Introduction

Temporary migration creates opportunities for individuals, households and states (Oke 2012). In recognition of this, in Australia increasing numbers of migrant workers from Southeast Asia are being granted temporary visas to undertake short-term or seasonal work, particularly in health care, construction and the mineral resources sector (Kukoc 2012). This chapter focuses specifically on the nature of temporary migration flows in Australia and some of the political hurdles that underpin Australia's temporary migration programmes. We focus on temporary migration in one industry in particular, namely the Australian commercial fishing industry. In comparison with other industries that employ large numbers of migrant workers in Australia, the Australian fishing industry does not attract a significant number of overseas workers. This is partly related to the fact that issues involving temporary migration and fishing such as people smuggling and the boarding of asylum seekers on Indonesian fishing boats have become heavily politicised in Australia. Media references to a ‘crisis’ in Australia’s northern border protection – which includes the deterrence of illegal, unreported and unregulated (IUU) fishing, people smuggling, and other criminal or even potentially terrorist activities – are now commonplace.

This chapter will examine temporary migration flows of skilled labour in Australia and New Zealand. In drawing on the New Zealand experience, this chapter explores whether a temporary migrant labour programme involving Indonesian labour in the Australian fishing industry could be revitalised through building on the established historical connections between Indonesians and Indigenous communities in northern Australia. In doing so, we provide a broader perspective on the common narrative of irregular migrants travelling by boat from Indonesia to Australia that is negatively focused on ‘illegal fishing’ and ‘people smuggling’. On both sides of the political spectrum, Australia’s long-term response to irregular migration from Indonesia has been reduced to a technical matter of finding ways to ‘stop the boats’ (see chapter 8 in this volume). By exploring Australia’s
history of temporary migration flows, it can be shown that temporary migrants working in Australian waters have not always been viewed with such suspicion.

The use of temporary migrant labour in Australian fisheries is not a new phenomenon; from the early 1700s onwards, large fleets of trepang (bêche-de-mer or sea cucumber) fishers from the eastern Indonesian port town of Makassar on the island of Sulawesi, known as ‘Macassans’, regularly interacted with the indigenous communities of northern Australia. According to some, the Macassan trepang industry was Australia’s first-ever export industry, and Campbell Macknight refers to it as ‘Australia’s first modern industry’ (1976: 1). For two centuries or more, hundreds, if not thousands, of Indonesian trepangers worked Australia’s northern waters, continuing to do so until 1907 when the South Australian government effectively closed down the fishery through the decision not to issue licences (Macknight 1976).

In the contemporary era, there are suggestions that some modern Australian fisheries are operating under capacity, in part due to labour shortages. This has occurred in the broader context of one of the most heavily regulated fishing industries in the world (see, for example, Lloyd 2012). In the last decade, Australia’s fishing fleet has been dramatically reduced in size, coinciding with quota reductions and a shortage of manpower. This has opened the door to the introduction of the Fishing Industry Template Labour Agreement, which is a policy and framework for Australian fishing operators to sponsor and employ temporary migrant workers. The template was introduced in 2011 after extensive consultation with fishing operators seeking fishing and deck hands, and with various government and industry bodies. The agreement is meeting the needs of a number of Australian fishing operators who are sourcing their migrant workers almost exclusively from Indonesia. Importantly, the agreement also provides considerable protections for the temporary migrant workers. As of July 2012, seven such agreements have been negotiated involving 71 Indonesian fishing and deck hands.

We begin this chapter with an examination of the question of temporary migration, particularly in the context of migration pathways between the Pacific region and Australia. The positives and negatives of temporary labour migration schemes – such as Australia’s Pacific Seasonal Worker Pilot Scheme (PSWPS) which allows Pacific Islanders to fill seasonal shortages in the horticulture industry – will be examined. We then explore the potential problems of expanding or adapting such schemes in the Australian context. As mentioned earlier, we have chosen to focus on the fishing industry, which has significant historical connections with Indonesia. Our discus-
sion concludes with a few modest reflections on the potential impact of temporary labour migration flows to Australia, involving Indonesian fishing crew and deck hands in particular, on Australia’s maritime border issues.

**Temporary labour migration: Australia and the Pacific Islands**

The World Bank (2006) has recommended seasonal migration programmes involving unskilled, low-skilled or semi-skilled labour as one of the most promising ways to enhance the development benefits of migration. Despite some scepticism about the capacity of temporary migration to act as a development strategy (see, for instance, Phillips 2009), the World Bank perspective is largely supported by academics (see, for instance, Amin & Mattoo 2005; Koettl 2006; Pritchett 2006; Rodrik 2007; Winters et al. 2005) and, more recently, by governments (see Gibson & McKenzie 2010). Indeed, temporary labour migration schemes are widely used in the developed world and are increasingly seen as offering a potential ‘triple-win’ (Gibson & Mackenzie 2010) – that is, receiving countries benefit from the injection of low-skill labour; migrant workers frequently benefit from the much higher wages that they receive; and, through the remittances they send home, their country of origin also benefits. Seasonal migration programmes are especially important for the Pacific Island countries, many of which are facing population pressures and few alternative economic opportunities. Globally, the development impact of remittances is enormous. In 2011, India and China received USD 64 and USD 62 billion respectively in migrant remittances (Ratha & Silwal 2012: 2). In Tonga, 27 per cent of its gross domestic product (GDP) comes from money sent home by temporary migrant workers; Samoa has a similar figure (Brown, Leeves & Prayaga 2012: 5). According to a World Bank report (Ratha & Silwal 2012: 1), remittance flows to developing countries are estimated to have reached USD 372 billion in 2011, an increase of 12.1 per cent from the previous year. Remittance flows to developing countries are expected to grow at 7-8 per cent annually to reach USD 467 billion by 2014. These are official records of hard-earned dollars sent home and, since a lot of money moves informally, the true figure may be much higher, perhaps by as much as 50 per cent or more (World Bank 2006: 85).

Despite increasing evidence of the benefits of unskilled migration from developing countries to developed countries, there are concerns that temporary labour migration has negative social effects. One negative impact is the long-term separation of a parent from a spouse and children (Macellellan 2008). In general, however, temporary migration improves household income
and improves the ability of the family to make compensating adjustments to mitigate the hardship of the family member’s absence. Improvements in the health and schooling of children left behind, financed by remittances, coupled with strong involvement of the extended family, tend to mitigate the social costs of a parent’s migration (World Bank 2006).

In receiving countries, there are concerns that temporary migration undermines wages and conditions and encourages exploitation, that it threatens the job prospects of unemployed or underemployed citizens of the receiving country, that it increases crime, that it leads to visa overstaying, and that it fosters dependency in source nations (Mares 2007). Yet a preliminary study of New Zealand’s Recognised Seasonal Employer (RSE) programme shows little displacement of New Zealand workers, very low overstay rates (one per cent or less) and only a few isolated cases in which concerns about worker exploitation have arisen (Howes 2010; New Zealand Department of Labour 2010). Nevertheless, Oke (2012) argues that in the Australian experience, temporary migration does create certain vulnerabilities, mainly for those workers undertaking low-skilled work. With the exponential increase in temporary migration in recent years, cases of mistreatment, underpaying or underemployment of foreign labourers have increased. Research has indicated, however, that most temporary migrants on the 457 skilled work visas are largely positive about working in Australia, mainly because of the higher wages they receive than in their home countries (Khoo, McDonald & Hugo 2005; 2006).

Historically, temporary work visas have been used only minimally in Australia, but they now comprise a significant component of the nation’s migrant intake. As Oke (2012) observes, at its peak between 2007 and 2008, more temporary skilled work visas were issued than permanent skilled settlement visas. Over the past decade, two seasonal migration schemes have been introduced in New Zealand and Australia – the RSE (New Zealand’s Recognised Seasonal Employer scheme) and the PSWPS (Australia’s Pacific Seasonal Worker Pilot scheme). Both schemes have been aimed at allowing Pacific Islanders to fill seasonal labour shortages in the horticulture industry. The New Zealand scheme was introduced in 2007 with a view to solving the longstanding labour shortage in New Zealand’s horticulture industry while also boosting the economic growth and productivity of this particular sector. Another key aim of the New Zealand government was

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1 Foreign charter vessels operating in New Zealand waters, however, have been accused and charged of a raft of shortcomings, including underpaying foreign crew, human rights abuses and fishing offences (Stringer, Simmons & Coulston 2012).
to allow this scheme to assist in its broad development objectives in the Pacific region. With over 8,000 Pacific Islanders employed annually, the policy addressed seasonal labour shortages (New Zealand Department of Labour 2010). In comparison, the Australian PSWPS, launched in 2008, had attracted only 1,100 workers in total by 2012, so its positive development impact was limited (Howes 2010; Hay & Howes 2012).

There are several reasons why the RSE has been regarded as an overwhelming success and the PSWPS as a relative failure. First of all, New Zealand fruit growers are primarily geared to the export market, which in practical terms translates to an emphasis on quality. The fruit needs to be picked selectively and handled carefully. This is possible with Pacific Islander pickers, many of whom have what is referred to in the industry as ‘soft hands’. Growing up in the Pacific Islands, they are generally familiar with handling fruit (Maclellan 2008). At least half of the Pacific Islander workers are experienced ‘return pickers’, returning to the same farms to work on the same crops in subsequent seasons and thus ensuring they retain their skills and local knowledge (New Zealand Department of Labour 2010). Consequently, the Pacific Islanders have quickly developed a reputation for being good workers. According to growers, they tend to be reliable and work long shifts, in both hot and cold weather conditions, with little absenteeism (Bedford 2012). Secondly, besides local labour, the primary alternative cohort of pickers, European backpackers, tend to be inexperienced, unreliable, poorly motivated and rarely become ‘return pickers’, as they are not interested in circular migration. For the backpackers themselves, the lack of a ‘visa sweetener’ – the promise of a visa extension based on an exemplary period of work in the horticulture industry – encourages irregular participation.2 Third, New Zealand has a Pacific-friendly culture. With many citizens of Pacific ethnicity already living in New Zealand, including large expatriate communities of Samoans and Tongans, church groups in particular have embraced the Pacific workers (New Zealand

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2 This aspect of the backpacker experience has been improved, with New Zealand’s Department of Labour initiating the Working Holidaymaker Extension Visa in November 2010. The rules are as follows: ‘If you are in New Zealand on a working holiday visa and you are able to show you have undertaken three months or more of seasonal work in the horticulture and viticulture industries during your working holiday, you may apply for the Working Holidaymaker Extension Visa. Successful applicants will be granted a work visa for an additional three months from the expiry date of their working holiday visa. The visa will have the same conditions as the original working holiday work visa, including travel conditions’ (New Zealand Department of Labour 2012). Further evaluation is needed to ascertain whether this initiative has led to an increase in the number of backpackers working on farms in New Zealand.
Department of Labour 2010). Although the term ‘pastoral care’ has not been used in government literature on the scheme, church communities have enthusiastically adopted this role, promoting a positive temporary migration experience and thus engendering a pattern of circular migration (Bedford 2012). Growers have also taken on a pastoral or management responsibility, some more enthusiastically than others, encouraging temporary migrant workers to take up accommodation onsite and adopt a ‘no drinking’ policy (Roorda 2012). Fourth, because workers tend to be employed from the same Islander community, they have a strong sense of familiarity and loyalty to each other which encourages exemplary behaviour. Workers have also been encouraged to uphold their home country’s reputation, which has also had a positive behavioural effect (Roorda 2012).

Although the take-up of Australia’s PSWPS has been increasing, it is still very low. There are several theories for its relative failure, namely the prolonged drought, the surge in backpacker numbers, the costs of excessive bureaucracy and the presence of ‘illegal’ or undocumented workers. Let us first consider the questions of the prolonged drought and the backpacker boom. Almost five years after the scheme’s establishment, preliminary analysis suggests that fruit growers in Australia were satisfied with their labour supply (Hay & Howes 2012). This is in stark contrast to the findings of an earlier survey conducted before the scheme commenced, which suggested that there was a serious shortage of available workers to meet peak seasonal demand for labour, particularly in the horticulture industry along the Murray River between Swan Hill and Mildura (Mares 2006). This shift may have been caused partly by the prolonged and severe drought affecting many parts of Victoria and New South Wales over much of the second half of the last decade, with subsequent shortfalls in production. Growers operating in the context of drought – and, in recent years since the drought broke, in the context of unseasonal rainfalls and widespread floods – have found the steady supply of backpacker labour satisfactory. The backpacker Working Holiday Visas (Subclass 417) were introduced at the same time as the PSWPS was initiated and have proven to be a success, with large numbers of backpackers working in rural Australia. A ‘visa sweetener’ arrangement has also proven to be influential; backpackers who work in a regional area for three months in agriculture, horticulture, construction, mining and fishing are entitled to stay on for an extra year. In 2011, the number of backpackers working on Australian farms increased from 13,000 in 2001-2002 to 37,000 in 2007-2008, 22,000 of whom applied for a second year’s visa on the basis of successful completion of their first year of seasonal work (Hay & Howes 2012).
The relative unpopularity of the PSWPS has also been blamed on the costs associated with it, including the burden of red tape engendered by bureaucratic requirements, which has not been an issue for the Working Holiday Visa scheme. PSWPS-approved employers were obliged to contribute 50 per cent of the cost of the international return trip for Pacific seasonal workers. Although the costs have now been reduced, there is still red tape involved, as growers must pay the full cost of the workers’ airfares to and from Australia up front and recoup a percentage of that cost from the worker. The Working Holiday Visa scheme, however, does not require growers to pay a share of the costs, such as airfares, as backpackers pay their own airfares to and from Australia and they make their own way to fruit-growing regions. Growers employing backpackers are not required to provide onsite accommodation or pastoral care, which are obligations under the much more heavily-regulated PSWPS. In general, PSWPS-approved employers have been reluctant to shoulder the administrative and organisational costs of the scheme (Hay & Howes 2012). Another reason for Australian horticulture operators’ reluctance may be to avoid close liaison with government departments, as some continue to use the undocumented labour of illegal migrants to fill labour shortfalls. In the lead-up to the implementation of the RSE, the New Zealand government increased crackdowns on undocumented labour and rogue labour brokers, which in turn increased the demand for legal workers (Bedford 2012; Roorda 2012). There was no such crackdown on undocumented workers in Australia. Ultimately, besides the effect of the prolonged drought, issues such as costs, excessive bureaucracy, illegal or undocumented workers and the relative ease of obtaining backpacker workers have outweighed the potential benefits of the PSWPS.

Despite its teething problems, the Australian government has been determined from the outset to continue and expand the PSWPS beyond the initial four Pacific countries chosen for the scheme’s pilot phase – Vava’u, Kiribati, Tonga and Papua New Guinea (Maclellan 2008). Aware of the possibility of the scheme’s expansion, the East Timorese government lobbied successfully for Timorese workers to be involved in the scheme. A cohort of several hundred East Timorese workers arrived in late 2011 in the Broome region of Western Australia. In the five years since the pilot scheme was established, calls have been made to broaden the scheme’s somewhat narrow focus on horticulture to other industries, such as aged care, mining and fishing. The Australian government has demonstrated a measure of flexibility in this regard, flagged by a renaming of the scheme – from 1 July 2012 it became known as the Seasonal Worker Program (SWP). The Program is open to employers in the horticultural industry and seasonal workers
from East Timor, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu (Australian Department of Education, Employment and Workplace Relations 2012). In relation to the new scheme, a small-scale, three-year trial of seasonal labour mobility arrangements with cotton and cane growers, aquaculture ventures and accommodation providers in the tourism industry will be undertaken. The East Timorese cohort of workers mentioned above is an early manifestation of this change in focus. After a large tourism industry employer in Broome demonstrated that it could not source local labour, the Timorese workers were placed as hotel maids in the tourism sector (Roddam 2012), a move that may be replicated elsewhere. The Australian Tourism Export Council has reported thousands of job vacancies in the tourism sector, and changes to the visa system, such as the SWP and the extension of backpackers’ Working Holiday Visas, could help to fill them: ‘There are 36,000 tourism vacancies right across this country at this very moment and by 2015 that is projected to go up to 56,000 vacancies’ (McDonald 2012). Western Australia, in particular, is facing labour and skills shortages in many industries. According to a spokesman of the Western Australia Chamber of Commerce and Industry, ‘If we don’t boost the current growth in the workforce, WA will fall 210,000 workers short by the end of the decade. In certain industries, there are simply not enough workers locally to meet demand’ (Perpitch 2012).

A key component of the PSWPS – pastoral care – has remained a primary focus of the SWP, with approved employers expected to arrange accommodation of a suitable standard, health insurance and transport to and from work. Employers are also obliged to assist workers with initial living expenses on their arrival if required and with access to personal banking, gaining a tax file number, preparing a tax return and applying for superannuation entitlements. In the case of the East Timorese cohort in Broome, a caseworker employed by the East Timorese government has been assigned to monitor the pastoral needs of the workers. Given that language is likely to be a potential barrier for workers from East Timor, the availability of an East Timorese caseworker is entirely appropriate. Writing about calls for an expansion of 457 visas in the mineral resources sector, Barry (2012a; 2012b) argues that workers from different cultural contexts, with non-English speaking backgrounds, might face greater challenges at the workplace. Indeed, workplace health and safety concerns were raised in the Australian government’s explanation of a move in 2012 to expand the numbers of migrant workers from the United States, who are more likely to be fluent English speakers (Barry 2012b). Most of these employees will be placed in the construction sector, where much of the unmet demand
for labour is in the development of large-scale mining projects (ABC News, 2 April 2012).

Labour shortages in Australia’s resources sector have also been much debated in recent times, especially as there is now a concerted push to open up employment to larger numbers of skilled migrant workers (see, for instance, Thomson 2012). Mining companies are now allowed to bring in large numbers of temporary foreign workers under Enterprise Migration Agreements (EMAs), which were first earmarked in 2011. Designed to address current labour shortages in the resources sector, EMAs are an industry-specific temporary worker programme. The existing temporary skilled work visas, the 457 visas, have also been increasingly used in the mining industry. Unlike labour schemes such as the RSE and PSWPS/SWP, however, foreign workers are generally recruited directly by mining companies, with little emphasis on the pastoral welfare of the workers and their families. Truth be told, very little is known about the day-to-day experience of migrant workers in the mining industry. There are various possible reasons for this, including the secretive nature of the initial employment contract, the geographical isolation of the work placement, and workers’ reluctance to speak out against their employers.

The welfare concerns of Australian short-term mining industry workers – known as ‘fly-in, fly-out’ (FIFO) workers because they often commute between major capitals and remote mining towns in the outback – are also given short shrift. The adverse social effects associated with FIFO workers are only now coming to light in the Australian media (see, for example, Laurie 2012), but there is little scholarly evaluation of the true impact. Besides fatigue and isolation from friends and family, the main problem is the FIFO workforce’s demanding rosters, the most common of which is two weeks on (at work), one week off (at home). The influx of temporary workers is also unsettling for remote mining communities, whose residents are largely unable to gain employment in the mining industry (West Australian, 28 March 2012). But in the future, according to one newspaper report, with AUD 200 billion worth of new iron ore and gas projects in the pipeline until 2015, the temporary workforce is destined to get ‘much, much bigger’ (Laurie 2012: 13). The Western Australian Chamber of Minerals and Energy claims that 38,000 more workers are needed in the state by early 2013; they will join 92,500 already employed in the resource industry, 52 per cent of whom are FIFO workers (Laurie 2012). Notwithstanding the human problems associated with FIFO workforces, unions are concerned about the long-term capacity of foreign labour, if it is to be greatly expanded, to undercut local employment conditions. Although Australian wages cannot be undermined,
the presence of foreign labour can certainly suppress upwards pressure on wages. The onus is on employers, therefore, to demonstrate their need for foreign workers by proving that they cannot source local labour. The following section will focus on another sector of the Australian economy, the fishing industry, which is somewhat belatedly recognising the need to systematically employ larger numbers of temporary migrant workers.

**Indonesian temporary migrant workers in the Australian fishing industry**

As of July 2012, there were 71 foreign crew working in Australia’s commercial fishing industry, all of them Indonesian. Many more are needed, but, owing to the bureaucratic obstacles in negotiating a semi-skilled labour agreement, supply is failing to meet demand. The supply of experienced local labour is declining for many reasons. In terms of the local labour shortfall, according to Trixi Madon, ‘there are already many labour challenges facing the fishing industry: the workforce is ageing, there are fewer younger people attracted to the industry, other competing industries are having a significant impact on workers available’ (Commonwealth Fisheries Association 2012). This summation has been echoed by several fishing entrepreneurs and industry representatives interviewed in the course of writing this chapter, who uniformly complain of the shortage of experienced Australian fishing and deck hands. In response to this problem, over the last decade there has been strong interest in initiating a temporary visa programme for unskilled migrant workers to work on Australian vessels. Efforts to achieve this have been subsumed by the growth in the 457 temporary skilled work visas, which have allowed modest numbers of foreign deck and fishing hands to work on Australian vessels. As mentioned earlier, the Fishing Industry Template Labour Agreement was introduced in 2011 after extensive consultation with fishing operators and government and industry bodies, dating back to at least 2010 (Cleary 2010).

The 2011 agreement is meeting the needs of a small number of Australian fishing operators who now source their workers almost exclusively from Indonesia. By all accounts, Indonesian fishing and deck hands make good crews. Recruited by Australia-based labour brokers, they usually serve under an Australian captain and are praised for being strong, experienced

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3 Our thanks to Brooke Thomas, director of the Labour Agreements Section, Australian Department of Immigration and Citizenship, for this information.
and dependable fishermen, with exemplary behaviour. These days, few eyebrows are raised in the Australian commercial fishing industry about reports of vessels manned by foreign crew, which sheds doubt on claims that Australians are not yet ready for an influx of foreign labour (Mares 2006). Foreign workers on Australian vessels are, in general, accepted, as they are in Australia’s fruit-growing regions, construction sites, mines and aged care facilities. Indeed, some commentators have argued that temporary labour migration, although controversial, makes good policy sense (see, for example, Sloan 2012). Private fishing operators, many of whom are operating under capacity because of a shortage of experienced crew, concur. As in key labour receiving countries such as the United States and Malaysia, Australia’s economy is dependent on migrant labour, both temporary and permanent. Moreover, in some sectors of the economy, such as the commercial fishing industry, demand is much greater than supply.

For some, allowing Indonesians in particular to work in the contemporary Australian commercial fishing industry could be regarded as a nostalgic gesture, if not a security risk. On the one hand, the Macassan trepangers were an important element of Australia’s early history. However, the days of the Macassan trepang industry have long since passed; the Indigenous communities of northern Australia are now Australian citizens subject to Australian federal, state and territory laws, and the trepang fishers of Sulawesi and elsewhere are now Indonesian citizens and, therefore, subject to strictly enforced laws relating to fishing in Australia’s northern waters. If, perchance, fishermen from Sulawesi, or any other part of eastern Indonesia for that matter, were to seek to reclaim their centuries-old tradition of trepang fishing in Australian waters, they would be, and quite often are, apprehended, imprisoned and sentenced as ‘illegal fishermen’ or ‘poachers’ (Fox & Sen 2002; Francis 2006; Ganter 2006).4 Australian maritime authorities, in their endeavours to strictly enforce the 1991 Australian Fisheries Management Act, treat poaching seriously. Besides experiencing detention and, ultimately, deportation, their vessels, fishing gear and catch, are also systematically forfeited to the Australian authorities and destroyed (Fox & Sen 2002; Stacey 2007).

After the election of the Labor government in 2007 and the systematic dismantling of the former conservative government’s so-called Pacific

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4 An exception to this is the provision for ‘traditional’ Indonesian fishermen to fish using ‘traditional’ vessels and fishing techniques in the Australian Fishing Zone (also known as the MoU Box, because it was established after an MoU was signed between the Australian and Indonesian governments in 1974).
Solution (the offshore detention of asylum seekers in Pacific island states), the resurgence in the number of Indonesian vessels transporting asylum seekers and refugees to Australian shores has added to the sensitivity of this issue. This was exacerbated by the failure of the Labor government’s Malaysia Solution (see chapter 9 in this volume). The transition towards a new Pacific-oriented solution with the second Rudd government and the new Coalition government of 2013 has barely improved the situation (see chapter 8 this volume). Subsequently, the problem of smuggling irregular migrants on Indonesian fishing vessels has become a serious political problem for both the Labor and Coalition governments. For many, the fine line between ‘illegal fishermen’ and ‘people smugglers’ has been blurred.5

The relative abundance of certain types of marine products such as trepang and trochus still attracts stray Indonesian fishing vessels to the Australian Fishing Zone, despite the great costs incurred if these IUU vessels are detected and apprehended. Illegal trepang fishing has a long history in the waters of Australia’s northern shores. After the Macassan fishing fleets made their last annual journey to Arnhem Land in 1907, Indonesian trepangers continued to fish illegally in Australian waters, especially in the Timor Sea, for decades afterwards. They ceased altogether during the Japanese occupation of East Asia from 1942 to 1945 (Fox & Sen 2002). But trepang gathering began again in the offshore islands and reefs in the Timor Sea, particularly at Scott Reef, Seringapatam and Browse Island, where traditional fishers are permitted to operate according to the rules and regulations of the so-called ‘MoU Box’, an area of Australian water in the Timor Sea, using traditional fishing methods only (see Figure 10.1). Thus in one sense Indonesian fishing of trepang has continued legally, even though Australian governments have been determined to clamp down on any forms of illegal fishing as well as the catching of sharks for their fins (Francis 2006; Gibson & Razak 2011; Howlett 2011). Shark-fin fishing regularly occurs in Australia’s waters, as Indonesian fishers in search of shark are routinely slipping out of the MoU Box into Australian waters.

In relative terms, it can be argued that, for the time being, Indonesian fishers are not returning to Australian waters in large numbers. Nevertheless, as we have argued, IUU fishing still occasionally occurs and Indonesian fishers continue to be caught. Why? If we consider the so-called ‘push’ factors, in Indonesia – not to mention Southeast Asia and the South Pacific in general – the combination of elevated export prices and strong demand

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5 Of course, in the eyes of naval and customs personnel actually dealing with both parties, the distinction is still quite clear.
from Chinese markets for products such as trepang and shark fin has led to serious overfishing in Indonesian waters. While Indonesia is ranked fourth in the world in terms of fish production, most of its fisheries are either overexploited or fully exploited (Williams, 2007, p. xi). Local fishers can only be partly blamed for this. The real culprits are the foreign trawlers originating from China, Taiwan and the Philippines, many of whom use extremely destructive fishing methods. According to one report, each year foreign vessels take more than 1.5 million tonnes of fish illegally from Indonesian waters and, with no coastguard to speak of and a chronically under-resourced naval force, there is not much Indonesian authorities
can do about it (Lindsay & Pulungan 2013). Economic pressures, if not outright poverty, are forcing Indonesian fishermen to roam further afield in ever-increasing concentric circles. As their gaze, if not their operational range, roams further over the horizon, it is not surprising that the maritime territory of Australia, including the MoU Box, has become an attractive proposition, despite the severe opportunity costs. While the MoU Box and its marine ecosystem is not free from the threat of exploitative fishing pressure (Adhuri 2013), in comparison to Indonesian waters, this area and the Australian waters around it are relatively under-utilised.

The elephant in the room is the close association between Indonesian fishers and people smuggling (see chapter 8 this volume). Given factors such as global refugee flows and widespread poverty in eastern Indonesia, this issue will not disappear in the short term (see chapter 7 in this volume). We argue that one way to encourage poverty-stricken Indonesian fishermen to turn their back on people smuggling is to provide them with increased income and security. Enhancing the employment of Indonesian fishing crew on Australian fishing vessels could achieve this. As well as receiving income to send back home, with appropriate training and debriefing, Indonesian migrant workers could also develop new skills and techniques in fisheries management, processing and marketing, all of which would be of potential use on their return to Indonesia. Admittedly, this does little to disrupt people-smuggling operations in Indonesia or Malaysia or relieve the bottleneck of asylum seekers ensconced in both countries. Nevertheless, at the very least it could potentially decrease the number of vessels making the dangerous voyage to Australian territory, which in recent years has led to the tragedy of many hundreds of lives lost at sea. The fact that Australian authorities apprehend and destroy all IUU vessels has ensured that the vessels themselves are, at best, in poor condition and, at worst, unseaworthy. Crewing such a vessel, therefore, is an act of great desperation, with many Indonesian fishermen sentenced to a mandatory five years in an Australian prison for facilitation and profiteering from people smuggling.

Conclusion

This chapter has highlighted the common knowledge that, before the full impact of European settlement in Australia was felt, Indonesian trepangers and the Indigenous inhabitants of northern Australia had cooperated closely and traded for nearly two centuries. In more recent times, temporary migration flows to Australia from Indonesia have been overshadowed by the close
association between Indonesian fishers and the people-smuggling trade, which involves the transportation of irregular migrants to Australian territory. We have argued, however, that one way to encourage fishers to turn their back on people smuggling is to provide them with increased income and security, which could provide a measure of what is known as ‘reliable prosperity’. Evaluations of New Zealand’s Pacific Islander seasonal workers scheme have demonstrated that it is having a positive development impact in the Pacific. Although the number of migrant workers participating in an Australian equivalent would be much lower than the RSE, it could be argued that a similar temporary foreign labour programme in the Australian fishing industry, which hitherto appears to be favouring Indonesian fishers, might manifest some modest development benefits. Besides the direct benefits of employment, skills training and remittances, in terms of Australia’s maritime border issues, it seems reasonable to assume that fishing and deck hands with experience working in Australian waters would become familiar with Australian maritime enforcement arrangements. On their return, they could spread reliable information about the dangers of people smuggling and the benefits of better money earned legally.

It is ironic that immediately north of Australia lie many large fleets of Indonesian fishing vessels, manned by fishers facing a seemingly never-ending struggle over marine resources that are diminishing as a result of unsustainable fishing. In Indonesia, these fishers are known to be among the poorest of the poor, spurring them to commit extremely desperate acts such as ferrying irregular migrants to Australia. Increasing the numbers of Indonesian fishing crews working in Australian waters could make a modest contribution in addressing this situation. We reiterate that the development benefits of employing relatively small numbers of Indonesian deck and fishing hands in Australia would be modest at best. Nonetheless, considering the ongoing nature of what has been widely referred to as Australia’s ‘asylum-seeker crisis’, it would be a step in the right direction. Travelling on unseaworthy fishing boats is a dangerous situation both for Indonesian fishing crews and asylum seekers, the latter of which are often already traumatised and in dire need of protection and safety. The key lesson of this chapter, however, is much broader in nature. That is, both Australia and Indonesia need to recognise that the best way to overcome ongoing issues such as asylum seeker flows, people smuggling, overfishing, labour shortages and so on, is through a regional framework. In terms of better managing legal and illegal migration in Southeast Asia and the Asia-Pacific region in general, the best way to make progress is through closer cooperation and collaboration between the key countries in the neighborhood. New
Zealand, for example, has drawn on its close ties with its Pacific neighbours to encourage a culture of circular migration. Likewise, this chapter suggests that the shared history between Indonesia and Australia could be used as a launching pad for more constructive migration flows from Indonesia to Australia – that is, a history in which Indonesia’s boats in search of the humble sea cucumber once drew the people of these two countries and the rest of the world together rather than pushing them apart.

Finally, while this chapter and the other chapters of this book have highlighted the importance of tackling regular and irregular migration on a regional basis, we also need to be vigilant in recognising the close association between migration and other salient themes, such as the capacity of migration in general and labour migration in particular to act as a development strategy for the sending countries. We also need to be much more up front about the many benefits of migration for the receiving countries, including the injection of both low and high-skilled labour. Ultimately we need to normalise migration, which would go some way towards lessening the general angst that is associated with migration, especially when it is discussed in the international or transnational context.

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