

FOURTH MEETING OF AD HOC GROUP SENIOR OFFICIALS

BALI, INDONESIA, 9 MARCH 2011

CO-CHAIRS' STATEMENT

1. The Co-Chairs of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) hosted a fourth Meeting of Ad Hoc Group (AHG) Senior Officials in Bali, Indonesia on 9 March 2011. The meeting was attended by representatives of Afghanistan, Australia, Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, New Zealand, Pakistan, Sri Lanka, Thailand, as well as representatives from the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration. The Philippines, Canada, the United States of America, the ASEAN Secretariat and the United Nations Office on Drugs and Crime attended the meeting as observers.
2. The purpose of the meeting was to take stock of AHG activities and achievements since the Third Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali from 14-15 April 2009, and to make recommendations to the Fourth Bali Process Ministerial Conference on 30 March 2011, and the Bali Process Senior Officials' Meeting on 10 March 2011.

Proceedings

3. The Meeting was opened by the Co-Chairs and the agenda and program of work were adopted. The Co-Chairs recalled the Co-Chairs' Statement of the Third Bali Process Ministerial Conference, which agreed to task the AHG mechanism of the Bali Process with the 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.
4. The meeting reviewed the activities undertaken since the third meeting of AHG Senior Officials in June 2010 and welcomed reports by countries and international organisations on their support for and actions taken to further develop and implement the AHG's objectives.
5. The meeting considered the AHG Report (attached), prepared in advance by the Bali Process Co-chairs, which provided a summary of the very full and productive work program of the AHG since it was re-tasked in 2009. Participants acknowledged the valuable and constructive work of the AHG including the outcomes of the Workshop on Protection, Resettlement and Repatriation held in Bali and the Workshop on Regional Cooperation on Refugees and Irregular Movements held in Manila.
6. The meeting agreed that the AHG has maintained a regular program of activity at both senior official and working group level and has made significant progress in achieving the objectives set by Ministers at the Third Ministerial Conference.

Key Themes

7. Participants highlighted that trafficking in persons was an issue of ongoing concern to many countries in the region and affirmed the need for additional cooperation to assist member states to strengthen capacity to address trafficking in persons, including victim assistance and protection. Participants affirmed that people smuggling and trafficking in persons are related but distinct crimes, and that each requires a targeted response.
8. Participants expressed concern about the particular vulnerability of victims of trafficking. The meeting agreed on the importance of a victim-centred approach to law enforcement, in relation to trafficking in persons, which can only enhance prosecution and prevent re-victimisation.
9. The meeting underlined the importance of all states increasing efforts to combat people smuggling and trafficking in persons, including by enhancing national legislation to criminalise these activities and confiscate the proceeds derived from the criminal activity. Participants 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.
10. Participants agreed that border control and law enforcement initiatives are important and effective measures to combat people smuggling and trafficking in persons and encouraged States to continue to pursue cooperation in these fields through the Bali Process. However, participants acknowledged that these measures alone are not sufficient and that practical cooperative solutions that also address the humanitarian and protection needs are needed to address complex irregular migratory flows.
11. The meeting 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.
12. Participants acknowledged the recent focus within the AHG on cooperative regional approaches and agreed this was an approach that should be further pursued. 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 future cooperation to address irregular movement in the region.

Action Items

13. The meeting endorsed the content of the AHG Report and commended it to Ministers and Bali Process Senior Officials as an accurate reflection of the AHG's work program and focus over the past two years.
14. The Meeting received with enthusiasm and gratitude participants' commitment to further progress the work of the AHG in undertaking to organise the following:

- a workshop to deliver the results of the research project on regional approaches to protection, resettlement and repatriation and to consider how this research might be used to inform regional framework activities;
 - a second meeting of the Technical Experts Working Group on Irregular Movement by Air to further progress the Regional Immigration Liaison Officer Network;
 - a workshop focusing on maritime safety in the context of irregular maritime migration;
 - a Technical Expert Meeting on Mutual Legal Assistance (MLA) and Law Enforcement;
 - one or more workshops focusing on measures to combat trafficking in persons, that will be open to the full Bali Process membership;
 - a workshop on Immigration Intelligence Analysis Best Practice;
 - a workshop on Integrity of visa processes at overseas missions; and
 - bilateral exchanges by Bali Process AHG members with other member countries to further pursue options to enhance the visa regimes of member countries.
15. The Meeting reaffirmed the relevance and utility of the Regional Immigration Liaison Officer Network (RILON) concept and requested that countries continue to progress the establishment of the RILON through their internal mechanisms. Participants acknowledged that the lack of broader input from the full Bali Process membership limits the information and intelligence potentially available on irregular people movements and limits the focus to particular migration routes. Participants recommended that the existing RILON concept be broadened to include other Bali Process member countries; by establishing new regional RILON teams; and by inviting other like-minded, non-Bali Process countries to participate on a case by case basis, as determined by the Steering Group.

The Way Forward

16. Participants agreed to recommend to Ministers and Bali Process Senior Officials 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. Participants agreed that such a framework should be underpinned by the following core principles:
- Irregular movement facilitated by people smuggling syndicates should be eliminated and States should promote and support opportunities for orderly migration.
 - 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.

- 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.
- 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.
- People smuggling enterprises should be targeted through border security arrangements, law enforcement activities and disincentives for human trafficking and smuggling.

17. Participants suggested that States could enter into practical arrangements under a regional framework to enhance the region’s response to irregular movement, consistent with the principles at paragraph 16 and guided by the considerations at paragraph 19.

18. Participants 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 might enter into arrangements which would ensure that persons in that caseload are dealt with in accordance with the processes established under the framework.

19. Participants suggested that in developing and implementing practical arrangements participating States could 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 Steps

20. Participants agreed that the following recommendations should be made to Bali Process Ministers and Senior Officials:

- that the AHG be retained as an effective mechanism to cooperate to better address irregular migration, including people smuggling and trafficking in persons;
- pursuant to Ministers' original direction to the Steering Group to draw participation for the AHG from the 'most-affected countries', that membership of the AHG be expanded, as determined by the Steering Group, to other interested Bali Process members and participants;
- that Ministers give consideration to agreeing to a regional framework as outlined at paragraphs 16 to 19 above, and in other related reference materials including the UNHCR paper on a regional cooperative approach, in particular the three regional support functions, to address refugees, asylum seekers and irregular movement; and
- that Ministers give consideration to how Bali Process officials should be tasked to operationalise a regional framework, supported by UNHCR and IOM.

21. The Co-Chairs acknowledged the support of the IOM in assisting all invited members to participate in the fourth meeting of AHG Senior Officials.

22. The Meeting expressed its appreciation to the Government of Indonesia for its generosity and hospitality in hosting the fourth meeting of AHG Senior Officials.