Globalization and Borders: Death at the Global Frontier, **Leanne Weber and Sharon Pickering, Palgrave Macmillan, Basingstoke, 2011, 264 pages (ISBN 978-0-23024-734-5)**

The People Smuggler: The True Story of Ali Al Jenabi, The 'Oskar Schindler of Asia', **Robin de Crespigny, Viking Penguin, Camberwell, 2012, 368 pages (ISBN 978-0-67007-655-0)**

Reluctant Rescuers, **Tony Kevin, self-published, Canberra, 2012 <www.reluctantrescuers.com> (ISBN 978-0-9873190-0-5)**

On the eve of the December 2011 Australian Labor Party (ALP) national conference, the Australian Minister for Immigration, Chris Bowen, wrote an opinion piece published in *The Sydney Morning Herald* and Melbourne's *The Age* newspapers promoting amendments to the ALP platform to include offshore processing of asylum seekers as contained in the proposed Malaysia refugee swap deal. He argued '[t]his approach puts the lives of asylum seekers first' (Bowen 2011). Bowen explained that he 'genuinely believes' this policy will 'save lives at sea'. 'There is nothing humanitarian,' he scolds those opposing the amendments, 'about people losing their lives at sea'. Despite the Malaysia policy being deemed illegal by the High Court, the amendments were narrowly carried. This period marked something of a turning point in the rhetoric used by the major parties in relation to asylum seeker policy from one primarily based around border security and a conception of boat arrivals as illegal and illegitimate, to one based around the need to prevent asylum seekers drowning. Border protection rhetoric and polices remained in place, but these were now framed as preventing loss of life at sea.

By mid-2012, on the back of more reports of asylum seeker boats sinking en route and the Expert Panel on Asylum Seekers report (2012), this rhetoric reached fever pitch. Bowen and the Liberal Opposition now compete to claim who has the best deterrence policy that will save the most lives. More worryingly, a number of prominent critics of Australia's treatment of asylum seekers, such as La Trobe academic and *The Monthly* magazine editor Robert Manne (2011), former Fraser Government immigration minister John Menadue (2011) and Catholic Cardinal George Pell (Owens 2011), have fallen in behind the Government's offshore processing regime.

Bowen's original claims are based on the logic that boat voyages from Indonesia and Malaysia to Australia are motivated by access to the Australian *Migration Act* and eventual resettlement here. Unlike even the Pacific Solution option of locating detention centres on Nauru and Manus Island, the Labor Government's preferred permanent offshore processing regime along the lines of the Malaysia swap deal, would mean asylum seekers arriving at excised offshore entry places, such as Christmas Island and Ashmore Reef, would no longer have any access to the *Migration Act* and no prospect of resettlement here. Thus, there would be nothing to be gained by taking the risky boat journey. Or, as Tony Kevin summarises in *Reluctant Rescuers*: 'don't risk your life coming here; you'll only be flown back where you started' (p 2).

Three excellent new books — Leanne Weber and Sharon Pickering's *Globalization and Borders: Death at the Global Frontier* (2011), Robin de Crespigny's *The People Smuggler* (2012) and Tony Kevin's *Reluctant Rescuers* (2012) — each examining policing of Australian borders in different ways, combine to thoroughly undo Bowen's logic. Through a detailed study of the impact of border policing regimes in Europe and the US, Weber and Pickering expose the reality that it is the border policing policies that go along with offshore processing that make the journeys of 'illegalised travellers' so dangerous in the first place. A conclusion confirmed by Tony Kevin's painstaking examination of the four major asylum seeker boat tragedies that have occurred since the election of the Labor Government in 2007.

Perhaps the key flaw in the life saving logic of offshore processing is that it assumes asylum seekers effectively deterred from heading for Australia by boat will simply stay put in Malaysia, Indonesia or another transit country waiting safely, but endlessly for United Nations (UN) resettlement. It is well known that more refugees are added to the UN 'queue' each year than are resettled, which is precisely why asylum seekers are prepared to risk the leaky boat trip to Australia. Ali Al Jenabi was one such refugee. His astonishing story ended in Australia after he and his family gave up on the UN. His story gives a rare insight to the reality of fleeing persecution and the myriad of dead-ends that lead only to more danger. It also gives an insight into the ingenuity, courage and resolve asylum seekers have to get themselves, their friends and their families to safety. If Australia proves to be another dead-end as Bowen would like, they will simply try somewhere else, most likely Europe. Weber and Pickering leave readers with no doubt that asylum seekers giving up on Australia and heading instead for Europe will not be any safer.

Weber and Pickering are criminologists working in a broadly state crime framework drawn from the work of Kauzlarich, Mullins and Matthews (2003) and Green and Ward (2004). They adopt an 'ice core sampling' (p 4) methodology to drill down into a series of cases to extract revealing samples in the face of border policing regimes that literally cover the globe. The book is based on extensive surveys of existing academic and non-government organisation (NGO) research and activism in Europe and the US. This is supplemented with research conducted by the authors into Australian border-related deaths.

Weber and Pickering adopt the phrase 'illegalized traveller' in place of those more commonly used such as 'irregular migrants' or 'asylum seekers' to draw attention to what is essentially the purpose of their book — to examine the impact of the illegalisation of unauthorised human movement. In their first chapter, they discuss a conception of borders as increasingly 'deterritorialized' and 'functional', extending beyond the territorial boundaries of nations (pp 11–12). They discuss how border practices and technologies mark individuals through illegalisation, borrowing Shahram Khosravi's emblematic statement: 'I am the border' (Khosravi 2010:99). They also introduce here the theme of border policing activities making journeys more dangerous. According to Weber and Pickering, intensified surveillance, detection and policing operations turn travellers into 'incriminating evidence', at risk of disposal upon detection (p 27). It also raises the cost of smuggling operations, which does not 'smash' their 'business model', but rather means smaller, lower risk and more humanitarian motivated options are closed off in favour of networks more likely to be associated with organised crime, labour bondage and violence. In relation to Australia, they argue, an example of this effect is the pushing of departure points from Indonesia further north, making for longer and more dangerous journeys.

Chapters 2 and 3 deal with the difficulties and implications of 'counting' and 'accounting' for border-related deaths, working with holocaust scholarship exploring official state normalisation practices. Weber and Pickering point out that any act of counting

discounts unverifiable deaths. They speculate that there might be as many as 10 times more deaths than those officially confirmed by body counts. The difficulties of counting are further compounded by government border policing agencies intent on protecting such information. The authors asked the Australia Government Department of Immigration and Citizenship how many deaths had been recorded at the Australian border, and despite numerous well-documented boat tragedies, they were told there had been only one, a man who was killed after being hit by a taxi after the workplace he was working at was raided by immigration officials.

Globalization and Borders goes on to explore political acts of mourning the dead, using Judith Butler's influential work on grievability and precariousness. From this Weber and Pickering develop the concept of memorialisation as 'counter-hegemonic commemorative practice' (p 77) and seek to deploy it by attempting what they suggest is the first systematic accounting of Australian border-related deaths. The book's appendix contains a list of 673 such deaths between December 2000 and March 2011. The authors are maintaining this project online and the tally has now reached 787 (Border Crossing Observatory 2012). This act of counting has assisted activists campaigning around borders and asylum seekers. The Sydney-based Cross Border Collective used Weber and Pickering's tally in a series of posters aimed at raising issues of the unseen violence and oppression of the Australian border (Cross Border Collective 2012).

Chapters 4 to 6 focus on the violence of the border. The authors examine how surveillance and detection activities geographically and functionally displace movement to more remote locations and more dangerous modes of transport: 'Illegalised migrants die sealed in shipping containers and concealed beneath commercial loads in airless lorries; they lose their grip while clinging to the undercarriage of trains and trucks; they are crushed, frozen or fall from the sky during terrifying journeys in the wheel compartments of planes; and they miscalculate when trying to jump from bridges onto the rooves of moving trains. More routinely, they are packed into overcrowded and inherently unsafe boats and vehicles, made more unsafe by the efforts of their drivers to avoid detection' (p 109). In a theme familiar to Australian readers, Weber and Pickering explain how border patrols in Spain and Morocco have led to the use of cheap, purpose-built boats designed to make only one trip and crews who often leave the ship in the hands of passengers to avoid detection. The book does not limit itself to border-related deaths at frontiers — in another familiar theme, it examines suicide and self-harm in detention and the extreme poverty and lack of access to basic services by many illegalised migrant communities.

Chapter 7 examines the 'ambiguous architecture of risk' assembled by states in border policing activities and rhetorics (p 163). Weber and Pickering explore claims, such as those made by Bowen, that border policing reduces the risk to the lives of travellers, as well as protecting national borders. The chapter addresses the impacts of illegalisation and border policing activities that explicitly belie such claims. The most obvious being that the denial of visas to such travellers makes them unable to travel on planes or commercial ferries, a point Weber made recently in relation to Australian Government penalties imposed on airlines for carrying undocumented migrants that prevent asylum seekers flying here from Indonesia (Weber 2012). They point also to criminalisation of third-party rescue, as the Australian Government infamously attempted with the Tampa, as well tow-back policies that prompt asylum seekers to sabotage boats as happened tragically with SIEV 36 off Ashmore Reef in 2009.[1] The book suggests that the conclusion reached by Ernesto Kiza in relation to the US border, applies more generally: 'a moderate success in cutting off the

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[1]   Suspected Illegal Entry Vessel (SIEV).

routes established through time by undocumented migrants … has been paid for with a rising death toll' (p 194).

Globalization and Borders is a comprehensive and insightful study of the deadly nature of border policing activities carried out in Europe and the US. As such, it provides a crucial resource for understanding the fate that awaits asylum seekers deterred from attempting to reach Australia. It also, by analogy, exposes the complicity of Australian border policing practices that illegalise asylum seeker boat journeys, in the 653 deaths the book counts. However, although it contains some specific information relating to Australian border policing, it is really only the first step in a more comprehensive study of the impact of Australian border policing that is so desperately needed. Robin de Crespigny's *The People Smuggler* and Tony Kevin's *Reluctant Rescuers* go some way to filling this gap.

The People Smuggler is essentially a biography of Ali Al Jenabi. It is authored by de Crespigny on the basis of extensive interviews with Ali, who is acknowledged but not listed as author despite the book being written in the first person from his perspective. That is somewhat jarring for the reader and, though unintentionally, invites criticism that Ali is only given voice through a white author. Nonetheless, it is an amazing book. It reads like an adventure story, telling the harrowing and heartbreaking story of Ali's journey to Australia and eventual prosecution as a people smuggler.

Ali, his father and two brothers had been imprisoned and tortured by Saddam Hussein, one brother was murdered. Upon release, he joined the resistance in the North, but was forced to flee when Saddam reasserted control after the first Gulf War. Ali, his mother and several brothers and sisters tried numerous routes to safety through Turkey, Syria, Iran and the UN. All proved to be dead ends. They then heard that Australia was an option, so Ali went ahead with the hope of bringing the rest of the family. While in Indonesia, he decided to organise his own boat after being ripped off by people smugglers. But he was ripped off again by one of his partners and had to organise further boats to try to make his money back so he could bring his family out. He eventually organised seven boats — all of which made it safely to Ashmore Reef. He charged asylum seekers whatever they could afford and refused to take money for children. He eventually got his family to Australia, but before he could get himself here, he was arrested by the Australian Federal Police (AFP) for people smuggling. He and his whole family were found to be refugees, but because of the people smuggling charge, Ali continues to be refused a permanent visa.

Apart from being a powerful story, the book also gives readers a rare insight into the realities of both asylum seeker journeys and people smuggling operations in Indonesia. No one who reads *The People Smuggler* could be left with any illusion that there is anything resembling a queue. Ali applied to the UN from Iran in 1999, but despite him, his father and two brothers being tortured and one brother killed, the family's application was rejected. It also exposes how much more complex the world of people smuggling is than Kevin Rudd's infantile 'absolute scum of the earth' claims (ABC News 2009). Ali is living proof not only that genuinely well intentioned boat organisers are caught in the rush to catch the smugglers, but also of the claims made by Weber and Pickering that border policing crowds out such operators in favour of criminal elements. Ali's main competition for passengers was Abu Quassey, the notorious smuggler responsible for the SIEV X.

Ali's story confirms many of Weber and Pickering's claims. He explains that Australian moves to destroy asylum seeker boats once intercepted have no deterrent effect at all, '[i]t just means the smugglers charge people more … And as they don't expect to see the boat again, they don't care what condition it's in' (p 234). He also details his preference for sending boats from Kupang or Roti, on the far east of the Indonesia archipelago, to Ashmore

Reef, a slightly longer journey than through the Sunda straight to Christmas Island, but through calmer waters. But after each boat, he would have to find a new departure point as the cost of bribing local police became too high. Once he was arrested, it dawned on Ali that it had been the AFP on his trail that would close off these departure points. Ali was in Indonesia from 1999–2003; more recently, most boats attempting to reach Australia have headed for Christmas Island, including all four lost boats examined by Tony Kevin. Ali's story suggests, as Weber and Pickering claim, that the increasing surveillance and detection operations by the AFP are responsible for forcing boats into this more dangerous route.

Tony Kevin's *Reluctant Rescuers* continues the project he began with his widely acclaimed 2004 book about the sinking of the SIEV X, *A Certain Maritime Incident* (Kevin 2004). Kevin is a retired Australian diplomat and, although no longer with access to internal government sources, he uses his knowledge of government to guide meticulous examination of all available public sources on the four boats either lost or sunk since the Labor Government was elected in 2007. From the outset, Kevin makes clear that his research has brought him to the conclusion that border protection rhetoric and policy has created a 'hidden sickness … an entrenched ambiguity or moral confusion' (p xiv) that places border security ahead of safety-of-life-at-sea ('SOLAS'). These faulty priorities have 'helped make [boat] journeys progressively more dangerous for passengers' (p 12).

The book's opening chapters examine the border protection reforms adopted by the Rudd Labor Government in the wake of the inquiry into the sinking of the SIEV X. Kevin's conclusion is that not much changed. He draws attention to the fact that neither the Australian Government Border Protection Command (BPC), the agency that coordinates border policing operations, nor the Australian Customs and Border Protection Agency, view themselves as search and rescue organisations. They explicitly prioritise preventing mainland arrivals over arrivals at excised islands, meaning a lower priority for tracking boats in the places they are almost exclusively likely to be. Echoing observations made by Weber and Pickering in relation to Europe and the US, Kevin suggests that border policing practices such as intelligence gathering on people smuggling operations; cash and other incentives to Indonesian Officials to prevent voyages; pressure on the Indonesian Government to criminalise people smuggling and destroying intercepted boats 'dr[i]ve the trade deeper underground and [pressure] it financially' (p 12). The result being use of increasingly less seaworthy boats, near the end of their safe working lives, with poor engines and pumps; cost cutting by providing less safety equipment and overloading boats; the use of 'disposable low-cost' crews; more skilled captains leaving the boat before it reaches its destination; and more ruthless risk-taking smugglers like Abu Quassey being able to undercut and crowd out more 'conscientious and altruistic' operators (pp 12–13).

Kevin argues that persistent government rhetoric casting asylum boats as national security threats has increasingly infected border policing agencies. The official *Guide to Australian Maritime Security Arrangements (GAMSA)* published by BPC in 2009 makes little reference to SOLAS, basically leaving it to the Australian Maritime Safety Authority (AMSA). Instead, GAMSA focuses BPC and Customs on the task of protecting Australia's borders. This rhetoric has been backed by Rudd Government reforms that expanded surveillance, detection and disruption activities in source, transit and departure countries, including funding a A$654 million a year anti-people smuggling taskforce in Indonesia with 145 local officers trained by the AFP and described as 'taking the battle offshore' (p 25).

The remainder of the book examines in detail the four lost or sunken boats between 2009 and 2011: two lost boats without SIEV numbers or names in October 2009 and 2010; the

wreck of SIEV 221 just off Christmas Island in December 2010 and the sinking of the *Barokah* off the Java coast in December 2011.

The key to the 2009 lost boat was that it took BPC over three-and-a-half hours to pass on information about the boat to search and rescue agencies. Documents produced under freedom-of-information (FOI) searches in 2012 and Senate questioning in 2010 and 2011 revealed that Customs received information from the Australian Embassy in Jakarta at 12 pm that a boat was in distress, including partial coordinates of its location. Customs took over three-and-a-half hours to come up with an acceptable 'form of words', before passing the info on to AMSA. AMSA passed it to the Indonesia search and rescue agency BASARNAS, in English and Bhasa, within 15 mins. Marion Grant, deputy chief of Border Enforcement told a senate estimates hearing that BPC officers did not know how to convey the information without revealing its secret source. In other words, protecting covert people-smuggling surveillance and disruption assets was of more concern than a foundering SIEV. The documents also revealed that BPC viewed the information as 'less 'dangerous' because the boat was close to Indonesia, which Kevin suggests meant it was a lower priority SOLAS incident, rather than a potential illegal entry; or perhaps that it was less dangerous because it was in Indonesian waters where BPC would not be held responsible and have to explain its sinking (pp 73–4). The end result was that by the time BASARNAS got to the location they could not find anything, which prompted then Immigration Minister Brendan O'Connor to announce publicly on 3 October 2009 that there was 'credible information' that the boat had resolved its problems and continued. It had, in fact, sunk and its 105 passengers had drowned.

Much less is known about the 2010 lost boat. BPC and Customs have again provided almost no information publicly as to what they did or did not know about it. As with the earlier lost boat, Kevin concludes that with all the resources at their disposal, BPC and Customs must have known about the boat and failed to act, or should have known about it.

The wreck of SIEV 221 on Christmas Island in December 2010 could not have been more dramatic. Australia's worst maritime disaster in over 100 years caught on camera as horrified locals attempted desperately to rescue asylum seekers from the huge swell. Sifting through the submissions and findings of the various inquiries into the incident, Kevin reveals that the surveillance product from the Australian Customs and Border Protection Service's People Smuggling Intelligence Analysis Team (PSIAT) on 14 December contained information on two suspected boats, one heading for Christmas Island, the other for Ashmore Reef. When BPC surveillance went out to intercept the Christmas Island boat, they encountered it much closer than expected. Crucially, and unacceptably for Kevin, BPC simply assumed the coordinates had been wrong and did not prepare for the possibility that they had in fact intercepted a second boat that had slipped through undetected and that the first was still on its way. He argues a correct prioritisation of SOLAS would have dictated the second assumption, which would have enabled HMAS *Pirie*, which was nursing the already intercepted SIEV on the other side of the island, to instead resume surveillance sweeps of usual approach routes.

For Kevin, the 'creeping moral corruption' (p 123) that lies behind the faulty priorities that caused all these incidents is shown clearly by Navy Rear Tim Admiral Barrett telling the coronial inquest that he was unaware of any policy requiring BPC to conduct surveillance in any part of the Australian Search and Rescue Region for the purpose of safety of vessels in the region. It is this moral corruption that leads Kevin to fear the worst in the final incident he examines, the sinking of the *Barokah* off the Java coast in December 2011. Again, little definitive information is available, but Kevin raises a number of

suspicious factors. The boat left from a beach that was a long way from Christmas Island going against a strong easterly current. There were no reports of relatives receiving phone calls or SMSs from the boat. The boat was far more overloaded than is common, 200–250 people on a 100-capacity boat. The captain and crew survived and got back to Java within a day, meaning they must have been picked up by boat, but there were no reports of this. Initially, the wrong beach was given as departure point, implicating a smuggler operating from jail. BASARNAS stated that the boat sunk 40 nautical miles from Java, but survivors were picked up much closer to shore. Kevin speculates that these questions might indicate that this boat was intended to sink as part of an Indonesian Government disruption operation. If it was, it raises questions relating to the extent to which it was motivated directly or indirectly by Australian Government pressure or whether Australia knew about it or should have known about it and prevented it.

The *Barokah* chapter, like most of *Reluctant Rescuers*, raises more questions than it answers. The book is by nature speculative, relying on limited publicly available information relating to incidents shrouded in secrecy dictated by 'national security concerns'. However, Kevin skilfully and meticulously navigates the reader through these sources to expose a set of policies and priorities that explain how — despite a multi-billion dollar surveillance and detection infrastructure — boats still sink. Taken together, *Globalization and Borders*, *The People Smuggler* and *Reluctant Rescuers* paint a picture of a border protection regime that is itself directly responsible for making boat journeys more dangerous and alarmingly nonchalant about rescuing their passengers when they encounter trouble. They beg the questions, if Minister Bowen is so concerned with preventing asylum seekers drowning on route to Australia, why not reform BPC to unambiguously prioritise SOLAS? Why not review surveillance, detection and disruption activities to develop practices that do not make boat journeys more dangerous? And, of course, why not introduce an asylum seeker visa category that would allow them to fly down from Indonesia and Malaysia? Instead he is proposing a new 'solution' that can do no more than displace asylum journeys to no less dangerous frontiers.

Given that Bowen oversees the day-to-day operation of this regime, it is hard to imagine he is not aware of these deficiencies and the likely outcome of this latest solution, which makes the sincerity of his claims to put the lives of asylum seekers first, extremely doubtful. Robert Manne, John Menadue and others would be strongly advised to read these three books before adding their considerable influence to calls for offshore processing and other deterrence policies.

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