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John Buckley

## **STOPPING THE BOATS? Only if we cooperate with our neighbours**

In an age of globalisation, with its ideal of the free movement of goods and services, there's an associated demand for the easier movement of labour. Population growth, global inequality, poverty, political instability, war, famine and natural disasters, are the major push factors. Avenues for legitimate migration are limited and go nowhere near meeting the demand— so large numbers will seek to migrate to find asylum and to improve their prospects. They will do so by whatever means available.

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Most people who migrate improve their lives. The feedback from them adds to the demand -- and the profits to be made from facilitating irregular migration. People smugglers, often with links to other transnational crime activities, are difficult for law enforcement agencies to stop. Co-operation among governments is crucial if they are to succeed.

More than 7,000 asylum seekers have come to Australia by boat this year. But this is not a problem faced by Australia alone. Globally, some 35 million people are under the responsibility of the United Nations High Commissioner for Refugees – 2.2 million of them in this region.

Clearly, Australia cannot cope with the region's irregular migration on its own. As it has on trade or nuclear non-proliferation, a middle power like Australia must work with other like-minded countries to advance its interests in migration.

While Australia's activism in international relations presents opportunities, it can also give the Australian public unrealistic expectations of what can be achieved - and public opinion here is often impatient and critical. Activism can also present problems in a region that values quiet diplomacy and consensus building – Canberra has sometimes been judged harshly by informed public opinion in Asia over efforts to combat people smuggling.

In Australia, public attention has been so focused on governmental actions and policies that the need for regional cooperation has been downplayed. The obvious fact, that Australia is not able to solve this problem by itself, is often forgotten.

An important but often ignored example of government cooperation is the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, which began with a ministerial meeting in 2002 co-chaired by Indonesia and Australia. In this case, Indonesian leadership, together

with the involvement of many countries – particularly Thailand and New Zealand – and support by the UNHCR and the International Organisation for Migration was essential for the success of the initiative.

The Bali Process generated political commitment in the region for cooperation in combating people smuggling and irregular migration. Membership is comprehensive across the region and includes origin, transit and destination countries, with some having the characteristics of all three. There are now 46 members, including the UNHCR and the IOM, and 29 observer countries and international organisations. The United States was the most recent country to join in 2011.

The Bali Process has shown how individual countries can draw on the experience of other countries, and help regional countries share the burden of combating people smuggling. It points towards more comprehensive regional responses in the future.

The task is not easy. Most transit countries are already burdened with large numbers of asylum seekers and many have chosen not to be signatories to the 1951 Refugees Convention. This is unlikely to change any time soon, but that doesn't mean these countries cannot address the humanitarian issues of hosting large numbers of irregular migrants. Some have done so for decades.

There is a fine balance involved. Any attempted solution must take account of the concern of transit countries not to do anything to increase their longer-term burden or to offer an incentive for further migration. Trust needs to be developed over a long period of time to achieve the desired level of cooperation between countries and with the international refugee agencies.

Indonesia, Malaysia and Thailand, are particularly important in controlling the flow of asylum seekers to Australia.

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Indonesia has shown a willingness to cooperate in ways that have surprised many observers: we have been able to agree on an anti-smuggling program, and agencies in our two countries have become very active in disrupting people smuggling networks.

Cooperative arrangements, however, are not limited to the members of ASEAN. With the majority of asylum seekers coming to Australia from Iraq, Afghanistan, Iran and Sri Lanka, cooperation is needed also with these countries, and with other initial asylum countries such as Pakistan and India, to restrict the flow and to agree to the return of those found not to have refugee status.

Above all, strong efforts have been made to achieve a collective ownership of the problem of people smuggling across the region – and this has not been sufficiently understood by the Australian public.

A key element is development of integrated operations-level cooperation. Agreements have been reached to share information on people smuggling, and to encourage cooperation, communication and liaison between administrations, and build up border control capacity. Regional countries are also being helped to update legislation to conform to international norms, particularly the UN Convention against Transnational Organised Crime. Australia has provided considerable funding and expertise, but this all takes place largely beneath the public radar.

With Malaysia, very little credit has been given to that country for its willingness to assist Australia. Indeed those critical of the Government's policy on boat arrivals have done so in a manner that entails trenchant criticism of Malaysia. There seems very little appreciation this is one of our near neighbours, with whom we have a close and generally mutually beneficial relationship. There is no recognition whatsoever, for instance, that Malaysia has bent over backwards to incorporate in its 'Arrangement' with Australia all of the important international protections

necessary in relation to asylum seekers transferred there from Australia. These are, it must be stressed, spelt out in great detail in the Arrangement itself and in the accompanying Operational Guidelines.

Describing Malaysia as "that country with an appalling human rights record" – as one critic did – ignores all the other important aspects of our relationship – the fact that Malaysia is a founding member of ASEAN, our partner in the Five Power Defence Arrangements, our 10th largest trading partner (just behind Germany), and a fellow Cairns Group member. It ignores the extent to which Malaysia had been willing to do us a major service – even being willing to change its treatment of asylum seekers to meet our concerns.

The UNHCR was cautiously supportive of what Australia and Malaysia were attempting. It is possible that UNHCR representatives were privately hopeful that they could build on this process to improve the treatment of asylum seekers in Malaysia more generally.

Given the treatment Malaysia has received in the Australian press and parliament, its government could be forgiven for wondering whether it was all worth it.

The negative attention focussed on aspects of Malaysian society by the Australian press and refugee advocates, will make it just that much harder to interest Malaysia when next Australia seeks its cooperation on this or on other issues. Other regional countries will also have noted the treatment received by Malaysia.

It makes Australia look naive – a country that just doesn't get the need to work with neighbours. What makes the current situation doubly unfortunate is that the bilateral agreement between Australia and Malaysia was the first under the arrangements Australian officials worked so hard to have adopted in the Bali Process meeting in March 2011. At that meeting, Ministers agreed to a Regional Cooperation

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Framework which envisaged “the development of bilateral arrangements to undermine people smuggling and create disincentives for irregular movement, including where appropriate, transfers, returns and readmissions.”

It needs to be understood that the region does not immediately fall into line when Australia asks it to. Quite the reverse: a great deal of hard work has had to be undertaken by successive Australian governments and officials to explain our policies, and to encourage others to support them. The complexity and difficulty of this task should not be underestimated – it is a reminder too of the long term challenge which Australia must face in achieving effective relations with the increasingly successful and politically assertive countries in our region.

The fact that Australian commentary has tended to overlook the need for regional cooperation in handling people smuggling is a troubling sign of our difficulty in engaging the Asian region. To focus most of all on criticising our potential regional partners – seeing them as somehow responsible for the problem rather than a vital part of the solution – suggests confusion of priorities and of thinking.

If we are serious about stopping the boats – and about securing Australia’s future more generally – we will need to adopt a new posture vis-à-vis the Asian region. True, the refugee boats are coming in larger numbers, but we cannot solve the problem on our own, ignoring the need for close regional cooperation.

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