

Australia's Solution to the "Refugee Problem": The "People Smuggling Industry"

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"All of the available evidence points to Australian officials having committed a transnational crime by, in effect, directing a people-smuggling operation, paying a boat crew and then instructing them on exactly what to do and where to land in Indonesia." - Anna Shea, refugee researcher at Amnesty International, Oct 28, 2015

It surfaced back in June as a nasty reminder about how Canberra's officials have been disposed to the issue known as the "refugee problem". It came in the form of a refusal on the part of then Australian Prime Minister, Tony Abbott, to rule out a policy whereby people smugglers would be paid to "turn back boats". In his own typically chosen words, he was determined that such vessels be turned back "by hook or by crook". Anything, in other words, would go.

Nothing can get away from the fact that markets to move people find form when regulations restricting movement exist. As borders tighten, the market for people smugglers improves. A huge industry, in fact, has grown up around the premise. The paradox of such a market is that each tougher regulation, each razor fence, and each restriction, is met by new options, new routes, and new promises of plenty. Call those who traffic or facilitate the movement of migrants people smugglers or traffickers - they are, in all senses of the term, fulfilling an entrepreneurial wish at the behest of a broader desire.

Breaking the business model, as the Canberra political establishment terms it, has been central to its approach to turning back asylum seeker boats, and generally dissuading individuals from arriving in Australia by sea. Penalties for such facilitators are repeatedly promised, and the Australian court system has found prosecuting those in the lower rungs of the system. (The big fish, of course, never get caught.)

The general approach behind pushing back such vessels, however, is not only questionable in its rationale. It has proven to be fundamentally discredited in practice. The refugee industry seems to corrupt all who engage it, and not even sanctimonious officers charged with the cause of protecting borders are exempt. Australian tax payers, it would seem, are also footing the bill for the people smugglers. The consequence of this is not to break any business model so much as to enhance it.

This grotesque realisation has been given credibility by Amnesty International, whose latest examination suggests that Australia's "maritime border control operations now resemble a lawless venture with evidence of criminal activity, pay-offs to boat crews and abusive treatment of women, men and children seeking asylum." [1]

By hook or by crook is one of those grizzly confirmations. [2] In May 2015, Australian

officials engaged in the highly secretive Operation Sovereign Borders, paid six crew who had been responsible for taking 65 people from Sri Lanka, Bangladesh and Myanmar seeking asylum in New Zealand. The boat had been intercepted both on May 17 and May 22, the first time to issue the standard government line that the passengers could never be processed on Australian soil; the second to facilitate relocation, during which time the passenger were detained.

On May 31, the transactions took place. The amount that was paid amounted to \$US32,000 to change course and direct them to Indonesia instead. Indonesian authorities, who eventually apprehended the smugglers in question, confirmed the amount.

Witness testimonies and video footage suggest that Australian officials effectively placed asylum seekers in danger by removing them from the vessel and placing them on boats with insufficient fuel. The original carrying vessel, contrary to Australian reports, was not in distress. (Remember: Operation Sovereign Borders, so goes the official line, is ostensibly in place to save lives.)

Furthermore, the evidence suggests that those same officials offered advice tantamount to running the transfer operation, providing the smuggling crew with instructions on getting to Rote Island in Indonesia with a complement of landing sites marked on rudimentary maps.

In July 2015, another incident of possible payment to people smugglers by Australian officials took place. This incident is even more dire given its virtual absence from media coverage. Amnesty International was told by the passengers that the boat was intercepted by the Australian Navy and Border Force on July 25 and placed on a new vessel on August 1.

The report draws attention to an assortment of international instruments those enforcing Operation Sovereign Borders have breached. The most obvious ones stem from the Refugee Convention, notably in terms of the right to have claims to asylum processed, irrespective of the mode of arrival, and the salient principle of *non-refoulement*.

There are, however, two other documents that have been brazenly ignored. These are the UN Convention against Transnational Organized Crime, which outlines signatory obligations to cooperate in preventing and combating transnational organised crime, and the Protocol Against the Smuggling of Migrants by Land, Sea and Air.

In the Smuggling Protocol, signatories undertake to criminalise the smuggling of migrants. The action of the Australian authorities certainly comes within the definition of smuggling, deemed “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.” The smuggling crew members certainly attest to that, with their reward of \$32,000.

The business of refugees is business. Human rights tend to be unnecessary intrusions, distinguishing living subjects from the business model people smugglers and Australian policy makers have seemingly nurtured. This “evil trade”, as Abbott liked to call it, continues to reap rich rewards.

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Notes:

[1]

<https://www.amnesty.org/en/latest/news/2015/10/australia-damning-evidence-of-officials-involvement-in-transnational-crime-uncovered/>

[2] <https://www.amnesty.org/en/documents/ASA12/2576/2015/en/>

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