

ICS SEMINAR SERIES 2024

Ruling out rescue at sea? Rohingya, maritime migration and the criminalisation of smugglers-cum-rescuers in Indonesia

21 March 2024 | 11:30am - 1:00pm

Room: EZ.G.22 Parramatta South Campus

Abstract

Based on recent increases of maritime movements of Rohingya refugees from Myanmar and Bangladesh to Indonesia, Thailand and Malaysia, in my talk I will address the interplay of forced displacement, facilitated irregularised mobility and the criminalization of rescue, by offering some empirical insights into the readjustments of the transnationally operating people smuggling/trafficking-networks in Southeast Asia. In particular, I will examine a case in which three Indonesian fishermen were sentenced for people smuggling after having rescued 99 Rohingya refugees from their sinking boat off the coast of Aceh, Indonesia. The incident occurred in 2020, but as recent reactions to more boat arrivals in Indonesia have shown, its ramifications are outlasting the boat incident, the rescue, and the trial.

My analysis is grounded in the juxtaposition of three different sets of mobility rules – Indonesian migration law, customary law of the sea and international law for search and rescue at sea. I seek to put forward the argument that recent mobility restrictions at the Indonesian state level that were implemented to deter maritime movements across the region are in violation both with longer-standing local and international sets of mobility rules, meant to protect lives at sea and guarantee help for those in distress. My findings show a dangerous legal precedent that discourages non-state rescuers to abandon customary rules of rescue to avoid harsh state sanctions for breaking immigration law, while states keep enjoying impunity for disregarding international law concerning the rescue of people in distress at sea.

Biography

Antje Missbach is Professor of Sociology at Bielefeld University, Germany, specialising in global and transnational migration and mobility. She is the author of *Separatist conflict in Indonesia: The long-distance politics of the Acehnese diaspora* (Routledge 2012) and *Troubled Transit: Asylum seekers stuck in Indonesia* (ISEAS, 2015) and co-author of *Indonesia: State and Society in Transition* (Lynne Rienner, 2019). Her latest book *The Criminalisation of People Smuggling in Indonesia and Australia: Asylum out of Reach* was published in 2022 (Routledge).

Presenter: Antje Missbach
Discussant: Melissa Phillips
Chair: Charles Barbour

NEXT SEMINAR:
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