



People smuggling by a different name: Australia's 'turnbacks' of asylum seekers to Indonesia

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ABSTRACT

The decline in the smuggling of people from Indonesia to Australia since late 2013 is primarily attributable to unilateral deterrence policies under Australia's Operation Sovereign Borders. When seeking to prevent asylum seekers from coming to Australia to enjoy the right to asylum there, the Australian government has tested a number of deterrent mechanisms that sometimes border on illegality and even state crime. In May 2015, for example, Australian authorities intercepted an Indonesian boat carrying 65 asylum seekers and allegedly paid the six smugglers to return their passengers to Indonesia. In this article, we reconstruct what happened at sea, and put forward a number of arguments that categorise this 'turnback' as explicitly-commissioned people smuggling against Indonesia. Our article also points to further implications about looming risks if the policy was to be employed more widely by states in other areas of the world where people cross the sea to seek asylum. Not only would the practice severely undermine international collaborations that have developed to prevent and combat people smuggling, but it would also create additional safety risks for those who are turned back.

KEYWORDS

Asylum seekers; state crime; people smuggling; border protection; Indo-Pacific region

On May 31st 2015 Australian authorities returned 65 asylum seekers and six transporters to Indonesia's Rote Island after a long ordeal. More than three weeks earlier, they had been on a different boat named the Andika, which was allegedly destined for distant New Zealand, over 7,700 kilometres away. Normally, the final destination is Australia and one of its remote islands, such as Christmas Island, which is only 350 kilometres from Indonesia's Java but 1,560 kilometres from the Australian mainland. This time, however, the asylum-seeker boat intended to risk the longer and more dangerous journey due largely to the fact that the Australian government had restricted access to the shorter and less perilous routes. Eighteen months earlier in September 2013, the Australian government established a joint-agency taskforce to run Operation Sovereign Borders to prevent 'unauthorised maritime arrivals' from reaching its shores (Chia, McAdam, and Purcell 2014, 35). Within ten months, the government had reportedly 'stopped the boats'—one of the Liberal-National Coalition's campaign promises, which helped the political party win the 2013 Federal Election (Martin 2015). The government's success to 'stop the boats'—or at least prevent their