

Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime
Co-Chairs' Statement
26–28 February 2002

1. We, the Foreign Ministers of Indonesia and Australia, had the honour to co-chair the Ministerial Regional Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali, Indonesia, 26-28 February, attended by Afghanistan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic Republic of Korea, Fiji, France, India, Iran, Japan, Jordan, Kiribati, Laos, Malaysia, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Turkey, UNTAET/East Timor, Vanuatu and Vietnam, as well as the Director-General of the International Organisation for Migration and the Assistant United Nations High Commissioner for Refugees.
2. Austria, Belgium, Canada, Denmark, Finland, Germany, Italy, Netherlands, Norway, Russian Federation, Spain, Sweden, Switzerland, United Kingdom of Great Britain and the United States of America, the Association of South-East Asian Nations Secretariat, the Pacific Islands Forum Secretariat, European Union, UNDP, World Bank, Asian Development Bank, IGC, INTERPOL, International Committee of Red Cross, International Federation of Red Cross, International Labour Organization, United Nations Office of Drug Control and Crime Prevention attended as observers.
3. Ministers acknowledged the human rights dimensions of the problems of people smuggling and trafficking in persons, particularly women and children, and underlined that illegal movements were growing in scale and complexity worldwide, including in the Asia Pacific Region.
4. Ministers shared the view that these flows were creating significant political, economic, social and security challenges, and that journeys were undertaken without respect for either national sovereignty or borders.
5. Ministers noted with concern that many of the smuggling and trafficking activities were being orchestrated by criminal networks that were also involved in the trafficking of narcotics, document fraud, money laundering, arms smuggling and other transnational crimes. They expressed deep concern about possible links between terrorist elements and people smuggling and trafficking operations and that these activities were now rivalling narcotics in profitability.
6. Ministers were concerned that people smugglers and traffickers in persons could undermine the rule of law in States in which they were active and undermine the integrity of institutional frameworks that were an essential basis for sustainable development.
7. Ministers underlined that people smuggling and trafficking in persons were reprehensible criminal activities that fed on the hopes and aspirations of

people and frequently infringed basic human rights and freedoms. They were lucrative activities, involved little risk for the smugglers or traffickers, but which endangered peoples' lives.

8. Ministers recognized that the increase in all forms of illegal migration, including overstayers and those who sought to bypass regular migration channels without resorting to smuggling networks, posed a threat to the management of countries' regular migration programs and eroded States' capacity to protect their borders, regulate migration and safeguard their citizens.

9. Ministers expressed the view that States should, within the framework of their international obligations and domestic laws, provide appropriate protection and assistance to the victims of traffickers of people, particularly women and children.

10. Ministers affirmed that the root causes of people smuggling and trafficking in persons were numerous and multi-dimensional, involving economic, social and political aspects. They reaffirmed that poverty, economic disparities, labour market opportunities and conflict were major causes contributing to the global increase in people smuggling and trafficking in persons. Ministers recognised that these problems should be addressed cooperatively and comprehensively.

11. Ministers emphasised that it was very difficult for any individual State to counter people smuggling and trafficking in persons effectively without the support of other States. Ministers underscored that there was a strong shared regional interest and common purpose in cooperating to combat these criminal activities. They expressed their firm political commitment to build on existing agreements and efforts and strengthen States' capacity to respond, collectively and individually, to the threats posed by people smuggling, trafficking in persons, other forms of illegal migration and related transnational crime.

12. Ministers stressed that while people smuggling, trafficking in persons and other forms of illegal migration were global problems involving source, transit and destination countries, which required comprehensive international action, the Asia-Pacific region could make an effective and important contribution to combating these criminal activities. Ministers urged all regional countries to cooperate in combating people smuggling and trafficking in persons.

13. Ministers acknowledged the regional efforts undertaken so far to combat the activities of networks engaged in people smuggling and trafficking in persons.

14. They noted the relevance of the Bangkok Declaration on Irregular Migration and other similar policy statements, as well as the variety of regional institutions and processes that exist in the parts of the world represented by participating governments. They welcomed the ongoing work of the Asia Pacific Consultations on Refugees, Displaced Persons and Migrants, and the

existing ASEAN mechanisms in combating people smuggling, trafficking in persons and related transnational crime.

15. Ministers noted that the United Nations Convention Against Transnational Organised Crimes and the Protocols thereto were international instruments for preventing, criminalising and combating people smuggling and trafficking in persons. Ministers agreed that individual countries should consider the benefits of signing and ratifying the Convention and its Protocols.

16. Ministers underlined their strong commitment to developing practical cooperative measures to prevent, intercept and disrupt people smuggling, trafficking in persons and other forms of illegal migration.

17. Ministers agreed that, subject to domestic laws and according to their respective national circumstances, they would work towards:

- developing more effective information and intelligence sharing arrangements within the region to obtain a more complete picture of smuggling and trafficking activities and other forms of illegal migration.
- improving the cooperation of law-enforcement agencies to enhance deterrence and to fight against illegal immigration networks.
- enhancing cooperation on border and visa systems to improve the detection and prevention of illegal movement.
- increasing public awareness of the facts of smuggling and trafficking operations to discourage those considering illegal movement and to warn those susceptible to trafficking, including women and children.- enhancing the effectiveness of return as a strategy to deter illegal migration through the conclusion of appropriate arrangements.
- cooperating in verifying the identity and nationality of illegal migrants, in a timely manner.

18. Ministers agreed that an important strategy to deter and prevent these activities would be to adopt and strengthen legislation, as appropriate, that specifically criminalises people smuggling and trafficking in persons.

19. 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.

20. Ministers acknowledged that illegal migrants potentially were both offenders of laws and victims. Ministers deplored the inhumane practices of smugglers and traffickers and their lack of regard for human suffering.

21. Ministers urged the international community to assist source countries to address the root causes of the illegal movement of people by providing emergency aid, development assistance, direct support programs for displaced persons and to address the plight of refugees. They agreed on the need for international support for capacity building programs to achieve

sustained economic growth and sustainable development and for assistance to countries with large refugee populations. Ministers emphasised that consideration should also be given to encouraging more opportunities for legal channels of migration including access to the international labour market.

22. Ministers agreed that the region should improve its technical capacity to respond to the challenges posed by people smuggling, trafficking in persons, including women and children, and other forms of illegal migration. Ministers reaffirmed commitment to exploring cooperative measures to strengthen technical capacity among countries in the region to enable them to develop more effective legal structures and policy measures to combat this problem

23. Ministers agreed to establish a follow-up mechanism involving ad hoc meetings of experts, with the voluntary participation of officials from respective countries, to take concrete steps to implement the recommendations of the Regional Conference, and coordinate action that the region could undertake to combat people smuggling, trafficking in persons, other forms of illegal migration and related transnational crime. Ministers appreciated the offer of IOM and UNHCR to assist in the follow-up mechanism, according to their respective fields of competence.

24. The results from the meetings of experts will be submitted for consideration by Ministers at a subsequent meeting to be convened within one year.

25. Ministers agreed that any further follow-up required after this 12 month period would be passed on to existing regional and international mechanisms. Existing bilateral, regional and international mechanisms would, where appropriate, be utilised in following up on the recommendations adopted.

26. Ministers, while acknowledging that the Conference had not been convened to deal directly with the issue of refugees, affirmed that nothing in this statement was intended to prejudice the legitimate rights of genuine refugees to seek and enjoy asylum in accordance with relevant LTN Conventions and Protocols. They called for effective measures to be put in place to ensure that protection is provided, consistent with the international obligations of individual States, while preventing abuse by people smugglers of the relevant UN Conventions on refugee protection. Ministers noted that all countries, - including origin, transit and potential destination, should play a part in finding solutions for refugees, while providing for return in a humane manner for those found not to be refugees. In certain circumstances, for return to be sustainable, the issue of return would require international support and cooperation.

27. Ministers reaffirmed the high value they placed on the work of UNHCR and IOM and other relevant international organisations.

28. Ministerial participants acknowledged with gratitude the host Government of Indonesia for the excellent arrangements that were made for the meeting.