

REGIONAL RESETTLEMENT ARRANGEMENT BETWEEN AUSTRALIA AND PAPUA NEW GUINEA

This Arrangement outlines further practical measures Australia and Papua New Guinea will pursue together to combat people smuggling. It builds on the mutually agreed principles governing cooperation set out in the Joint Partnership Declaration signed in Port Moresby in May 2013, notes that Australia and Papua New Guinea have a common interest in addressing regional and global challenges, in collaboration with the wider region, including other countries in the South Pacific. The cooperation outlined in this Arrangement underlines the strategic importance and enduring nature of the bilateral relationship, and the commitment of both governments to ensure that the relationship remains relevant to contemporary challenges.

Enhanced cooperation to combat people smuggling

1. Australia and Papua New Guinea recognize the serious and urgent humanitarian and border security challenge presented to regional countries by people smuggling. Both countries recall the key outcomes of the Fourth Ministerial Conference of the Bali Process on People Smuggling, Trafficking and Related Transnational Crime, held in Indonesia in March 2011. These include encouraging sub-regional and bilateral arrangements to create disincentives for irregular travel, including through possible transfer and readmission arrangements.
2. Existing cooperation between Australia and Papua New Guinea, in particular through the Manus Island Regional Processing Centre, represents a significant element of the regional response to people smuggling. Australia warmly welcomes Papua New Guinea's offer to adopt additional measures which build on the Manus Island Regional Processing Centre. These measures will make a significant further contribution to encouraging potential unauthorized arrivals to avail themselves of lawful channels to seek asylum and to abandon the practice of perilous sea journeys which has led to the deaths of so many.
3. Commencing on the day of announcement, any unauthorized maritime arrival entering Australian waters will be liable for transfer to Papua New Guinea (in the first instance, Manus Island) for processing and resettlement in Papua New Guinea and in any other participating regional, including Pacific Island, states. Papua New Guinea undertakes for an initial twelve month period to accept unauthorised maritime arrivals for processing and, if successful in their application for refugee status, resettlement. This program will be for 12 months and will be subject to review on an annual basis through the Australia-Papua New Guinea Ministerial Forum.
4. In the case of Papua New Guinea, unauthorised maritime arrivals would be transferred to Papua New Guinea following a short health, security and identity check in Australia. Transferees would be accommodated in regional processing centres. Papua New Guinea will undertake refugee status determination. The regional processing centre will be managed and administered by Papua New Guinea under Papua New Guinea law, with support from Australia.

5. What is unique about this Arrangement is that persons found to be refugees will be resettled in Papua New Guinea and any other participating regional, including Pacific Island, state. Persons found not to be refugees may be held in detention or returned to their home country or a country where they had right of residence.
6. The Refugees Convention requires a commitment to non-refoulement. However the missing element in current regional processing arrangements involving Australia is the absence of a final destination for proven refugees for permanent resettlement.
7. Australia and Papua New Guinea take seriously their obligations for the welfare and safety of any persons transferred to Papua New Guinea under this Arrangement. Papua New Guinea, a signatory to the 1951 Convention Relation to the Status of Refugees and its 1967 Protocol, will immediately take steps to withdraw its reservations to the Convention, with respect to persons transferred by Australia to Papua New Guinea under this Arrangement.
8. Australia will provide support, through a service provider, to any refugees who are resettled in Papua New Guinea or in any other participating regional, including Pacific Island, state. Australia will also assist Papua New Guinea in effecting the transfer of those transferees who seek return to their home country or country where they have right of residence.
9. Australia will bear the full cost of implementing the Arrangement in Papua New Guinea for the life of the Arrangement. If this requires additional development of infrastructure or services, it is envisaged that there will be a broader benefit for communities in which transferees are initially placed.
10. Regional Processing Centres will continue to play an important part in bilateral cooperation, especially as locations to house transferees temporarily should the capacity of communities require development. Australia will work with Papua New Guinea to expand the Manus Island Regional Processing Centre and will also explore with Papua New Guinea the possible construction of other Regional Processing Centres and other options. Regional Processing Centres will be developed so that they can be utilised flexibly for the benefit of local communities or for wider national purposes.
11. The undertakings set out in this Arrangement are sufficient for the new arrangements to apply for any unauthorised maritime arrival who presents from the date of announcement. Officials will settle separately detailed administrative arrangements, including by 31 July 2013 a new bilateral Memorandum of Understanding to replace the Memorandum of Understanding currently in effect for the Manus Island Regional Processing Centre. Transfers can commence ahead of the Memorandum of Understanding being finalized.

The Hon Kevin Rudd MP
Prime Minister of Australia

The Hon Peter O'Neill CMG MP
Prime Minister of Papua New Guinea