

DETERRENCE: THE RAMIFICATIONS FOR AUSTRALIAN PERSONNEL AT SEA

BRIEFING 5 for the Expert Panel

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BORDER CROSSING
OBSERVATORY
BORDERS, CRIME, JUSTICE

Impact of Border Control on RAN and CBP

The research suggests significant ramifications for RAN and CBP for policies which depend on interception at sea as the point of activation for deterrence based policies. Such policies are likely to have serious ramifications for personnel involved. This is for a range of reasons including but not limited to:

- 1) role confusion in relation to security, rescue, migration and deterrent function (see Pickering 2012);
- 2) increasingly blurred role between military and law enforcement bodies.

The legitimacy of organisations, especially of the RAN, CBP and AFP needs to be considered in the development of any initiatives which leave policy effect to be played out on the high seas.

Role Confusion

Research undertaken by Pickering (2012) on the impact of increasing numbers of women as IMAs for interception and transfer to the mainland by Customs and Border Protection, found high levels of concern by officers regarding their role in the interception of boats. For example two maritime enforcement officers commented:

And they're actually taking it to another level now, where we're just solely doing immigration. Because where I've been, we've been solely doing immigration, whereas we were doing fisheries and what not before, but now they were not really trained in what they actually want us to do. Like all the paperwork and now with this Malaysian solution, it's actually gone up another degree again.

But this is part of the problem, I don't want to start getting into issues we have with our employer, but I think this is part of the issue with what we were initially employed for and the training and that that's provided, because everything we do, initially what we were trained for has got nothing to do with what we're doing right now.

Analysis and inquiries regarding the role of the RAN in a series of events including the Children Overboard incident and more recently the SIEV 36 identified the far reaching impact on RAN personnel. In relation to SIEV 36 it was found that heightened levels of anxiety and confusion on board as to where the boat was being taken, exposed personnel not only to serious risk but resulted in loss of life which has foreseeable impact on the morale and retention of personnel (see Weber and Pickering, 2011).

Blurring the role between military and law enforcement bodies

The current focus on deterrence involves a range of agencies with increasingly unclear remits in relation to their traditional function. For example, recently, collaboration between organisations such as RAN and the AFP has been described not just as part of a 'whole of government' or 'collaborative' endeavour but as the 'integration' of RAN and AFP in relation to deterring and disrupting people smuggling (Border Security Conference 2012). Internationally the management of migration and the processing of asylum are rarely regarded as a military concern. While people smuggling may be considered as a form of transnational crime, there is overwhelming agreement in the international literature that the illicit market in moving asylum seekers across borders grows in direct relationship to the reduction in legal opportunities to cross borders. So while the AFP has a clear and justifiable remit in relation to people smuggling that remit, to accord with doctrines such as the separation of powers, needs to be clearly demarcated from ongoing military activity in this domain. The legitimacy of organisations, especially of RAN, CBP and AFP needs to be considered in the developments of any initiatives that require interdiction and relocation of asylum seekers by these agencies. Evidence considered in Weber and Pickering (2011) suggests that leaving RAN and CBP personnel to effectively become the implementers of 'non-entre' policies on the high seas is likely to increase passenger agitation and anxiety and increase opportunities for loss of life.

Pickering, S., (2012), *Floating Carceral Spaces: role confusion, interception and processing women on the high seas*, presentation to Migration and Gender Workshop, Monash Prato Centre, April 2012.

Weber, L., and Pickering, S., (2011), *Globalization and Borders: Deaths at the Global Frontier*, London: Palgrave Macmillan.

