

**FOURTH BALI REGIONAL MINISTERIAL CONFERENCE  
ON PEOPLE SMUGGLING, TRAFFICKING IN PERSONS  
AND RELATED TRANSNATIONAL CRIME**

**BALI, INDONESIA, 29-30 MARCH 2011**

**CO-CHAIRS' STATEMENT**

**I. General Principles**

1. We, the Foreign Ministers of Indonesia and Australia, had the honour to Co-Chair the Fourth Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali, Indonesia on 29-30 March 2011, attended by Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Fiji, Indonesia, Iran, Iraq, Lao PDR, Malaysia, Maldives, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Timor-Leste, Vanuatu, and Viet Nam, as well as the Office of the United Nations High Commissioner for Refugees and the Director General of the International Organization for Migration.

2. Canada, Italy, The Netherlands, Russian Federation, Spain, United States of America, ASEAN Secretariat, ILO, International Federation of Red Cross and Red Crescent Societies (IFRC) and UNODC attended as observers.

3. Ministers recalled the Third Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali on 14-15 April 2009, 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 Third Bali Process Ministerial Conference.

4. Ministers acknowledged that 2012 marks the ten-year commemoration of the First Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in Bali on 26-28 February 2002. In this context, Ministers highlighted the important achievements reached through cooperation by States within the context of Bali Process mechanisms and reaffirmed their strong and ongoing commitment to combating people smuggling and trafficking in persons. Ministers affirmed that people smuggling and trafficking in persons are related but distinct crimes, and that each requires a targeted response.

5. Ministers underlined the importance of all States increasing efforts to combat people smuggling and trafficking in persons, and agreed on the need for enhancing and implementing strong national legislation to criminalise these activities and confiscate the proceeds of crime derived from the criminal activity; renewing efforts towards building greater consistency in legal regimes; strengthening law enforcement mechanisms; and intensifying

cooperation in the prosecution of these activities in accordance with domestic law and international human rights principles.

6. Ministers noted the large number of irregular migrants moving through the region and expressed concern about the risks to the lives and human rights of those being smuggled and trafficked. Ministers noted with concern the large number of lives lost due to the actions of smugglers and traffickers.

7. Ministers agreed that while border control and law enforcement initiatives are important and effective measures to combat people smuggling and trafficking in persons, these measures alone are not sufficient and that practical cooperative solutions that also address humanitarian and protection needs are required.

8. Ministers acknowledged that the root causes of movements within the region were numerous and multi-dimensional, involving economic, social and political aspects. Ministers also acknowledged 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. In addition, Ministers noted that differences in treatment and access to permanent outcomes for asylum seekers contributed to onwards movement.

9. Ministers recognised the need for development support in countries of origin to help strengthen governance, enhance sustainable development, and address some of the underlying factors which made individuals more vulnerable to irregular migration.

10. Ministers highlighted that trafficking in persons in particular was an issue of ongoing concern to many countries in the region. Ministers supported efforts to strengthen, in appropriate cases and to the extent possible under domestic laws and policy, domestic measures to prevent trafficking in persons and to investigate and punish perpetrators. Ministers acknowledged that trafficked persons are victims and encouraged States to enhance efforts to provide appropriate protection and assistance to victims of trafficking, including through rehabilitation, reintegration and victim support. Noting the particular vulnerability of victims of trafficking, especially women and children, Ministers agreed on the importance of promoting a victim-centred approach to law enforcement, in relation to trafficking in persons for identified victims of trafficking, in order to enhance prosecution and prevent re-victimisation.

11. Ministers agreed that cooperation should be based on an acknowledgement 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.

12. 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.

## **II. Review of Progress since the Third Bali Regional Ministerial Conference**

13. Ministers welcomed the Progress Report of the Co-Chairing Ministers on activities of the Bali Process, including of the Ad Hoc Group, since the Third Ministerial Conference. Ministers recalled the decision at the Third Bali Regional Ministerial Conference to re-task the Ad Hoc Group mechanism to develop regional responses to current challenges. Ministers endorsed the Co-Chairs' statements from the Ad Hoc Group Senior Officials' Meeting and the Bali Process Senior Officials' Meeting held on 9 and 10 March 2011 respectively, and welcomed the Ad Hoc Group Co-Chairs' Report.

14. Ministers commended the valuable and constructive work of the Ad Hoc Group, including the outcomes of the workshop on Protection, Resettlement and Repatriation held in Bali in June 2010 and the workshop on Regional Cooperation on Refugees and Irregular Movements held in Manila in November 2010.

## **III. Decisions and Recommendations on Future Activities**

15. Ministers underlined the collective responsibility of source, transit and destination countries in responding to complex migratory movements, noting that a cooperative framework approach would offer an opportunity to accommodate the interests of all States involved, consistent with applicable international standards.

16. Ministers agreed that an inclusive but non-binding regional cooperation framework would provide a more effective way for interested parties to cooperate to reduce irregular movement through the region. Ministers agreed to a regional cooperation framework underpinned by the following core principles:

- i. Irregular movement facilitated by people smuggling syndicates should be eliminated and States should promote and support opportunities for orderly migration.
- ii. Where appropriate and possible, asylum seekers should have access to consistent assessment processes, whether through a set of harmonised arrangements or through the possible establishment of regional assessment arrangements, which might include a centre or centres, taking into account any existing sub-regional arrangements.
- iii. Persons found to be refugees under those assessment processes should be provided with a durable solution, including voluntary repatriation, resettlement within and outside the region and, where appropriate, possible "in country" solutions.

- iv. Persons found not to be in need of protection should be returned, preferably on a voluntary basis, to their countries of origin, in safety and dignity. Returns should be sustainable and States should look to maximise opportunities for greater cooperation.
- v. People smuggling enterprises should be targeted through border security arrangements, law enforcement activities and disincentives for human trafficking and smuggling.

17. Ministers further agreed that the regional cooperation framework could be operationalised through interested States entering into practical bilateral or other sub-regional arrangements to enhance the region's response to irregular movement, consistent with the principles at paragraph 16 and guided by the considerations at paragraph 19. States could opt into any such arrangements on a voluntary basis.

18. Ministers also agreed that due to the large scale of irregular movement in the region, a regional framework could address initially a selected caseload or caseloads, and that participating States should seek to enter into arrangements which would ensure that persons in that caseload are dealt with in accordance with the processes established under the framework.

19. Ministers agreed that in developing and implementing practical arrangements participating States should be guided by the following considerations:

- i. Arrangements should promote human life and dignity.
- ii. Arrangements should seek to build capacity in the region to process mixed flows and where appropriate utilise available resources, such as those provided by international organisations.
- iii. Arrangements should reflect the principles of burden-sharing and collective responsibility, while respecting sovereignty and the national security of concerned States.
- iv. Arrangements should seek to address root causes of irregular movement and promote population stabilisation wherever possible.
- v. Arrangements should promote orderly, legal migration and provide appropriate opportunities for regular migration.
- vi. Any arrangements should avoid creating pull factors to, or within, the region.
- vii. Arrangements should seek to undermine the people smuggling model and create disincentives for irregular movement and may include, in appropriate circumstances, transfer and readmission.
- viii. Arrangements should support and promote increased information exchange, while respecting confidentiality and upholding the privacy of affected persons.

## ***Future Activities***

20. Ministers agreed to reinvigorate cooperation on practical measures and activities aimed at increasing the capacity of States to address trafficking in persons, including giving consideration to issues of victim assistance and protection. In this regard, Ministers welcomed further Bali Process initiatives being planned to augment cooperation on countering trafficking in persons, including consideration by regional technical experts of practical measures to protect and assist victims, prosecute perpetrators of the crime, and prevent trafficking in persons.

21. Ministers agreed on the importance of border integrity and law enforcement cooperative measures as a core component of Bali Process work and welcomed planned initiatives, including on mutual legal assistance, immigration aspects of airport security, document examination and maritime safety in the context of irregular maritime ventures.

22. Ministers agreed to strengthen engagement on information and intelligence sharing underscoring the high value and utility that would derive from enhanced information sharing. In this regard, Ministers welcomed assistance from UNODC in establishing a voluntary reporting system on migrant smuggling and related conduct in support of the Bali Process, and welcomed the broadening of the Regional Immigration Liaison Officer Network (RILON) concept to include other Bali Process member countries, to establish other new regional RILON teams, and to invite other like-minded non-Bali Process countries to participate on a case by case basis, as determined by the Steering Group.

23. Ministers tasked officials from Ad Hoc Group countries and other interested countries to operationalise the regional cooperation framework in conjunction with UNHCR and IOM as appropriate through bilateral and multilateral arrangements. In this regard, the UNHCR paper on a regional cooperative approach to address refugees, asylum seekers and irregular movement, presented at the Workshop on Regional Cooperation and Irregular Migration in Manila on 22 to 23 November 2010, was seen as a useful foundation for operationalising the framework, particularly the three regional support functions.

24. Ministers agreed that the Ad Hoc Group be retained as an effective mechanism through which to develop and pursue concrete recommendations to inform future regional cooperation on people smuggling, trafficking in persons and irregular movements generally for consideration and deliberation at future Bali Regional Ministerial Conference and Senior Officials' Meeting. Pursuant to Ministers' original direction to the Steering Group to draw participation for the Ad Hoc Group from the 'most affected countries', Ministers agreed that the Ad Hoc Group be expanded, as determined by the Steering Group, to other interested Bali Process members and participants.

25. Ministers requested the Co-Chairs of the Steering Group make available the Ad Hoc Group as a forum for participating States to share their experiences and knowledge flowing from arrangements implemented

under the regional cooperation framework. Ministers also asked the Ad Hoc Group to focus on ways to harmonise processes for dealing with irregular flows in the region, including through measures to enhance the collection of information necessary to establish a claim for protection; improved information sharing between States on irregular migration; the identification of persons and their referral to appropriate channels for processing; and processes and procedures for the return of persons to their countries of origin where they are found not to be in need of international protection, including the support provided to those persons to assist with reintegration.

26. Ministers welcomed the Ad Hoc Group-initiated research project establishing an information base on regional approaches to protection, resettlement and repatriation, and the proposed workshop to deliver the results of the research and to consider how this research might be used to inform regional framework activities.

27. Ministers agreed that the Co-Chairs of the Steering Group will report to Ministers on the operation of any arrangements implemented by participating States under the regional cooperation framework, including providing advice on further opportunities for cooperation.

28. Ministers tasked the Co-Chairs, with the assistance of the Steering Group, to continue to develop and implement proposals for targeted activities and initiatives of cooperation under the Bali Process consistent with this statement and subject to available resources.

29. Ministers highlighted the cooperation available from IOM, UNHCR, and UNODC consistent with their respective mandates, to assist in the implementation of initiatives arising from the Bali Process.

30. 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.

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.