State-sanctioned smuggling of asylum seekers back to Indonesia?

Illegality within Australia’s border protection and deterrence strategies

As in combatting other forms of transnational crime, for anti-people-smuggling law to be effective it ideally needs to be enforced in countries of destination as well as in countries of transit and origin. The decline in the smuggling of people from Indonesia to Australia since late 2013 is, however, primarily attributable to unilateral deterrence policies under Australia’s Operation Sovereign Borders, including tow-backs and turn-backs of asylum seekers boats to Indonesia (and to Sri Lanka and Vietnam), rather than to bilateral or multilateral cooperation in enforcing anti-people smuggling laws in the region. Despite the Australian government’s draconian policies, more than 30 boats have departed from Indonesia since 2013. One particular case stands out because of the media attention it attracted and, more importantly, because the Australian government has been criticised for engaging in a form of “state-sanctioned” or “state-commissioned” reversed people smuggling. In May 2015, members of the Australian Navy and Border Force intercepted an Indonesian boat with 65 asylum seekers on board and allegedly paid the crew US$32,000 to take the asylum seekers back to Indonesia. In this paper, I reconstruct what happened at sea in this case and the consequences for the Indonesian boat crew, who were arrested, charged and sentenced to five years imprisonment and heavily fined for people smuggling in Indonesia. Moreover, I analyse this event within the larger context of Australia’s anti-people-smuggling policies to explain the absence of any meaningful legal scrutiny of the alleged bribery and corruption perpetrated by Australian government officials. I hope to contribute to ongoing debates within the anthropology of the state and illegalised migrations.

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