

**CDRE Peter Laver, RAN
Sri Lankan Galle Dialogue Address**

**Australian Policy and Actions to deter
Irregular Maritime Migration**

Distinguished Guests, my friends in the Sri Lanka Navy and Coast Guard, fellow mariners and aviators. Good afternoon, I am the Chief of Staff of the Australian Navy's Strategic Command and I am representing Vice Admiral Tim Barrett, the Chief of the Royal Australian Navy. On his behalf, I would like to thank you for the invitation to speak to you and congratulate our host, Vice Admiral Wijegunaratne for conducting this important Galle Dialogue.

Australia believes very strongly in the utility of such gatherings as a means of fostering continued debate, cooperation and good will. Many nations represented here also come together at other maritime themed events such as the Indian Ocean Naval Symposium, which Australia has chaired for the last two years. This dialogue is a welcome opportunity to ensure that we are working together to devise solutions to our shared problems.

Irregular migration is a significant shared challenge that requires a coordinated response. Where migration is irregular, and conducted by sea, it becomes a maritime security issue with links to broader transnational crime, and it carries a large human cost. It is a very current challenge affecting many countries, in this region and beyond,

with the number of migrants arriving in Europe by sea increasingly significantly in 2015.

You have asked me to speak about irregular migration by sea in particular and I am pleased to have the opportunity to do so. This is an issue of considerable interest to Australia, so please excuse me if I adopt an Australian context for this discussion.

Irregular migration is a global issue, and the challenge of managing irregular migration is not unique to Australia. But the Australian experience does demonstrate that irregular migration by sea is a shared challenge, and one that requires a regional response and the cooperation and support of countries and international organisations.

I leave it to others more qualified than I to discuss the legal status of migrants and the obligations of states concerning those seeking to migrate. For the purpose of this discourse I have considered irregular migrants as those people who attempt to enter or remain in Australia without legal authority to do so.

A 2014 Australian study determined that factors involved in decision making amongst Irregular Migrants are related to origin country situations and destination country circumstances such as:

- the political and security situation in-country (home and/or host country);
- the state of the economy, and access to income;
- the outlook for the future in origin countries, and in particular prevailing pessimism;
- asylum seeker policies in destination countries;
- how welcoming destination countries are perceived to be;
- perceptions of destination countries' acceptance of refugees;
- the state of economies of destination countries;
- existence of diaspora and communities in destination countries;
- the perception of a country's relative safety and security.

Further there are also a range of 'enabling' factors that are thought to act to facilitate irregular migration flows. These include:

- geography and the ability to travel to specific destination countries;

- the ability to travel through transit countries (e.g. facilitative visa arrangements) and proximity to established migration networks (and, in some cases, a related lack of ability to gain visas for lawful entry to destination countries);
- diaspora populations with the ability and resources to assist others in their communities around the world to migrate;
- an increased ability to self-fund travel as human development and greater access to resources increases;
- enhanced ‘real time’ communications technology to provide better information for decision making both of potential irregular immigrants and people smugglers (e.g. blogs, social media, news reporting of events).

While attempted Irregular Migration by air to Australia has been a manageable issue and the numbers are modest, largely because of international cooperation to manage this mode of transport, Irregular Migration by sea has been problematic both because of large numbers and tragic loss of life arising from the attempts.

In 2015 we are witnessing the largest flows of migrants displaced by war since the post World War II period in Europe in the late 1940s and early 1950s.

As we have all seen extreme poverty and conflict has been a potent impetus for the flow of migrants from sub-Saharan Africa through Libya to Italy across the dangerous waters of the Mediterranean.

The flow from Turkey to Greece and on to Eastern Europe and Germany this year is largely made up of displaced Syrians who are fleeing civil war, .

The essential issues concerning irregular migration from an Australian context are twofold:

Firstly there is the need to provide a legal pathway to recognise and assist those around the world who have a legitimate claim to asylum.

Secondly there is a moral imperative to avoid the situation where Irregular Migrants make extraordinarily hazardous ocean journeys, risking their lives under the encouragement of criminals who exploit their circumstances.

The Australian Government policy objective is to reduce and where possible eliminate the prospect of irregular migration by sea, in order to prevent loss of life at sea and undermine people smugglers

who exploit vulnerable persons. Our policy responds to our specific regional circumstances and geography.

As we all know taking passage across water in a small vessel is intrinsically hazardous. This danger is exacerbated in the case of people smugglers who have no interest in the safe arrival of those they exploit for money and who have demonstrated their willingness to engage masters without the skill to make the journey safety nor the craft that are sufficiently sea worthy to do so. These are transnational criminals preying on the desire for a better life of the vulnerable and those who are ignorant of the dangers of ocean voyages.

The masters of vessels in which the irregular migrants attempt the passage are generally neither competent nor capable of meeting their obligation for ensuring safety of life at sea under international law.

The vessels that are used are often old, poorly maintained, and intended for one voyage only. They are sub-standard in everyway for the voyages they undertake. They are over crowded to an intolerable degree and are unseaworthy. They are frequently crewed by young men who are often as deceived and exploited as their passengers.

Notably the people smugglers themselves, who profit handsomely, from this human misery are careful to avoid the hazards of the deep and have no wish to be arrested, tried and jailed at the end of these

often lethal crossings which they organised but take no responsibility for.

Consequences of People Smuggling for Legitimate Migrants

Australia's experience has been that irregular migrant flows to transit states and through them to potential destinations prejudice the ability of states to meet their ongoing obligation to take UNHCR accredited refugees waiting resettlement.

Immigration and resettlement resources are not infinite.

It is for these reasons that Australia and our neighbours in the Indo-Pacific region are intent on pursuing regional solutions to deter irregular maritime travel and people smuggling.

Australia continues to fulfil its international responsibility to care for those in need of international protection or requiring humanitarian assistance. Having well managed borders allows Australia to offer generous humanitarian resettlement programmes for refugees. These programmes aim to:

- provide permanent resettlement to those most in need;
- reunite refugees with their family in Australia; and
- use resettlement strategically to help stabilise refugee populations.

A regional response

Australia recognises that working with regional partners is crucial to combatting people smuggling, and is committed to working with its neighbours in the Indo- Pacific on enhancing regional capacity to deal with the cynical brutality of people smugglers. We do this both bilaterally with our neighbours in the region, and regionally through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.

Bilateral engagement – the Australia/ Sri Lanka model

No Sri Lankans have arrived in Australia, by boat, directly from Sri Lanka, since October 2013.

This is because of the cooperation and support of successive Sri Lankan government in countering people smuggling.

Our cooperation is very effective and very broad: we work together to identify and disrupt people smuggling syndicates (and are very grateful for the work of Sri Lankan authorities, and especially the Sri Lanka Navy, in disrupting ventures); we work together to facilitate the return of Sri Lankan nationals that do not engage Australia's international obligations; we are improving our collective capacity to address people smuggling and improve border management; and

Australia's development program also plays a significant role in addressing some of those push factors described earlier.

Bali Process on Human Trafficking 2002 – 2015

This bilateral cooperation is bolstered and complemented by regional cooperation through the Bali Process.

- Since 2002 Australia has worked closely with neighbours through the **Bali Process** – to prevent vulnerable people becoming casualties of people smugglers.
- The Process calls for Cooperative arrangements include law enforcement cooperation, intelligence sharing, strengthened border management, assisted voluntary returns and public awareness campaigns.

The Bali Process also seeks the enactment of **national legislation to criminalise people smuggling** and the prosecution of offenders.

In March 2011, Bali Process Ministers, in consultation with the UNHCR and International Organisation for Migration, agreed to establish a **Regional Cooperation Framework (RCF)** to enable interested Bali Process members to establish practical arrangements aimed at enhancing the region's response to irregular movement.

This is achieved through consistent processing of asylum claims, durable solutions for accommodating refugees, the sustainable return

of those not owed protection and targeting of people smuggling enterprises.

This last objective, defeating maritime people smuggling, has enabled a return to greater focus on Australia's offshore humanitarian programme.

Australia's Humanitarian Programme and Record

Australia has a proud record of resettling refugees and other people in humanitarian need from around the world. As part of a regional response, we also welcome other countries in the region providing settlement opportunities to persons determined to be in need of international protection. There has to be a distribution of such refugees to ensure that the burdens are fairly spread.

Since the establishment of humanitarian resettlement programmes in 1947, Australia has welcomed as permanent migrants over 800,000 people from different countries.

On 9 September this year, in response to the Syrian crisis, the Australian Government announced a one-off immediate additional 12,000 places to the Humanitarian Programme for refugees registered with UNHCR displaced by the conflicts in Syria and Iraq.

The disparity between the number of people seeking protection globally and the number of places available will continue to grow, and it is imperative that other settlement partners are found around the world.

Developing mutually beneficial agreements is essential to addressing the challenges of irregular migration in the region. Australia is keen to work with countries to further develop these agreements.

While Australia faces its own challenges in maintaining a strong border and discouraging irregular movement, particularly within the Asia-Pacific region, we are mindful that the level of displacement globally and the unmanaged movement of large numbers of people is causing significant concern in other regions, including Europe.

Our recent success in breaking the business model of people smugglers has had the benefit to our neighbours of easing the irregular migrant flows coming to them as transit countries.

Australia continues to engage with other nations, as well as international bodies relevant to migration and security, to further enhance the system of international protection and respond to deteriorating global conditions and increased migration flows worldwide.

Australia recognises that we can and must act to prevent the tragic loss of life at sea. We do this by adopting measures which are effective in deterring and disrupting this criminal activity.

Conclusion

To conclude: Australia has been and will continue to be a place of refuge for those most in need. However, the means by which they seek to migrate must be through official, legal and safe channels.

After witnessing the tragedy of unregulated maritime arrivals drowning in our northern waters, the Australian Government has determined that this will never again be a means by which migrants can gain access to settlement in Australia. We appreciate the cooperation and support of our partners in the region, including Sri Lanka, to address this shared maritime challenge.

The issue of irregular migration by sea is a pressing one, which poses significant humanitarian, maritime and security challenges. It cannot be solved by any one country alone, but requires a long-term and sustained regional response and the cooperation of states and international organisations. As the Australian experience demonstrates, the management of irregular migration, especially by sea, is a shared challenge that requires the commitment, cooperation and support of neighbours.