **Trafficking** is the recruitment, transportation or receipt of persons through deception or coercion for the purposes of sexual exploitation or forced labour (UN 1999, 3).

Smuggling is clearly concerned with the manner in which a person enters a country, and with the involvement of third parties who assist them to achieve entry.

Trafficking is a more complicated concept, in that it requires consideration not only of the manner in which a migrant entered the country but also their working conditions, and whether the migrant consented to the irregular entry and/or these working conditions. Trafficking and more voluntary forms of undocumented migration are best thought of as a continuum, with room for considerable variation between the extremes. It is frequently difficult to establish whether there were elements of deception and/or coercion, and whether these were sufficient to elevate the situation from one of voluntary undocumented migration, to trafficking.

In Australia, the majority of persons entering illegally are smuggled rather than trafficked. As such, I shall focus my talk on people smuggling.

## THE PLAYERS

We therefore have a cocktail of people involved in the smuggling of human beings. This cocktail has three types of ingredients:

- (i) those being smuggled (ie. immigrants)
- (ii) those smuggling them (ie. smugglers)
- (iii) those trying to prevent or penalise illegal migration (ie. law enforcement)

Each of these contain many layers of complexity. I will discuss each “ingredient” in turn.

### (i) The Immigrants

Starting with those who are smuggled. The *motivating factors* for migration are multivariate, and include both push and pull factors: eg. many wish to...

- escape from extreme poverty and unemployment;
- improve earnings and standard of living;
- escape from persecution, conflict or war;
- escape from ecological crisis or degradation (IOM 1995, 4).

Some do not have appropriate permission/documentation to go to their country of choice. Some are people desperate to escape violence and instability in their homelands. Alongside the increase in refugees and displaced persons, a dramatic rise has also been seen in the number of economic migrants, or illegal migrants seeking improved economic opportunities and lifestyles. These people see migration as one of few available courses of action to escape the consequences of overpopulation and limited opportunities for employment.

- some pay, knowing that they are acting illegally;
- some pay, having been led to believe they are acting legally, but merely jumping the queue;
- some cannot afford to pay the full amount, and are willing to work off the debt in the new country (some may be aware of the industry in which they will be working - others not so);
- some are totally unaware of what is happening to them - they have either been kidnapped and sold, or in the case of some children, sold by their impoverished families.

Some of these are victims of fraud or victims of abduction. Others are willing perpetrators of a fraud.

Despite differences between these groups of potential migrants, all help create the market for people smuggling, a service which opportunistic entrepreneurs and/or organised crime groups are happy to provide for profit. In all migrant groups, there will be some who are prepared to pay large sums of money to illegal operators and undertake dangerous journeys.

Human smuggling and trafficking also raise the issue of *human rights abuses*. Whilst stories of slave labour and violent control of illegal migrants are seldom heard in Australia as they are overseas, human rights concerns are still apparent in smuggling operations to Australia. Many are smuggled in on heavily overcrowded boats from Indonesia, some of which are unseaworthy. A number of boatloads of illegal immigrants have sunk en route to Australia, with many people thought to have drowned en route. Unfortunately, many are unaware of the dangers of the trip offered by smugglers. Many in this cocktail are both offenders and victims.

### **(ii) The Smugglers**

Increasingly, transnational organised crime groups are implicated in people smuggling operations. Involvement of these groups in people smuggling is part of a global trend. Organised crime groups function like any business ie. their motivation is profit, and they operate on business principles like taking up market opportunities, etc., the difference being that the markets they exploit are criminal/prohibited. People smuggling is seen as a low risk, high gain activity capable of generating huge profits for organisers which can then be used to finance further operations.

While not all undocumented migration is facilitated by organised crime, it is this type of smuggling operation which represents the greatest threat to Australia's security. This is because such operations are well organised and financed, tend to involve larger numbers of migrants, have local criminal connections, represent an ongoing rather than isolated threat, and have the flexibility to react to new, unforeseen situations or law enforcement action. Beare notes that some operations epitomise the sophisticated end of criminal operations. The characteristics of these operations include:

- well-equipped forgery workshops to create the essential travel documents;
- the ability to modify their operations to adapt to changing risks by using different routes, entry schemes, and conveyances;
- operation centres, accommodations, and hideouts in transit countries and potential transit countries;
- the economic wealth for substantial bribes and the best in technology;
- the contacts and networks required to secure the assistance of corrupted officials;
- diversification of criminal activities; smuggling is combined with other organised crime, illegal commodities and services; and
- an ability to use violence to obtain payments or services from the undocumented migrants (Beare 1999, 273-274).

There appear to be several flexible networks of organised crime involved in people smuggling to Australia, with a number of syndicates operating out of the Middle East and Asia. These syndicates are a major target for law enforcement agencies in Australia.

### **(iii) Law Enforcement**

The third part of the cocktail involves law enforcement officials. Those who are involved most heavily are:

- immigration authorities;
- customs authorities;
- police.

Foreign affairs officials and health welfare officials also have roles to play.

The three main law enforcement agencies in Australia involved in dealing with people smuggling and trafficking are: the Department of Immigration and Multicultural Affairs, the Australian Federal Police, and the Australian Customs Service. Each deals with a different part of the system, and as such co-operation is essential.

DIMA is tasked with managing the movement of people into and out of Australia. It maintains programs directed to the lawful and orderly entry and stay of people, settlement of migrants and refugees and their acquisition of citizenship. This includes managing the government's immigration programme, which tightly controls the entry into Australia of foreign nationals.

Customs facilitates the movement of people across the border, including processing passengers at Australian border entry points and coastal surveillance to detect and deter unlawful activity.

Both the AFP and State and Territory police enforce the criminal law and protect Australia's national interests from crime. Most relevant to people smuggling is the role of police in enforcing the Migration Act, including the arrest and charging of persons involved in people smuggling. Police are also responsible for countering and investigating organised and transnational crime.

All law enforcement agencies gather intelligence regarding people smuggling, and have overseas liaison officers. There is much cooperation between the various local law enforcement agencies, as well as international cooperation with overseas counterparts. In accordance with the "whole of government" approach taken against people smuggling, a recent innovation is the establishment of the People Smuggling Strike Team, a group of analysts and investigators from both AFP and DIMA.

The capacity of law enforcement agencies to respond is strengthened in Australia by the presence of legislation taking a strong punitive approach to people smuggling. Recent changes to the Migration Act set stronger penalties for organised people smuggling, now setting the maximum penalty at 20 years imprisonment and fines of up to \$220,000.

### **3. The Australian position**

In **Australia** there is evidence to show thousands of illegals are being smuggled here every year. Many types of routes are used by those involved in smuggling. In many countries, smuggling by land is the most common method, but is not applicable in Australia. Smuggling by sea is difficult to detect, though increased surveillance is making detection more likely. Historically, the most common transportation to Australia has been by air, arriving with false documents. Since 1999 however, there has been an explosion in the number of unlawful boat arrivals and this group represents the largest group of illegal entrants to Australia during this period.

DIMA statistics reveal that during 98-99 financial year there were in Australia 926 arrivals of unauthorised people by boat, and 2106 by air. Over the past 12 months, (2000/2001) the number of detected boat arrivals has skyrocketed to 4141 (while the number of detected air arrivals has declined to 1508). An External Reference Group on People Smuggling reported to the Federal

Government in December 1999 that the current boat arrivals are being smuggled here by highly organised criminal elements, an assertion backed up by reports from the joint AFP/DIMA People Smuggling Strike Team. This Team is investigating a number of organised smuggling syndicates who are bringing Iraqis, Turks, Afghans and Chinese nationals to Australia illegally.

### **People smuggling – a security threat to Australia?**

So far I've given an overview of what people smuggling is, how it occurs, and the players involved. I've also given some indication of the scope of the problem in Australia, which it must be noted, is smaller than in many other countries around the globe. Whilst Australia has several thousand illegal entrants each year, countries in Europe, Asia, and the US and Canada, have hundreds of thousands of illegal entrants annually. Nonetheless, recent trends show that illegal migration to Australia is on the rise.

What I want to discuss now are the various ways in which people smuggling might potentially impact upon Australia's security. The fight against people smuggling is more a law enforcement rather than a military issue, thus would not fall within narrow traditional definitions of national security. Yet in this discussion I am choosing to take a broader meaning of the concept of security, one that embraces such things as political legitimacy, economic stability, human rights, and international crime matters. The first point to recall is that transnational crime is a non-military form of threat to both national and global security. People smuggling is a clear example of transnational crime. Threats to security arising from illegal immigration are likely to take the form of threats to internal order and stability and social harmony, economic stability, and also higher-level threats to international relations and politics. It is important to note however that military conflict is unlikely to be one of the national security implications of people smuggling.

There are a number of factors which influence the level of threat posed to Australia by people smuggling. These include:

- Australia's attractiveness as a destination country for smuggling;
- the increasing involvement of organised crime in smuggling and resultant threats posed by these criminal actors and enterprises;
- influence on local ethnic tensions;
- economic threat posed by illegal migration and work forces;
- security issues related to tensions in international relations as a result of government responses to people smuggling.

These factors may all change over time.

Starting with Australia's attractiveness as a destination country for people smuggling. Australia is a close neighbour of Southeast Asia, where a number of nations are experiencing political and economic instability particularly following the recent Asian economic crisis (current examples: Fiji, Solomon Islands; historically PNG, Vietnam, China, Malaysia, Indonesia, Korea, Thailand etc). East Asia accounts for a third of the world's population, and due to increasing instability in the region is the source of significant undocumented population movements. Although much of this flow is contained within the Asian region, a significant number migrate further, including to Australia. The sheer size of the potential flood of undocumented migrants from this region is cause for concern. China alone has an estimated 100 million strong "floating population" who are seeking employment. Australia's comparative stability makes our country an attractive destination for those seeking a better opportunity. Push factors in source countries may be sufficiently strong that persons seek to come here illegally. Thus, geographic proximity coupled with our comparative

stability makes Australia a destination target for migrants (both legal and illegal) coming from or through the Asia-Pacific region.

Increased illegal immigration has flow-on effects for Australia's **economic security**. For the 99-00 year, the estimated cost to Australia of the illegal arrival of people was put at \$300 million (DIMA estimate). And the number of illegal entrants is on the rise. Our detention centres are struggling to accommodate all of the new arrivals. Of those smuggled here and living undetected in the community, undocumented cheap migrant labour and consequent avoidance of Australia's tax system has repercussions for our economy's stability, particularly in certain industrial sectors (eg. restaurant/hospitality, agricultural).

Increased illegal immigration may also impact on **social and ethnic tensions**. When one checks the source countries of those coming here illegally, many of those seeking unlawful entry to Australia are refugees fleeing oppressive regimes or wartorn nations (eg. Afghanistan, Yugoslavia and other Middle East countries) where ethnic tensions are high. Whilst some who flee seek lawful refugee entry offshore, many come without entering into these arrangements, ie. are smuggled here. An increase in the number of immigrants from highly insurgent political climates may either increase the risk that ethnic tensions will carry over into seed migrant communities existing in Australia, or the possibility that some of those fleeing to Australia will bring with them militant beliefs or cultures which may then threaten our own country's internal security. However, it should be noted that these risks are faced far less by Australia than by other countries bordering those politically unstable source countries, where tensions are likely to be much higher and more pervasive in the general community. It is likely that many legitimate refugees who come here illegally are simply wishing to escape to a safer environment and do not wish to upset Australia's security.

A more relevant outcome is a rise in social and political tensions flowing from the increase in illegal immigrants coming to Australia, then being either released into the community with little government support or being deported back to their homeland. Recent attention in the Australian press has been given to the plight of Kosovar refugees who came here illegally and the issue of whether they should be returned. This issue led to social outcry and demonstration, with some illegals going on the run to avoid being returned to Kosovo. The same occurred in response to the new Temporary Protection Visa system introduced by the Department of Immigration. Under this regime, refugees who enter Australia illegally (brought here by smugglers) are granted only temporary residence, and are not entitled to the full government support benefits that are granted "legal" refugees. This decision has led to social tension and backlash, both against the government and against the migrant community. Political dissatisfaction has emerged amongst State governments who are left to foot much of the bill for illegal refugees released from detention. Starting in June, a mass release of illegal immigrants from detention centres began, with up to 1700 being released into major population centres around Australia under temporary residence arrangements. There have been fears that the government's push to release refugees into the community would see them turn to crime or the black economy (SMH, 11 May, quoting the Federal Opposition).

Finally, there is unrest in the detention centres themselves, witnessed by hunger strikes and mass suicide threats. Community activists supporting the refugees' position have held demonstrations at detention centres and had violent clashes with guards. These events have placed the issue of the government's handling of the illegal immigration issue into stark relief, and raised community tension and concern about increasing numbers of immigrants.

A very real issue surrounding increasing illegal immigration is a political one: namely, what to do about this flood of illegal migrants. The Australian government has for many years maintained a very strictly controlled migration program which sets limits on the number of migrants who will be granted residence in Australia. Deciding who and how many people may enter the country is a fundamental aspect of national sovereignty, and control over migration is necessary to maintain the integrity of our national borders. Australia is currently experiencing the largest influx of illegal entrants in its history, and there is little indication that this flood is showing signs of abating. If the current trend in illegal arrivals continues, the number of migrants applying for residence will far exceed the intake quota. As such, the practice of people smuggling is in effect subverting government policy ie. the migration program (particularly the refugee stream). If Australia starts being perceived as being “soft” on illegal immigration by the international community, our country will continue to be targeted even more vigorously by smuggling regimes and the illegal immigration problem continue to grow. This would not only undermine the government’s immigration policy and potentially lower public support for all migrants (legitimate or not), and subvert national sovereignty and border integrity, it could also potentially threaten national security.

**National security** is threatened by people smuggling in the following ways:

**First**, illegal entrants are not scrutinised against immigration’s character requirements. Thus “undesirables” or persons posing threats to national security are not screened out offshore, but may enter the country undetected, or if they arrive by boat with no identification papers, their identity is very difficult to ascertain and thus their threat to security is unknown.

**Second**, illegals may come from countries whose political and cultural climate are very different to our own, eg. ethnic tension, violence, religious or political fundamentalism. Insurgency action may be the norm in source countries. It is possible that in some cases, illegals may find it difficult to adapt to our culturopolitical climate and may continue with their own cultural/political practices which may be inappropriate in Australia and may pose concern in terms of local security and ethnic tension.

**Third**, there are some rumours of terrorists or persons of concern posing as refugees to enter Australia illegally and unidentified – to minimise this threat, AFP and ASIO are involved in detainee interviewing at detention centres. There have been allegations of war criminals being among recently arrived refugees in detention. This also happened after World War II. A greater risk is that clever individuals who are “clued in” to Australia’s migration practices and seeking illegal migration, who know that they would not meet Australia’s strict skilled or family-based criteria, might then pose as refugees and seek to subvert the legitimate migration requirements in this manner.

**Fourth**, one of the most serious threats to Australia’s security stems from the increasing involvement of **criminal syndicates** in smuggling people to Australia. The flexibility and opportunistic nature of such criminal organisations is such that they tend to branch into other criminal markets once established in one. In other words, syndicates that are currently smuggling people to Australia may also expand their smuggling to other commodities such as drugs, arms, or anything else profitable. This may be facilitated if routes, arrangements and personnel are already in place and armed with local knowledge and criminal connections. Thus what on the surface appears merely to be a people smuggling problem can in reality have the potential to represent a much broader potential threat to Australia. Although evidence is limited, police investigations into people smuggling syndicates suggest some links between people smuggling and drug smuggling

operations, with evidence strongest for smuggling organised by Middle Eastern syndicates. Organised people smuggling rackets have organisers or contacts within Australia who handle the local end of dealings in Australia, and they are likely to pose local criminal threats.

One final important aspect of Australia's security policy (other than our defence policy) concerns our **international relations/interactions**. This includes international relations concerning issues of illegal migrants, refugees, etc. Australia's security will be enhanced by promoting strong security ties with other countries. Australia has made steps towards this through participation in international fora such as CSCAP (Council for Security Cooperation in the Asia Pacific) and ASEAN, as well as through Ministerial delegations to nations which are major source and transit countries for illegal immigrants, aimed at increasing international cooperation. Agreements concerning international responses to illegal immigrants form part of this. For instance, Australia and China have a bilateral informal agreement that China will accept the return of PRC boatpeople; Australia and Indonesia have developed cooperative relations aimed at reducing transit of migrants through Indonesia en route to Australia.

Security will be hindered where there is tension between governments on illegal immigration issues, or problems in intergovernmental cooperation. A recent example of this was seen in the aftermath of the recent tragedy in Dover, where 58 Chinese illegals died in a container truck while attempting undetected entry to the UK – Britain and China subsequently refused entry to each other's officials to investigate the deaths (to read more on this, check out <http://www.wjin.net/html/news/5292.htm>). Unfortunately, intergovernmental cooperation is likely to be most difficult in exactly the cases where it is most needed. For instance, the majority of illegal entrants to Australia in recent times have come from the Middle East. However, return of illegal entrants to Iraq and Afghanistan are very difficult to make (not just for Australia) and bilateral return agreements are very difficult to establish. At present there seems little that can be done about this difficult issue.

### **The Reforms – dealing with people smuggling to reduce the threats to Australia's security**

The Australian government has taken a number of innovative steps to deter organisers from participating in human smuggling and trafficking. The theory is to make human smuggling and trafficking a high risk, low gain activity, so that organised crime groups will be deterred from undertaking such activity. By reducing the incidence of this criminal activity, this will effect a flow-on reduction in the level of security threat posed by people smuggling.

Recent legislative initiatives include the introduction of:

- Stricter penalties for the offence of "organised people smuggling".
- The offences of "slavery" and "sexual servitude".
- Increased investigatory powers for Customs and Coastwatch

### **"Organised People Smuggling"**

An offence of "organised people smuggling" has been enacted under the Migration Act. The maximum penalties for this offence have recently been increased to 20 years imprisonment and fines of up to \$220,000. Previously, prosecutors and judges were frustrated by legislation that only permitted penalties of up to 2 years imprisonment. This penalty was not proving to be a significant deterrent for people smugglers, when weighed up against the huge financial incentives involved. The increase in penalties for this offence has meant increasing police focus on this activity. Prior to these amendments, limits to police resources and the need to focus on "major penalty" crimes

meant police tended to only focus on the small # of cases of people smuggling involving smuggling of women to work illegally in the sex industry in Australia.

### **"Slavery and Sexual Servitude"**

The law in Australia was recently amended, to include statutory offences of "slavery" and "sexual servitude" (Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999, came into force 21 September 1999). This legislation targets those employing migrants under virtual slave labour conditions, particularly those working in the sex industry. Under Australia's Federal system of government, it is necessary to have both Commonwealth and State offences. The Commonwealth law targets slavery, sexual servitude and deceptive recruiting with an international connection. It is proposed that the States and Territories will introduce equivalent legislation, to allow them to target local cases of deceptive recruiting and sexual servitude, where there is no known overseas connection.

### **Increased Powers for Customs and Coastwatch**

Important legislation has recently been passed which strengthens Australia's maritime investigatory and enforcement powers against both Australian and foreign flag vessels. Known commonly as the Border Protection Bill, this legislation amends various sections of the Migration Act, and extends the jurisdiction of Australian Customs Service, allowing officials to pursue, board and detain suspect vessels in international waters if the vessel was involved in breach of legislation including Migration Act. They also have increased powers of detention, search and questioning of people aboard vessels suspected of having committed offences against the Migration or Customs Acts.

## **4 . Global initiatives to combat human smuggling**

People smuggling is a transnational crime; as such, initiatives to combat this problem must also be transnational. Australia is actively engaged in international fora as part of its fight against people smugglers. Australia was represented at the 10<sup>th</sup> UN Crime Congress in April 2000, where the Vienna Declaration was adopted. One of the principles adopted in this Declaration was a commitment by represented countries to developing more effective ways of collaborating with a view to eradicating smuggling and trafficking of migrants. The Minister for Immigration, Philip Ruddock, has completed several anti-people smuggling tours, aiming to promote international cooperation in the fight against people smuggling, including an address to the EU International Meeting on illegal immigration.

Australia's former Minister for Justice and Customs, Senator Vanstone, participated in the Asia-Pacific Ministerial Seminar on capacity-building to fight Transnational Organised Crime, held in Bangkok in March 2000. Twenty countries from the region were represented. The result of the Seminar was a Joint Ministerial Statement, which emphasised concern over the rise in transnational organised crime and the resultant threats to the economic prosperity and stability of the region, and the importance of inter-governmental cooperation in combating transnational organised crime. Firm support was shown for finalising the draft UN Convention against transnational organised crime and its optional Protocols targeting Migrant Smuggling and Trafficking of persons, especially women and children.

### **The Draft UN Convention against Transnational Organised Crime and its Protocols**

The United Nations is concerned about the human rights violations involved in traditional and modern forms of slavery, such as trafficking in persons, and especially trafficking in women and children. The suppression of slavery, whether in the form of the classical slave trade, or the so-called modern forms of slavery and slavery-like practices, is one of the longest-standing objectives of the United Nations. Moreover, new instruments are currently being developed to prevent and combat all forms of smuggling and trafficking in human beings, and to promote the fight against transnational organised crime involved in trafficking networks.

By Resolution 53/111 of 9 December 1998, the General Assembly established an Ad Hoc Committee open to all States for the purpose of elaborating a new international Convention against Transnational Organised Crime (the draft Convention), and to elaborate three additional instruments. Two Protocols are expressly devoted to reinforcing international cooperation against the smuggling of migrants and trafficking in human beings. The focus of the Optional Protocol relating to trafficking in migrants is on the prevention and suppression of smuggling of migrants by sea, with special attention being paid to the distinction between the criminalisation of trafficking and the protection of victims of that activity (UN General Assembly 1999, 4). The focus of the Protocol on trafficking in persons is on trafficking in women and children.

### **The UN Global Program**

In order to better enable governments and the international community to respond to the worldwide problems of human smuggling and trafficking, the United Nations Office for Drug Control and Crime Prevention (UNODCCP) in March 1999 launched the Global Program Against Trafficking in Human Beings. The Program aims to bring to the forefront the involvement of organised crime groups in human smuggling and trafficking, and promote the development of effective criminal justice responses to these problems. The Global Program is now developing standardised research methodology and coordinating research in the various projects to be carried out.

The Global Program will collect data on different routes for smuggling and trafficking human beings, and the structures and modalities used for transporting and subsequently exploiting them. The Australian Institute of Criminology is involved in this project. A global inventory of best practices used in addressing organised crime involvement in smuggling and trafficking, including special legislation and institutional arrangements, is being created.

In close cooperation with respective governments, NGOs and other institutions concerned, a series of "demonstration projects" will be developed in selected countries. The demonstration projects will assist governments in:

- Counteracting groups involved in human smuggling and trafficking.
- Strengthening crime prevention strategies against the smuggling and trafficking of humans.
- Improving victim witness protection and victim assistance for victims of human smuggling and trafficking.

The processes, impacts and possible side effects of the demonstration projects will be evaluated in close cooperation with national counterparts. By the end of the three-year Program, a global strategy against human smuggling and trafficking will be formulated in close consultation with relevant national and international organisations and experts, and presented for adoption by the international community at a global forum. Australia is an active participant in the Global Programme, contributing research expertise, and is currently involved in the Demonstration Project

in the Philippines. This will be followed by research into the smuggling and trafficking of Filipinos to Australia.

## **CONCLUSION**

The recent rapid acceleration in the rate of people smuggling to Australia is a matter of real concern to Australia. Recent interceptions of vessels attempting to smuggle people to Australia have highlighted the increasing sophistication of people smuggling operations, and the involvement of organised crime groups in this activity. This spread of the activities of organised criminal elements and the rise in people smuggling to Australia poses a threat to the nation's security, in a number of ways. These include threats to economic security; a rise in social, ethnic, and political tensions; subversion of government policy, national sovereignty and border integrity; the challenge to national security posed by organised crime; and international tension over illegal migration issues. The threats posed by people smuggling are enhanced by Australia's attractiveness as a destination country given our comparative stability and proximity to other countries in the Asia-Pacific region.

The Federal government has implemented legislation and various policies to address the issues of human smuggling and undocumented migration generally. It is likely that these will have 'flow-on' effects to minimise the incidence of human smuggling. Human smuggling is, however, a transnational activity. As such, it cannot be stopped by the activities of one country alone. Domestic efforts to stem the activities of smugglers will have little effect without the cooperation of origin and transit countries. International cooperation is essential to combat human smuggling and reduce threats to local and global security stemming from this practice.