

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 28 MAY 2009

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(44) Program 3.1: Border Management

Senator Fierravanti-Wells (L&CA 56) asked:

Provide a copy of the communiqué from the Bali Regional Ministerial Conference.

Answer:

A copy of the communiqué from the Bali Regional Ministerial Conference is at Attachment A.

**THIRD BALI REGIONAL MINISTERIAL CONFERENCE
ON PEOPLE SMUGGLING, TRAFFICKING IN PERSONS
AND RELATED TRANSNATIONAL CRIME
BALI, INDONESIA, 14-15 APRIL 2009**

CO-CHAIRS' STATEMENT

I. General Principles

1. We, the Foreign Ministers of Indonesia and Australia, had the honour to Co-Chair the Third Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali, Indonesia on 14-15 April 2009, attended by Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, India, Iraq, Japan, Kiribati, Lao PDR, Malaysia, Maldives, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Palau, Papua New Guinea, the Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Timor-Leste, Turkey, Vanuatu and Vietnam, as well as the United Nations High Commissioner for Refugees and Director General of the International Organization for Migration.
2. Austria, Canada, Norway, Russian Federation, South Africa, Spain, the Netherlands, the United States of America, World Bank, UNODC, UNDP, Interpol, IFRC, ASEAN Secretariat and APC attended as observers.
3. Ministers recalled the second Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali from 28-30 April 2003, and took note with appreciation of the ongoing activities and achievements of the Bali Process since that date. Ministers reaffirmed the general principles on combating people smuggling, trafficking in persons and related transnational crime, as outlined in the Co-Chairs' Statement from the second Bali Regional Ministerial Conference.
4. Ministers reaffirmed their strongest support for a continuing commitment to combating people smuggling and trafficking in persons. Ministers acknowledged that people smuggling and trafficking, as with all forms of transnational crime, continued to present a threat to the integrity of regional border security processes and procedures, and undermined the ability of regional States to manage migration.
5. Ministers also acknowledged that people smuggling and trafficking in persons posed a threat to various groups of vulnerable people. They expressed particular concern at illegal means of transporting smuggled and trafficked persons, including illegal maritime ventures, which put the lives of those being smuggled or trafficked at very considerable risk. Ministers acknowledged that trafficked persons are victims, especially women and children, and need protection and assistance through victim support, rehabilitation and reintegration.
6. Ministers expressed their concern that transnational criminal organisations continue to profit from the smuggling and trafficking of human beings, with disregard for the safety or human rights of those being smuggled and trafficked. Ministers agreed that people smugglers and traffickers operated without regard to international human rights principles and instruments or national legal frameworks.

7. Ministers underlined the importance of source, transit and destination countries increasing efforts to combat people smuggling and trafficking in persons, including by enhancing national legislation to criminalise these activities. Ministers agreed on the need for strong national legislation criminalising these activities, coupled with strong law enforcement mechanisms and intensified cooperation in the prosecution of these activities in accordance with domestic law and international human rights principles. Ministers also agreed on the importance of a victim-centred approach to law enforcement, especially in relation to trafficking in persons, which can only enhance prosecution and prevent re-victimisation.

8. Ministers noted that enhanced regional cooperation, including extradition of people smugglers and traffickers, would help dismantle criminal networks and reinforce regional efforts to counter the illegal trade in persons.

9. Ministers agreed that cooperation should be based on an acknowledgment that each State had 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.

10. Ministers recognised that people smuggling, trafficking in persons and irregular movement of people were global issues involving source, transit and destination countries. Ministers underlined that in addressing these issues Members could not work in isolation, and needed the support and cooperation of other Members and concerned stakeholders, including civil society, to counter effectively people smuggling and trafficking in persons. Ministers affirmed that the countries of the Asia-Pacific region could make an important contribution to combating these transnational criminal activities.

11. Ministers encouraged enhanced sharing/exchange of information, including intelligence, and communication between source, transit and destination countries with a view to strengthening coordination to target effectively and consider increasing penalties to people smugglers and human traffickers. They agreed that the Bali Process had made an important contribution to this enhanced coordination and communication.

12. Ministers acknowledged the regional efforts undertaken to date to detect and deter the activities of criminal networks engaged in people smuggling and human trafficking.

13. Ministers affirmed that the root causes of movements within the region, particularly those involving people smuggling and trafficking in persons, were numerous and multi-dimensional, involving economic, social and political aspects. Ministers reaffirmed that poverty, economic disparities, labour market opportunities, conflict, and insecurity were major causes contributing to the continuing prevalence of people smuggling and human trafficking both globally and regionally. Ministers recognised that these problems should be addressed cooperatively and comprehensively including, inter alia, through promoting human security.

14. Ministers noted that while the impact of the current global economic crisis was yet to be fully realised, it had the potential to create greater incentives for people to seek economic opportunities outside of their own national borders, thereby stimulating increased recourse to people smugglers and traffickers in persons.

15. Ministers noted that information sharing is an important factor in combating transnational crimes such as people smuggling and trafficking persons. Ministers noted that the Bali Process website (www.baliprocess.net/) plays an important part as a valuable capacity building tool for regional countries.

16. Ministers recognised the need for development support in countries of origin, which could help strengthen governance and sustainable development and address some of the underlying factors which made individuals more vulnerable to irregular migration. Ministers emphasized that encouraging the creation of opportunities for legal channels of migration would help address irregular migration and the activities of people smugglers and human traffickers. They underlined the continuing need for the Bali Process to contribute, through workshops, seminars and other forms of engagement, to enhance capacity to address the challenge of people smuggling and human trafficking among its membership.

17. Ministers noted with appreciation that since they previously met several regional countries had signed and/or ratified the United Nations Convention against Transnational Organised Crime and the Protocols thereto. Ministers encouraged those countries that had not yet done so also to consider the benefits of signing and ratifying the Convention and its Protocols.

18. Ministers, while acknowledging that this Conference had not been convened to deal directly with the issue, noted that they would use their best endeavours to deal with the issues of refugees, particularly those based on humanitarian grounds. Ministers reaffirmed that nothing in this statement was intended to prejudice the legitimate rights of genuine refugees to seek and enjoy asylum in accordance with relevant UN Conventions and Protocols to which States are party, national law and practices.

19. Ministers highlighted the cooperation available from IOM and UNHCR, consistent with their respective mandates, to assist in the follow-up work arising from the Bali Process.

20. Ministers reaffirmed the high value they placed on the work of IOM and UNHCR and other relevant international organisations and fora, such as those represented in an observer capacity at this Conference.

21. Ministers noted that all countries, including origin, transit and destination countries, according to their national laws and national policies, could use their endeavours to play a part in ensuring protection and in finding solutions for refugees, while providing for return in a dignified and humane manner for those found not to be refugees. Indeed, for return to be sustainable, mobilization of international support and cooperation would be required. Ministers recognised that improving the availability of comprehensive and sustainable solutions for refugees might reduce the pressure for onward secondary movement and thereby complement the international community's efforts comprehensively to combat people smuggling, trafficking in persons and related transnational crime.

22. Ministers noted that people smuggling and trafficking in persons was only one side of the multi-dimensional aspects of migration and that these forms of irregular migration had to be viewed in the bigger context of migration and development.

23. Ministers noted that the Bali Process after seven years since its inception could now be taken to its next level by being in the forefront of Regional Consultative Processes (RCPs)

and global fora such as the Global Forum on Migration and Development (GFMD) in Manila, in October 2008.

24. Ministers noted with appreciation that Thailand would host the first consultative Processes on migration in June 2009, organized by the International Organization for Migration (IOM), and that its results would be presented at the 3rd Meeting of the Global Forum on Migration and Development in Athens in November this year.

Future Activities

25. Ministers at the Third Bali Regional Ministerial Conference considered that the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) had now reached a point of maturity where it was timely to take a new step in its development.

26. Noting the persistence of current situations concerning the irregular movement of people in the Asia-Pacific region, Ministers considered that the Bali Process was well positioned to assist affected countries upon request. To this end, Ministers agreed that the Ad Hoc Group (AHG) mechanisms used during the establishment phase of the Bali Process be retasked to develop regional responses to these current challenges.

27. Accordingly, Ministers requested the Co-Chairs of the Steering Group to make available the retasked AHG to address comprehensively particular situations on a case-by-case basis upon the request of affected countries. The Steering Group would draw participation for the AHG from the most-affected countries as well as relevant international organisations, and report developments to the wider membership of the Bali Process as appropriate.

28. The AHG would have the following terms of reference: (a) to develop practical outcomes at the operational level to assist countries to mitigate increased irregular population movements; (b) to enhance information sharing arrangements between most-affected countries; and (c) to report to Co-Chairs through the Steering Group with concrete recommendations to inform future regional cooperation on people smuggling and trafficking in persons.

29. The Co-Chairs, in association with the Steering Group, would oversee the work of the AHG and would report to the next Ministerial Conference and/or Senior Officials Meeting of the Bali Process.

30. Finally, Ministers acknowledged with gratitude the host Government of Indonesia for the excellent arrangements that were made for the Conference and the people of Bali for their generous hospitality.