

Critics miss the boat on people smuggling debate

Greg Sheridan, The Australian, June 20, 2015



Indonesian police present an Indonesian crew member of a people-smuggling boat and money allegedly given to the crew by an Australian official to turn back. Source: AFP

Local Indonesian police were bribed by people-smugglers to allow a boat with 65 asylum-seekers on board, which is at the centre of controversy between Canberra and Jakarta, to leave Indonesia.

The boatpeople on the vessel and the Indonesian police have alleged that Australian officials paid six crew members \$5000 each to take the boatpeople back to Indonesia. According to the Indonesians, and the boatpeople involved, their boat was intercepted on May 21.

According to reports in The Australian this week, the boat the people-smugglers were in was unseaworthy and the asylum seekers were transferred into two smaller boats and escorted back to Indonesian waters. Indonesian reports that the boats were given insufficient fuel to reach Indonesia are completely wrong. The record of Australian navy and customs officers in prioritising safety of life at sea issues is exemplary.

The idea of Australian officials intentionally creating a risk that a boatload of people would drown is utterly absurd and profoundly insulting. That it was reported uncritically on the front page of The Age shows the depths to which this debate has often sunk in the past week and a half.

The Indonesian police generally have a good record of being motivated to combat crime and follow the president's orders. However, at the local level, Indonesian police are often susceptible to bribery.

The Australian has learnt a good deal more about the circumstances of this boat.

The boat was in radio or telephone contact with the Indonesian mainland while it was at sea and its crew were being instructed by their contacts in Indonesia to keep going on their journey. The boat was bound for New Zealand and the judgment of the Australian officers involved was that it had no chance of making it to New Zealand safely.

When the boat was first intercepted by Australian officials, the situation was extremely tense and dangerous. There was a heavy sea swell. There was a serious risk that all 65 boatpeople, and the six crew, could end up in the surging sea. At one point several Australian officers were in the water.

On Monday of this week, Simon Benson of The Daily Telegraph revealed that the Australian Secret Intelligence Service was involved in the issue.

From this moment on, Labor leader Bill Shorten and his team should have been extremely cautious about how they handled this issue. As Cameron Stewart detailed in The Australian on Tuesday, in 2009 Kevin Rudd as prime minister had publicly given ASIS \$21 million in extra funding to disrupt people-smugglers.

Starting Monday when Foreign Minister Julie Bishop gave a decisive interview to The Australian in which she called for Jakarta to investigate the people smuggling crimes that may have been committed in Indonesia on this matter, the Abbott government began to reassert control of this story and retake the political initiative.

In the past, the combination of criticism from Indonesia and opposition from Labor within Australia has hurt the Abbott government. The most obvious case of this dynamic previously concerned the revelations by US traitor Edward Snowden that the Australian Signals Directorate had eavesdropped on conversations by the wife of Susilo Bambang Yudhoyono when he was president. Even though the electronic spying occurred when Kevin Rudd was prime minister, and would have been approved at least at cabinet minister level and probably at prime ministerial level, the Abbott government took all the blame for the ensuing damage to relations with Indonesia. During that controversy the Abbott government never tried to deflect blame onto Labor and never revealed the reasons why the spying was undertaken, or the involvement of the Obama administration, in the process.

In this most recent controversy, the Abbott government has exerted much more control, not least by implying that if Labor was critical of Australian agencies paying people-smugglers under any circumstances, then it would have to answer questions about its own record.

This led to a series of misjudgments and humiliating climb downs by Labor. On Monday in parliament it moved the suspension of standing orders so that it could censure the government for paying people-smugglers. On Tuesday Shorten participated in an excruciating press conference in which he made Abbott look loquacious, prolix even, in contrast with his refusal to rule out Labor having done in office what it accused the Abbott government of doing.

In Tuesday's question time Labor then asked not a single question over the issue which it had wanted to censure the government over the day before. Having copped a great deal of criticism for this volte-face, on Wednesday it waited until the very end of question time and asked one or two more questions on the issue, apparently accepting that getting a hiding from the government late in the day was better than the declaration of total surrender which was evident on Tuesday.

It is difficult to follow Labor's political reasoning in this whole saga. ASIS is the responsibility of the Foreign Minister. All of the foreign ministers from Labor's time in government — Stephen Smith, Kevin Rudd and Bob Carr — have left parliament. But the immigration ministers, Chris Bowen and Tony Bourke, must have known in general what ASIS was doing.

There are layers of opacity and complexity in this story. When Rudd was first PM, ASIS was given extra money to disrupt people-smuggling. This continued under Julia Gillard's prime

ministership. However, when Rudd replaced Gillard as prime minister in June 2013, anti-people-smuggling efforts ramped up hugely.

Rudd was desperate to stop the boats, at least for the duration of the election campaign that followed shortly after his return to office. He pioneered the Manus Island solution. ASIS and all other relevant Australian agencies were pressed to make the strongest efforts they could to disrupt people smuggling and prevent boats.

At this time ASIS and other agencies were certainly paying some people-smugglers, generally fairly low down in the food chain, to get information and indeed to give them an incentive not to proceed with their activities.

Much of the commentary during the week has been absurd in its hypocrisy, naivety, ignorance of even the most basic elements of the people-smuggling rackets with which Australia has been dealing for some years, or how anything in Southeast Asia actually works.

Labor spokesmen thundered that Australian laws may have been broken. Yet if payments were made by ASIS personnel then no laws were broken. ASIS, under its legislation, is allowed to make payments that other Australians are not.

Nor is ASIS unsupervised. It is subject to the scrutiny of the Inspector General of Intelligence and the relevant parliamentary committee. There are regular briefings of the opposition.

But really, what do people think ASIS does if it is not paying money to people? How on earth does anyone imagine that ASIS infiltrates people-smuggling, or indeed terrorist, networks, if not by paying money at key moments to key informants? Is it too much to ask for the smallest degree of sophistication in this debate?

As to morality, consider this parallel.

Say in the months leading up to the first Bali bombings in 2002, ASIS had the chance to infiltrate the Islamist extremist group that was planning the atrocity. Say this required a bribe to one of the extremists of \$5000. Then as the relationship with the informant developed, he agreed to sabotage a bomb involved, but then said he would need to go into hiding and wanted \$20,000 to do this. Say the media then, and a foolish and unsophisticated opposition, got a snapshot of the operation, mid-action so to speak. And all it could reveal was that an Australian agency had paid \$25,000 to an Islamist extremist. That would surely generate all the faux outrage we've seen this week. And all that faux outrage would have been wrong.

In public discussion, the activities of ASIS are often concealed in the rubric of Australian Federal Police activities in Indonesia. Some sources suggest Australia was involved in helping the Indonesians to foil about half of the people-smuggling ventures. That means, over the life of the Rudd and Gillard governments, perhaps 800 boats and 50,000 people didn't come because of clandestine, semi-clandestine and other Australian efforts. Does anyone think this didn't involve money?

For the Indonesians to complain that Australians may have been involved in bribery is the very height of hypocrisy. Canberra supports Indonesia in these matters in a host of ways. Australian taxpayers support about half of the refugee population in Indonesia. This year Canberra will give the International Organisation for Migration well over \$40 million for its activities in Indonesia.

The Indonesians have been the major beneficiaries of Operation Sovereign Borders because fewer people have been coming to Indonesia seeking to get to Australia.

But the Indonesian President, Joko Widodo, is embroiled in a domestic political crisis. His election opponent, Prabowo Subianto, would love to impeach him. His Vice-President, Jusuf Kalla, would love to succeed him. His party boss, Megawati Sukarnoputri, holds him in

public contempt. Jokowi responds to whichever force puts the most pressure on him. The crude nationalism his administration is engaging in has led to rows with many of Indonesia's neighbours, not just Australia.

The future of Canberra-Jakarta relations is unclear, although most functional co-operation continues.

The bigger question for Labor out of this week's mess is how can anybody believe that it would have the resolve, and the effectiveness, to stop the boat industry.

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