

**'NO TO PEOPLE SMUGGLING':
A REVIEW OF AUSTRALIA'S ANTI-
MIGRANT SMUGGLING
AWARENESS CAMPAIGNS**

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‘NO TO PEOPLE SMUGGLING’: A REVIEW OF AUSTRALIA’S ANTI-MIGRANT SMUGGLING AWARENESS CAMPAIGNS

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Raising awareness and educating the public about the causes and consequences of migrant smuggling is an important part of any strategy to prevent and combat this phenomenon effectively. But concerns arise when information and awareness campaigns are used to deter smuggled migrants, many of whom are fleeing persecution, torture, discrimination, war, poverty, and other humanitarian crises. This research paper examines the design, content, and effectiveness of anti-migrant smuggling awareness campaigns run by the Australian Government. The research paper outlines international law and best practice guidelines on this topic and assesses five campaigns run between 1999 and 2013 against these international standards. The analysis reveals several discrepancies between international and domestic frameworks and paves the way for more informed awareness and education initiatives in the future.

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I INTRODUCTION

The smuggling of migrants—defined in international law as ‘the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident’¹—is a phenomenon that affects countries worldwide, as sources, transit points, or destinations of irregular migrants who seek a better and safer life abroad. Preying on the desperation and vulnerabilities of their clientele, migrant smugglers gain significant financial and other material benefit from the fees smuggled migrants are prepared to pay to escape persecution, poverty, torture, war, discrimination, or other humanitarian crises. For many smuggled migrants, the illegal services offered by their smugglers represent the only way to escape death or other forms of harms; for others, migrant smuggling is seen as the only or most immediate avenue to a better life for themselves or that of their family.

If designed and executed properly, awareness campaigns about the causes and consequences of migrant smuggling have the potential to prevent ‘the higher human cost resulting from unscrupulous methods and motives of migrant smugglers’ as well as reducing or avoiding ‘the high cost and risk of launching transnational investigations and prosecutions.’² In international law, the *Protocol against the Smuggling of Migrants by Land, Sea and Air* supplementing the *Convention against Transnational Organised Crime*³—the principal and most universal instrument to combat migrant smuggling—calls for a holistic response to migrant smuggling, including prevention through the use of anti-migrant smuggling information campaigns. In addition, UNODC, the United Nations Office on Drugs and Crime—the ‘guardian’ of the *Smuggling of Migrants Protocol*⁴—has developed a plethora of guidelines, ‘toolkits’, and other best practice material to assist States Parties to design appropriate awareness and education measures whilst also respecting the rights of smuggled migrants and protection obligations stemming from other international treaties, most notably the *Convention and Protocol relating to the Status of Refugees*.⁵

The topic of migrant smuggling is particularly contentious and politicised in Australia where successive governments from both sides of the political spectrum have advocated and instituted a great range of often draconian measures to prevent, deter, and punish those engaged in the smuggling of migrants—both as smugglers and smuggled migrants. Since 1999, several hundred migrant smuggling vessels have arrived in Australia, usually carrying asylum seekers from the Middle East or Sri Lanka. In 2012 alone 17,202 persons arrived in Australia on board so-called ‘suspected illegal entry vessels’ or ‘SIEVs’.⁶ In an effort to

¹ *Protocol against the Smuggling of Migrants by Land, Sea and Air* (open for signature 15 December 2000, 2241 UNTS 507 (entered into force 28 January 2004) [hereinafter *Smuggling of Migrants Protocol*] art 3.a.

² UN Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on the Smuggling of Migrants, *Challenges and good practices in the prevention of the smuggling of migrants*, UN Doc CTOC/COP/WG.7/2012/2 (21 March 2012) 3 [6].

³ Opened for signature 15 Dec 2000, 2225 UNTS 209.

⁴ *Convention against Transnational Organized Crime*, opened for signature 12 December 2000, 2225 UNTS 209 (entered into force 29 September 2003) art 33. See further, UN Secretariat, *Organization of the United Nations Office on Drugs and Crime*, UN Doc ST/SGB/2004/6 (15 March 2004).

⁵ *Convention relating to the Status of Refugees*, opened for signature 28 July 1951, 189 UNTS 150 (entered into force 22 April 1954); *Protocol relating to the Status of Refugees*, opened for signature 31 January 1967, 606 UNTS 267 (entered into force 4 October 1967). Hereinafter, and unless stated otherwise, the Convention and Protocol are referred to collectively as the *Refugee Convention*.

⁶ Janet Philips & Harriet Spinks, ‘Boat arrivals in Australia since 1976’ (Background Note, Parliamentary Library, Parliament of Australia, 2013) 22.

‘stem the flow’ of smuggled migrants and ‘smash the people smugglers’ business model’,⁷ the Australian Government has instigated several awareness and information campaigns designed to prevent smuggled migrants from making the expensive and often dangerous journey to Australia with the help of migrant smugglers.

This research paper explores the prevention of migrant smuggling through the use of awareness campaigns in Australia. It outlines and examines five campaigns run between 1999 and 2013 and assesses the design, message, implementation and evaluation of these campaigns against the requirements of international law and best practice guidelines. The purpose of this research paper is to highlight strengths and weaknesses of past and present awareness campaigns and to pave the way for more informed campaigning in the future in order to prevent the smuggling of migrants more effectively, respect the rights of smuggled migrants, and address the root causes of migrant smuggling.

This research paper is divided into five parts. Following this introduction, Part II identifies and outlines international law and best practice guidelines relating to awareness raising in the context of migrant smuggling. Part III examines five awareness campaigns run by the Australian Government between 1999 and 2013 and assesses the design, content and operation of these campaigns against international standards. Based on this analysis, Part IV of this research papers makes some observations about the overall strengths and weaknesses of anti-migrant smuggling campaigning in Australia with a view to identifying common errors and concerns, especially in relation to the protection of smuggled migrants and the right to seek asylum. These observations form the basis of conclusions and recommendations made in Part V.

Research for this study is based exclusively on open-source material, including documents and other information published by international organisations, the Australian Government and its agencies, academic scholarship and, where relevant, news media and case reports. The analysis in this research paper is limited by the fact that the concern of the Australian Government has been almost exclusively on migrant smuggling by sea, while other forms of migrant smuggling, such as migrant smuggling by air and smuggling by use of fraudulent documents or by way of concealment, have not been systematically explored and have not featured in any anti-migrant smuggling awareness campaign at this point.

II INTERNATIONAL LAW AND BEST PRACTICE GUIDELINES

A *The Smuggling of Migrants Protocol*

The purpose of the *Smuggling of Migrants Protocol* is to ‘prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants.’⁸ The Protocol was developed with the intention of providing an ‘integrated universal approach’⁹ to address the criminalisation of migrant smuggling. The Protocol adopts an aspirational, yet pragmatic and multifaceted approach to fulfilling its objective. Upon signing the Protocol, States Parties agree to criminalise the smuggling of migrants and related conduct under Article 6(1). The prevention and suppression of the smuggling of migrants by sea is specifically addressed in Article 7–9 of the

⁷ See, for example, Chris Bowen, Minister for Immigration, ‘High Court Decision’ (Press Release, 31 August 2011) <<http://www.minister.immi.gov.au/media/cb/2011/cb171159.htm>>.

⁸ *Smuggling of Migrants Protocol*, art 1(1).

⁹ CarrieLyn Donigan Guymon, ‘International Legal Mechanisms for Combating Transnational Organised Crime: The Need for a Multilateral Convention’ (2000) 18 *Berkeley Journal of International Law* 52, 55.

Protocol.¹⁰ The Protocol also requires adoption of general prevention measures targeted at improving border control capabilities, information gathering, and law enforcement.¹¹ States Parties also agree to adopt appropriate measures to preserve and protect the rights of smuggled migrants and work with each other to facilitate the return of smuggled migrants.¹²

The prevention of migrant smuggling is an essential element of the international framework. In this context, the use of measures that raise awareness about the causes and consequences and warn would-be migrants about the associated risks and dangers play a central role. Further to this, effective campaigns may also deter would-be offenders by communicating the criminality of migrant smuggling and consequences of offending.¹³ It is for these reasons that Article 15 of the *Smuggling of Migrants Protocol* explicitly advocates public awareness raising and cooperation between States Parties to prevent smuggling of migrants:

1. Each State Party shall take measures to ensure that it provides or strengthens information programs to increase public awareness of the fact that the conduct set forth in article 6 of this Protocol is a criminal activity frequently perpetrated by organized criminal groups for profit and that it poses serious risks to the migrants concerned.
2. In accordance with article 31 of the Convention, States Parties shall cooperate in the field of public information for the purpose of preventing potential migrants from falling victim to organized criminal groups.

Article 15(2) makes specific reference to Article 31 of the *Convention against Transnational Organized Crime*, which, inter alia, recommends the dissemination of information through the mass media and the promotion of public participation in preventing and combating all forms of organised crime.¹⁴

B 'Toolkits', Guidelines, and other Best Practice Material

To explain and illustrate the scope and operation of the *Smuggling of Migrants Protocol*, and assist States Parties in their efforts to accede to and implement the Protocol, UNODC and the International Organisation for Migration (IOM) have developed a suite of documents which, in combination, provide a useful set of best practice materials in this field.

The *Toolkit to Combat Smuggling of Migrants*, the *International Framework for Action to Implement the Smuggling of Migrants Protocol* and the *Model Law against the Smuggling of Migrants*, for instance, contain additional recommendations regarding the content of awareness and information campaigns.¹⁵ The *Legislative Guides* also note that public information campaigns about the legislation used to establish migrant smuggling offences can 'serve to emphasise that the smuggling of migrants is a serious criminal activity, often harmful to the migrants themselves and with broader implications for community crime levels.'¹⁶

¹⁰ *Smuggling of Migrants Protocol*, arts 7–9.

¹¹ *Smuggling of Migrants Protocol*, arts 10–14.

¹² *Smuggling of Migrants Protocol*, arts 5, 16, 18 and 19.

¹³ See further, UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2012) 8.

¹⁴ *Convention against Transnational Organized Crime*, art 31(5).

¹⁵ UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.6, 22–23; UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2012) 8; UNODC, *Model Law against the Smuggling of Migrants* (2010) 80.

¹⁶ UNODC, *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto* (2004) 373.

1 Campaign design

International best practice guidelines highlight the importance of the design and development phase of an anti-migrant smuggling information campaign, noting that insufficient preparation will be detrimental to effective implementation.¹⁷ Any campaign must be founded on accurate and informed research; a poorly designed publicity campaign may, for example, inadvertently increase fear of crime, with undesired consequences such as vigilantism.¹⁸ As the situation of migrant smuggling—and thus context of every campaign—is different in every country, campaigns must be based on sound research and evidence specific to the local situation.¹⁹ This should also take into consideration language, culture, communication networks, and the specific push-pull factors that induce migration in the local environment.²⁰

In this context, it is also important to identify a specific target audience for awareness raising efforts, which may include, for example, would-be migrants, migrant smugglers, diaspora, law enforcement and public officials, airlines, shipping lines or other commercial carries, or other individuals and organisations who are likely to come into contact with or be involved in migrant smuggling.²¹ IOM's public information guidelines note that the narrower the target audience the more precise and effective the campaign will be.²² The involvement of law enforcement in awareness campaigns, when designed properly, has also been highlighted as a particularly effective tool. It is suggested that law enforcement can tackle the phenomenon by teaching and raising awareness among potential smuggled migrants, or they can warn offenders of increased police vigilance or improved police practices.²³

2 Information and Campaign Messages

Information and messages disseminated in anti-migrant smuggling information campaigns should be accurate, objective and adequate in order to counter partial, biased and misleading information (sometimes propagated by smugglers), thus painting an alternate, rational picture of migration to enable potential migrants to make informed decisions. This also better informs public opinion and may assist in reducing xenophobia and racism towards smuggled migrants.²⁴

¹⁷ IOM, *Evaluation of IOM Public Information Programmes* (IOM, 1999) 17.

¹⁸ UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.10, 35.

¹⁹ UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2012) 9.

²⁰ UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.6, 25.

²¹ UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2012) 103, 109; UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.6, 22; UN Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on the Smuggling of Migrants, *Challenges and good practices in the prevention of the smuggling of migrants*, UN Doc CTOC/COP/WG.7/2012/2 (21 March 2012) 6 [25]–[26]; The Berne Initiative, *International Agenda for Migration Management* (IOM, 2005) 43.

²² IOM, *Evaluation of IOM Public Information Programmes* (IOM, 1999) 14.

²³ UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.10, 35.

²⁴ UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2012) 46; The Berne Initiative, *International Agenda for Migration Management* (IOM, 2005) 43; UN Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on the Smuggling of Migrants, *Challenges and good practices in the prevention of the smuggling of migrants*, UN Doc CTOC/COP/WG.7/2012/2 (21 March 2012) 6 [27]; IOM, *Managing Perception*, Policy Making Guide, Section 1.10 (IOM, 2004) <http://www.rcmvs.org/documentos/IOM_EMM/v1/V1S10_CM.pdf> 4.

The information provided in awareness campaigns must balance positive and negative messages. Overtly negative information, focusing solely on risks, dangers and criminality of migrant smuggling, are generally ineffective, particularly if the target audience is not able to protect themselves from such risks.²⁵ Negative information presents the target audience with an insurmountable problem and leaves them feeling helpless. When people have no choice but to migrate due to dangerous situations they are facing, information presenting only risks and dangers of migration journeys will have little impact. Thus, overly negative messaging renders the information ineffective and undermines campaign credibility.²⁶ Balanced information, on the other hand, empowers potential migrants and provides them with alternative avenues for action, thus improving campaign effectiveness.²⁷ Scare campaigns, seeking to deter smuggled migrants, many of whom are fleeing persecution and other humanitarian crises, are thus ill suited and indeed inappropriate to deter persons who may have little choice but to resort to irregular means of migration.

This may mean that target audiences need to be informed, on the one hand, of the criminality and dangers of migrant smuggling, but, on the other, also about migrants' rights under international humanitarian law and international human rights law, and particularly their rights under the *Convention and Protocol relating to the Status of Refugees*, when applicable. Additionally, would-be migrants should be informed about the availability of legal avenues of migration to encourage the use of legal over illegal channels, such as migrant smuggling.²⁸

3 Implementation

International best practice guidelines recommend that the methods and media chosen to disseminate information and messages of the campaign be appropriate for the target audience, campaign objective and available resources. Potential media include mass media such as newspapers, radio, television, interviews, reports, advertisements, documentaries and the internet. Other communication methods include street drama, workshops, music, and videos. Spreading messages by word of mouth is considered highly effective, given the importance of social networks in migration flows.²⁹ Combining several media can increase the chances of

²⁵ UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.6, 26; UN Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on the Smuggling of Migrants, *Challenges and good practices in the prevention of the smuggling of migrants*, UN Doc CTOC/COP/WG.7/2012/2 (21 March 2012) 6–7 [28]; 'Co-leader's statement' (Bali Process Workshop on Best Practice Information Campaigns to Combat People Smuggling, Bangkok, 28–30 October 2009) 4 [10], <http://www.baliprocess.net/files/Workshop%20Info%20Campaigns%20Oct09/Wrkshop_Info%20Campaigns_Co-leaders%20statement_30Oct2009.pdf>.

²⁶ IOM, *Managing Perception*, Policy Making Guide, Section 1.10 (IOM, 2004) <http://www.rcmvs.org/documentos/IOM_EMM/v1/V1S10_CM.pdf> 4.

²⁷ UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.6, 26; UN Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on the Smuggling of Migrants, *Challenges and good practices in the prevention of the smuggling of migrants*, UN Doc CTOC/COP/WG.7/2012/2 (21 March 2012) 6.

²⁸ *Smuggling of Migrants Protocol*, arts 15(1), (2), 19(1); UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2012) 45, 46; UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.6, 22; UN Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on the Smuggling of Migrants, *Challenges and good practices in the prevention of the smuggling of migrants*, UN Doc CTOC/COP/WG.7/2012/2 (21 March 2012) 6–7 [28]; IOM, *Managing Perception*, Policy Making Guide, Section 1.10 (IOM, 2004) <http://www.rcmvs.org/documentos/IOM_EMM/v1/V1S10_CM.pdf> 4.

²⁹ Khalid Koser, *Responding to Boat Arrivals in Australia: Time for a Reality Check* (13 December 2010) Lowy Institute, <<http://www.lowyinstitute.org/publications/responding-boat-arrivals-australia-time-reality-check>>; Wise Strategic Communication, *Afghanistan Counter*

reaching the target audience; repetition and continuity will help the audience understand and memorise the message.³⁰ Appropriate dissemination strategies in one country may not be as effective in another, reiterating the significance of research in the design phase.³¹

4 Monitoring and Evaluation

Monitoring and evaluation processes should be planned during the design phase and conducted with reference to the campaign's aims and objectives.³² This is important for two reasons. Firstly, monitoring allows for the campaign to be appropriately adjusted throughout its duration, thus enhancing effectiveness. Secondly, monitoring and evaluation can establish the impact of a campaign and contribute to research and inform the design of future campaigns. Lessons learnt from the monitoring and evaluation should also be exchanged between States and among different stakeholders.³³

Evaluating the impact of an anti-migrant smuggling information campaign requires multifaceted levels of assessment of psychological, cultural, and societal behaviour.³⁴ The *Toolkit to Combat the Smuggling of Migrants* outlines two types of evaluations that can be conducted simultaneously to deal with these complex assessment issues. Firstly, qualitative assessments in order to evaluate how people have reacted to the information campaign. This could be done through interviews or questionnaires. Secondly, quantitative assessments in order to obtain measurable data in response to original indicators set. This might include the number of pamphlets distributed and the percentage of potential target audience reached.³⁵

III AUSTRALIA'S ANTI-MIGRANT SMUGGLING INFORMATION CAMPAIGNS

Since the topic of migrant smuggling—or people smuggling as it is locally referred to—first made headlines and became a major political issue in 1999, successive Australian Governments from both sides of politics have launched several campaigns designed to stop migrant smuggling. By and large, the campaigns were aimed at would-be migrants and sought to warn them about the costs and dangers associated with migrant smuggling, and the harsh conditions and consequences they may face en route and on arrival in Australia. The effect of these campaigns, if any, remains questionable as the number of smuggled migrants (or unauthorised boat arrivals) arriving in Australia has increased significantly over the past 14 years.

Over the same period, the Australian Government has also implemented and, at times, experimented with a range of other, sometimes draconian, policy initiatives and legislative amendments that sought to suppress migrant smuggling and deter smuggled migrants from attempting to reach Australian territory. At various times these measures have been accompanied by awareness campaigns designed to inform potential smugglers and smuggled

People Smuggling Scoping Study, Final Report (WSC, 24 October 2010) 4 <<http://www.customs.gov.au/webdata/resources/files/FinalReport-WiseStrategicCommunicatoin.pdf>>.

³⁰ UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.6, 26–27.

³¹ IOM, *Evaluation of IOM Public Information Programmes* (IOM, 1999) 19.

³² UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.7, 28.

³³ UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2012) 49; 'Co-leader's statement' (Bali Process Workshop on Best Practice Information Campaigns to Combat People Smuggling, Bangkok, 28–30 October 2009)5, <http://www.baliprocess.net/files/Workshop%20Info%20Campaigns%20Oct09/Wrkshop_Info%20Campaigns_Co-leaders%20statement_30Oct2009.pdf>.

³⁴ IOM, *Evaluation of IOM Public Information Programmes* (IOM, 1999) 22.

³⁵ UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.7, 28.

migrants about the harsh penalties and unwelcome reception awaiting them, and about the illegality and dangers of migrant smuggling. The 2009-10 federal budget allocated AUD 7.8 million in funding over four years to Australian Customs and Border Protection in an effort to raise greater awareness about migrant smuggling in key sending and transit countries. In 2011, the Australian Government also developed a formal communications plan as part of its strategy to address the issue of migrant smuggling. The purpose of this plan, under which recent awareness campaigns have been run, is to promote

the Australian Government's effective border management arrangements; highlighting the dangers of a high risk sea voyage to potential irregular immigrants; discouraging involvement by local communities; and highlighting to people smugglers the penalties faced.³⁶

The five main awareness campaigns that ran at various times between 1999 and 2013, including two campaigns presently in operation, are outlined and analysed in the following sections.

A *'Pay a People Smuggler and You'll Pay the Price'*

1 *Background and Context*

Between 1998 and 1999, the number of 'unauthorised boat arrivals' in Australia suddenly rose from just 200 in 1998 to 3721 one year later.³⁷ Over this period, several vessels sought to arrive on Australia's East Coast clandestinely and enable the smuggled migrants to disembark undetected. These so-called 'covert arrivals' mostly involved smuggled migrants from China, who had sailed directly from China to Australia and who, at the time, had little prospect of gaining refugee status and thus protection visas in Australia, hence the attempt to bring them to Australia clandestinely. Later in 1999, the coasts of the Northern Territory, Western Australia, and the Australian offshore territories of Christmas Island and Ashmore Reef saw a growing number of 'overt arrivals' involving migrant smuggling vessels carrying persons, mostly of Middle Eastern background, to Australia who were seeking asylum.³⁸

2 *Design, Message and Media*

In 1999, Department of Immigration launched its first awareness campaign entitled 'Pay a People Smuggler and You'll Pay the Price' to stop further irregular maritime arrivals. The campaign was designed to warn would-be migrants about the costs and dangers associated with migrant smuggling, including the high risk of being detected in Australia, the new offences and penalties that had been introduced to criminalise and punish migrant smuggling, and about the dangers of drowning or being stranded in remote, crocodile-infested parts of Australia.³⁹ In fact, some of the images and footage used in this campaign portrayed Australia as a country full of natural dangers and unwelcoming to foreign visitors.

At the time of writing, no records or other documents were available to shed further light on the specific purpose of this campaign, nor was any research or evidence available to suggest on what this campaign might have been based. It is not possible to establish how extensively

³⁶ Australian Customs and Border Protection Service, *Strategic Assessment of Counter People Smuggling Communications Activities* (Australian Customs and Border Protection Service, November 2011) 4, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document04_Released.pdf>.

³⁷ Janet Phillips & Harriet Spinks, 'Boat arrivals in Australia since 1976' (Background Note, Parliamentary Library, Parliament of Australia, 2013) 22.

³⁸ See further, Andreas Schloenhardt, *Migrant Smuggling: Illegal Migration and Organised Crime in Australia and the Asia Pacific Region* (Martinus Nijhoff, 2003) 148–151.

³⁹ The image of crocodile-infested swamps related to an incident in which a migrant smuggling vessel carrying Chinese nationals was caught in a cyclone in the Gulf of Carpentaria.

the background and target audience of this campaign were researched and what specific considerations influenced the choice of messages, design, content and media.

The campaign, which ran until 2001, was shown in Australia but predominantly targeted would-be migrants overseas, especially in the Middle East from where a growing number of smuggled migrants had arrived. The campaign consisted of posters, flyers, fact sheets, and a video, which was aired on commercial TV stations and public broadcasters in several Middle Eastern countries.⁴⁰

A unique and perhaps peculiar element of the ‘Pay a People Smuggler’ campaign was the publication of an extensive information kit, containing detailed documents about the levels and patterns of migrant smuggling in Australia. Consisting of 23 pages, the kit outlined in some length ‘How Australia is stopping illegals,’ ‘What you can do to help stop illegal migration,’ ‘Why you must help stop illegal entrants,’ and the consequences of arriving illegally by air and by boat. The kit stressed that travelling to Australia by boat is a ‘dangerous and futile journey’ and sometimes people die, noting a number of examples such as ‘15 illegal entrants were lost at sea when their boat sank near Christmas Island.’⁴¹

The information kit also included a series of fact-sheets, detailing the characteristics of migrant smuggling and listing every illegal boat arrival from 28 November 1989 to 18 October 1999, also detailing the outcome for the smuggled migrants who arrived on these boats. A graph and table of the number of boat arrivals per year were included, as was a summary of those granted entry to Australia, of those departed from Australia, and their respective nationalities. A map of people smuggling routes to Australia was also included. Several media releases, mostly by the then Minister for Immigration and Multicultural Affairs Mr Philip Ruddock, were also added to the information kit. These media releases detailed the announcement of ‘tough new initiatives,’ the ‘largest removal to Turkey of illegal entrants,’ and a warning that ‘2000 Somalis may be trying to enter Australia illegally by boat.’⁴²

3 Evaluation and Observations

This campaign was an ill-conceived and clumsy first attempt to scare smuggled migrants and instil fear that their journey to Australia could be a dangerous and ultimately unsuccessful one. Messages and slogans leading the campaign were overtly and exclusively negative, emphasising the serious consequences associated with migrant smuggling to Australia. The principal aim here was to deter smuggled migrants by reminding them time and again: ‘Pay a people smuggler and you’ll pay the price. It’s not worth the risk.’ Other headlines featured in this campaign included ‘there are tough penalties for people who break Australia’s migration laws,’ and ‘we are working hard to stop illegal entrants.’ Readers of the information kits were also encouraged to spread the message that ‘Australia does not want illegal entrants.’

Not only did this campaign fail to address the motivation of smuggled migrants or recognise the root causes that were driving irregular migration to Australia at the time, but the campaign also deliberately built on xenophobic sentiments within the Australian community by over-

⁴⁰ Australian Customs and Border Protection Service, *Maritime People Smuggling Strategic Communications Strategy 2011/2012 and 2012/2013* (Australian Customs and Border Protection Service, 20 March 2012) 1, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document03_Released.pdf>

⁴¹ DIAC, ‘Pay a People Smuggler and You’ll Pay the Price’ (Information Pack, DIAC, 1999) 1–4.

⁴² DIAC, ‘Pay a People Smuggler and You’ll Pay the Price’ (Information Pack, DIAC, 1999) 17–23.

emphasising the criminality of migrant smuggling and labelling smuggled migrants as unwanted illegal entrants. The campaign painted a deliberately negative image of Australia and the unwelcome reception irregular immigrants would receive. The videos and other images shown as part of the campaign were so overtly negative (also by highlighting dangers posed by Australian wildlife) that tourism operators raised concerns about this campaign that was aired, inter alia, on mainstream television in key source countries. As a result, some parts of the campaign were quickly mothballed.

By and large, the campaign was aimed at would-be migrants in perceived sending countries of smuggled migrants and diaspora communities in Australia with ties to such countries.⁴³ It appears that little research had been undertaken about the countries of origin and the specific audiences to be targeted. For example, it was reported that the campaign was broadcasted widely in Turkey, though few Turkish nationals had and have been smuggled to Australia.⁴⁴ While these countries were, and continue to be, important receiving countries for refugees from neighbouring areas and important transit points for migrant smuggling, it appears that few elements of the campaign were adjusted to the cultural and linguistic background of the persons most vulnerable to the promises made by migrant smugglers.

One important strength of the campaign was the level of detail and accuracy provided in this campaign as part of the information kit. To this day, the material thus disseminated amounts to the most complete information available about the levels and patterns of migrant smuggling to Australia at that time, containing detailed information about individual boat arrivals, statistics about the passengers and crew on board, and comprehensive narratives and data-sets about the movements of smuggled migrants to Australia and the processing of their claims after their arrival. However, while this information may be of great value to aid researchers, it is of little to no significance to smuggled migrants fleeing persecution and poverty, especially if they do not come from English speaking backgrounds.

Regrettably, there is no further information about any assessment of the effectiveness, impact, and outcome of the ‘Pay a People Smuggler’ campaign. There is also no information about the costs associated with it. There is no indication to suggest that the campaign deterred any smuggled migrants in any way, let alone that it reduced the levels of migrant smuggling to Australia in the medium and long term.

B ‘I know Smuggling Irregular Migrants is Wrong’

1 Background and Context

It took almost ten years after the ‘Pay a People Smuggler’ campaign for a new awareness campaign relating to migrant smuggling to Australia to emerge. This long period without any major campaigning on this topic is due in part to the fact that between September 2001 and November 2007 the then Australian Government led by Prime Minister John Howard instituted a series of exceptionally harsh measures to combat the smuggling of migrants, which included arrangements to detain smuggled migrants who had arrived in Australia

⁴³ Khalid Koser, *Responding to Boat Arrivals in Australia: Time for a Reality Check* (13 December 2010) Lowy Institute, <<http://www.lowyinstitute.org/publications/responding-boat-arrivals-australia-time-reality-check>>; Wise Strategic Communication, *Afghanistan Counter People Smuggling Scoping Study*, Final Report (WSC, 24 October 2010) 4 <<http://www.customs.gov.au/webdata/resources/files/FinalReport-WiseStrategicCommunication.pdf>>; IOM, *Evaluation of IOM Public Information Programmes* (IOM, 1999) 14.

⁴⁴ ‘Australia tries to scare off people-smugglers’, *Reuters News* (Canberra), 29 October 1999; ‘Australia Hit With Another 352 Illegal Immigrants’, *Dow Jones International News* (Canberra), 2 November 1999.

illegally by boat on Nauru and Papua New Guinea where many of them had to wait for years to have their claims processed. For a brief period of time, the Government also towed a number of migrant smuggling vessels back to Indonesia and instituted temporary (rather than permanent) protection visas for those smuggled migrants who had arrived in Australia unlawfully by boat. These measures made it near impossible and highly undesirable for smuggled migrants to try to come to Australia. In November 2007, the newly elected Government under Prime Minister Kevin Rudd abolished these practices and initially took a more humanitarian stand towards smuggled migrants and asylum seekers and, for that reason, did not engage in any specific awareness campaign about migrant smuggling for several years. From late 2008 onwards, however, the number of migrant smuggling ventures began to rise again, leading the Government to change some of its positions and start campaigning against migrant smuggling.

In 2010, as the number of unauthorised boat arrivals in Australia continued to raise to new heights,⁴⁵ the Australian Customs Service in cooperation with IOM launched a new awareness campaign that was specifically aimed at five regions in southern Indonesia. For the majority of smuggled migrants who arrive in Australia, Indonesia has been the main transit point on their way from the Middle East and South Asia to Australia. A common smuggling method that emerged at this time, and which continues to be practiced today, is for organisers of such ventures to recruit poor, uneducated Indonesian fishermen—some of whom were minors—to take smuggled migrants on their boats to Australia for a small amount of money.⁴⁶

This campaign was led by the slogan ‘I know Smuggling Irregular Migrants is Wrong’ and was in operation between April and July 2010. It was preceded by extensive research conducted by IOM on the motivations of Indonesian fishermen to become involved in migrant smuggling ventures. As part of the background information gathered for this campaign, IOM mapped household and community decision-making processes, assessed information consumption methods and assessed available media networks. IOM also worked directly with the Indonesian Directorate General for Immigration and the Indonesian National Police which provided information about which geographical areas to target in this campaign.⁴⁷

2 Design, Message and Media

Unlike other awareness campaigns run or commissioned by the Australian Government, the ‘I Know Smuggling Irregular Migrants is Wrong’ campaign was not targeting potential smuggled migrants. After extensive research, this campaign was designed to target persons who may become involved in the transportation of smuggled migrants from Indonesia to Australia. The main audience of this campaign was thus would-be offenders and the people most commonly prosecuted for ‘people smuggling’ offences under Australia’s *Migration Act 1958* (Cth). The campaign specifically targeted boat owners, boat builders, fishermen and other coastal industry workers in areas in southern Indonesia from where a great number of migrant smuggling vessels had departed. The campaign was also disseminated to Indonesian officials who may be involved in the prevention and detection of migrant smuggling in these

⁴⁵ See further, Janet Phillips & Harriet Spinks, ‘Boat arrivals in Australia since 1976’ (Background Note, Parliamentary Library, Parliament of Australia, 2013) 22.

⁴⁶ Andreas Schloenhardt & Charles Martin, ‘Prosecution of People Smugglers in Australia 2008-2011’ (2012) 40 *Federal Law Review* 111, 115; Australian Government, Expert Panel on Asylum Seekers, *Report* (August 2012) 76, <<http://expertpanelonasylumseekers.dpmc.gov.au/report>>.

⁴⁷ IOM, *Public Information Campaign to Curb Irregular Migration and People Smuggling in Indonesia*, Final Activities Report (IOM, September 2010) i, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document05_Released.pdf>.

areas. To this end, the campaign was much more selective in its main audiences, targeting the people who are most at risk to the promises and offers of money organisers of migrant smuggling ventures make to those who are needed to act as crew and deckhands on the vessels carrying smuggled migrants to Australia.

Campaign messages and information disseminated through this campaign differentiated between target groups. The main theme of the campaign was the message that ‘rejecting offers to support people smugglers is the right thing to do’ and that ‘I know smuggling irregular migrants is wrong.’⁴⁸ Sub-themes to these messages sought to speak to the pride and duties of the fishermen, including ‘people helping people—honouring God within the law,’ ‘raise your dignity and theirs by doing the right thing,’ and ‘I only transport fish—proud to be a fisherman.’⁴⁹ Campaign messages targeted at Indonesian government officials emphasised that ‘it is our national duty to be aware of the irregular migrant people smuggling issue,’ and called on the target audience to ‘do what you can,’ ‘raise awareness’, and ‘serve the people without limits.’⁵⁰ All messages were presented in Bahasa (Indonesian).

Activities to disseminate campaign messages to fishermen included various workshops, a family-photo-day market activity, a movie night, a ‘proud fisherman family day’, radio service announcements, newsletters and TV dialogues. Workshops were also conducted to disseminate messages to Indonesian government agencies. Material was produced to support these activities including a handbook addressing frequently asked questions, a brochure, posters, stickers, calendars, stickers, t-shirts, rain coats, family portraits, bags, backpacks, baseball caps, cups and flags.⁵¹

3 Evaluation and Observations

The information presented in this campaign was far more accurate, objective, and much better researched than that presented in earlier and subsequent awareness campaigns on the topic of migrant smuggling. Moreover, the key messages of this campaign were more positive, self-affirming, and encouraging than those used elsewhere. Here, the emphasis was on positive action and appeals to ‘do the right thing’ rather than trying to create fear and deterrence through negative messaging.

The fact that this campaign was aimed at potential offenders rather than would-be smuggled migrants meant that politically charged and controversial topics, such as the prosecution of smuggled migrants, their plight for asylum and a better life, and their rights and protection needs, could be omitted. Evaluation reports of this campaign suggest that some campaign activities reached large segments of the target audience.⁵² Several campaign activities involved face-to-face engagement and interaction, providing opportunities for direct questions and discussion thus increasing the level of engagement with the target audience.

This campaign was accompanied and followed by monitoring and evaluation reports that assessed the campaign and its effectiveness against set criteria, using the baseline research on

⁴⁸ IOM, *Public Information Campaign to Curb Irregular Migration and People Smuggling in Indonesia*, Final Activities Report (IOM, September 2010) i, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document05_Released.pdf>.

⁴⁹ IOM, *People Smuggling Information Campaign Strategy* (IOM, 23 March 2010) 9.

⁵⁰ IOM, *People Smuggling Information Campaign Strategy* (IOM, 23 March 2010) 9.

⁵¹ IOM, *People Smuggling Information Campaign Strategy* (IOM, 23 March 2010) 9.

⁵² Australian Customs and Border Protection Service, *Strategic Assessment of Counter People Smuggling Communications Activities* (Australian Customs and Border Protection Service, November 2011) 13–21, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document04_Released.pdf>.

which the campaign and its design were initially developed. These evaluation processes were planned prior to the implementation of the campaign, and interim and final reports were produced and published, featuring quantitative and qualitative information and assessments of the campaign.⁵³

The final evaluation report, released by Customs in November 2011, showed that four of six assessment indicators had been met, leading to suggestions that the campaign was a success. The indicators that were met included: greater understanding of legal consequences of people smuggling in Australia and Indonesia; greater understanding of the negative social and economic impacts of people smuggling; reduced willingness by target populations to engage in and/or support people smugglers; and increased reporting of potential people smuggling activities to authorities, which was measured by respondent reaction to a hypothetical case of people smuggling. There was a lack of data for the other two assessment indicators, which considered if there was an increased willingness to discourage a neighbour or someone in the community from considering engaging in migrant smuggling activities, and increased attention paid to anti-migrant smuggling activities.⁵⁴ Ultimately, the evaluation report found that there was a ‘radical shift in public opinion regarding the social and economic impact of people smuggling during the course of the campaign.’⁵⁵ But although there were ‘some positive signs such as reports of local police being informed of suspicious activity’ no conclusive results of the campaign’s overall success or cost-effectiveness could be determined because the ‘method of evaluation was incomplete,’ which may refer to the lack of data for some of the evaluation indicators.⁵⁶ This may be due to the short duration of the campaign and the concurrent evaluation, meaning long term effects and message retention could not be assessed.⁵⁷ The campaign nevertheless provides a good example for targeted, evidence-based, and informed campaigning against migrant smuggling. Although there is no suggestion that the campaign effectively halted migrant smuggling, the research, concept, design, methodology and evaluation of this campaign set a benchmark that no other campaign has yet met, let alone surpassed.

⁵³ IOM, *Public Information Campaign to Curb Irregular Migration and People Smuggling in Indonesia*, Final Activities Report (IOM, September 2010) i, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document05_Released.pdf>.

⁵⁴ Australian Customs and Border Protection Service, *Strategic Assessment of Counter People Smuggling Communications Activities* (Australian Customs and Border Protection Service, November 2011) 18, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document04_Released.pdf>..

⁵⁵ IOM, *Public Information Campaign to Curb Irregular Migration and People Smuggling in Indonesia*, Final Activities Report (IOM, September 2010) ii, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document05_Released.pdf>.

⁵⁶ Australian Customs and Border Protection Service, *Maritime People Smuggling Strategic Communications Strategy 2011/2012 and 2012/2013* (Australian Customs and Border Protection Service, 20 March 2012) 2, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document03_Released.pdf>

⁵⁷ IOM, *Public Information Campaign to Curb Irregular Migration and People Smuggling in Indonesia*, Final Activities Report (IOM, September 2010) ii, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document05_Released.pdf>.

C 'Don't be Fooled by the Promises of People Smugglers'

1 Background and Context

Between October 2010 and March 2011, the Australian Customs and Border Protection Service ran a campaign to warn would-be migrants about the false promises made by people smugglers and the dangers and costs associated with this crime. This campaign was disseminated primarily in Kuala Lumpur, Malaysia, a major transit point for smuggled migrants en route from the Middle East and Sri Lanka to Indonesia and Australia. The campaign targeted Afghan and Sri Lankan nationals, many of whom transit or reside in Malaysia for long periods of time before they move on to Indonesia and Australia with the assistance of migrant smugglers.⁵⁸ The aims of this campaign was to dissuade potential smuggled migrants from using the services offered by migrant smugglers, create wider awareness of the issues, and encourage individuals and communities to report suspicious activities to the relevant authorities.⁵⁹

A private firm, Porter Novelli, was employed to design the campaign, conduct background research, and consult with key stakeholders, including potential migrants groups and NGOs. This work identified the specific target audience chosen for the campaign and justified the campaign's goal to deliver 'strategies of warning messages to demonstrate the consequences of trusting people smugglers'. Australian and Malaysian government agencies reviewed and approved the campaign strategy prior to its implementation.⁶⁰

2 Design, Message and Media

The campaign and its messages were disseminated through posters and leaflets, as well as through NGOs and individual leaders in community meetings and workshops. Areas in Kuala Lumpur with high numbers of Afghan or Sri Lankan residents were specifically identified and information was translated into the languages spoken by the relevant communities. Advertisements were placed in newspapers and public forums were held in schools. The advertisements included black and white images of people, captioned with messages such as: 'I lost my son. The people smuggler's boat sank half way,' 'Will you trust him with your life and life savings?' or 'I dreamed of a good future in Australia. Now I may be sent back to Sri Lanka.'⁶¹

The information leaflets distributed as part of this campaign were designed without official government logos or other branding to make them appear as though they had been produced and distributed by migrant smugglers themselves to advertise their service. Design and messages were chosen to gain the attention of people likely to be recruited by migrant smugglers. The messages printed on these leaflets included:

Want to migrate cheaper? Don't be fooled by promises from people smugglers. They are all criminals. They will take your money and they don't care if you survive the journey or not. Value your life, don't hand it to criminals.

Easier way to migrate. Don't be fooled by promises from people smugglers. They are all criminals. They will take your money and they don't care if you survive the journey or not. For them your life is cheap. It's only your money they want.

⁵⁸ Janet Phillips & Harriet Spinks, 'Boat arrivals in Australia since 1976' (Background Note, Parliamentary Library, Parliament of Australia, 2013) 10.

⁵⁹ Porter Novelli, *Malaysian Public Information Campaign: Post Implementation Report* (May 2011) 4, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document12_Released.pdf>.

⁶⁰ Ibid, 7.

⁶¹ Ibid, 9.

Call me. I will get you to another country. Don't be fooled by promises from people smugglers. They are all criminals. They will take your money and they don't care if you survive the journey or not. When you contact them you are in their trap, and you may not live to warn others.⁶²

A video was also created in which an Afghan man, an Afghan woman and a Sri Lankan man shared stories of their failed migration attempts. This video was shown during public forums and school visits.⁶³

3 *Evaluation and Observations*

While the campaign spoke to specific desires and needs of Afghan and Sri Lankan migrants in Malaysia and played on their hope to move to another country, slogans such as 'want to migrate cheaper', 'easier way to migrate' and the like are a somewhat cynical way to catch the attention of people, many of whom are desperate to migrate and are left in legal limbo in Malaysia, frequently for many years.

The messages that followed the attention-grabbing slogans were also predominantly negative, warning the target audience about the false promises made by migrant smugglers without offering them any alternative avenue to find durable migration outcomes or instilling any hope to escape their present situation.

One of the strengths of the campaign was the research into the target audience, their places of residence, and the way in which research outcomes informed campaign design and implementation.⁶⁴ The use of workshops, public fora and school visits also offered an opportunity for direct engagement with vulnerable groups and individuals. This allowed would-be migrants to discuss their situation and ask questions—a more constructive and positive approach than the overtly negative messages contained in posters and information leaflets.

The campaign was also accompanied by monitoring and evaluation processes and by several interim reports that were produced over the duration of the campaign. These mechanisms allowed the firm contracted to conduct the campaign to change some aspects of the campaign in line with constraints and limitations discovered during the implementation process. The final implementation report, published in May 2011, reported a 'significant increase in awareness of the dangers and consequences of trusting people smugglers,' with close to 100 per cent of Afghan and 68 per cent of Sri Lankan potential migrants in Kuala Lumpur reached.⁶⁵ It is, however, not possible to independently validate this information and there is, to this day, no indication to suggest that the campaign led to the desired change in behaviour, as the number of smuggled migrants from Afghanistan and Sri Lanka transiting through Malaysia and Indonesia continued to grow in 2011 and 2012.

D *'No to People Smuggling'*

1 *Background and Context*

The 'No to People Smuggling' awareness campaign was launched by the Department of Immigration and Citizenship (DIAC) in 2010 and was ongoing at the time of writing. This campaign has as its main target audience migrant communities in Australia in order to send a message through these communities to would-be migrants abroad. From the available information, it appears that the campaign messages and target audience were chosen on the

⁶² Ibid, 15.

⁶³ Ibid, 19.

⁶⁴ Ibid, 10, 15.

⁶⁵ Ibid, 4.

basis of research that interviewed Sri Lankan, Afghan, Iranian and Iraqi diaspora community members in Australia to identify the most powerful motivations driving people to attempt to reach Australia by boat. It is not known how extensive this research was or if a pilot study was conducted. Around the time of the release of the campaign, a spokesperson for DIAC stated that the aims of this campaign are 'to raise awareness and educate communities within Australia about the dangers and uncertainties of using people smugglers. [...] Communities in Australia can share these stories with friends and relatives overseas at risk of engaging with people smugglers.'⁶⁶

2 Design, Message and Media

In its original design, the 'No to People Smuggling' campaign consisted primarily of various video-clips posted on the YouTube website. These videos are translated into a number of languages, including those commonly spoken by persons arriving as smuggled migrants in Australia (i.e. Afghan, Sri Lankan, and other nationals).

The message, scope, and media used in this campaign was extended in 2012 after the *Report of the Expert Panel on Asylum Seekers* was released. This report was commissioned by the Australian Government to obtain advice about how best to combat migrant smuggling in the short, medium and long term. One of the key recommendations of this report was to shift national policies on migrant smuggling to ensure that smuggled migrants arriving in Australia would gain 'No Advantage' from using migrant smugglers over other means of migrating to Australia.⁶⁷ As a result, this 'No Advantage' message was included into the 'No to People Smuggling' campaign and additional videos as well as additional media such as posters and pamphlets were produced to disseminate the 'No Advantage' message more widely.

The videos available online range from short, one minute messages, to eight minute clips. News reports detailing recent events and policy updates are also featured. One video, entitled 'Left Behind,' takes the perspective of someone drowning in a stormy ocean, while text appears across the screen stating 'no one knows where you are, no one can hear you, no one should go through this, no one can trust a people smuggler. No to people smuggling.'⁶⁸ Another example is a dramatisation of an Australian Federal Police operation to capture a migrant smuggler.

The 'No Advantage' pamphlet and a two-page factsheet emphasise the dangers of travelling to Australia by boat and stress the fact that there is no advantage in being smuggled over applying for a protection visa through regular channels. The factsheet also includes information about the offshore detention and processing of asylum seekers who arrive in Australia and are taken to Nauru and Papua New Guinea, a policy that was re-instituted in 2012. Other policy changes announced in 2012, such as the removal of family sponsorship concessions and the increased intake of refugees who apply for protection from outside Australia, along with other regular ways of migrating to Australia, are also promoted in the revised campaign.⁶⁹

⁶⁶ DIAC, National Communications Branch, 'YouTube highlights dangers of people smugglers' (Border Security Release, 16 October 2010) <<http://www.newsroom.immi.gov.au/channels/Border-security/releases/YouTube-highlights-dangers-of-people-smugglers>>.

⁶⁷ Australian Government, Expert Panel on Asylum Seekers, *Report* (August 2012) 14, <<http://expertpanelonasylumseekers.dpmc.gov.au/report>>.

⁶⁸ DIAC, *Left Behind*, (6 June 2010) YouTube, <<http://www.youtube.com/watch?v=4MP5vsTJvaE>>.

⁶⁹ Australian Government, *Fact Sheet: The Expert Panel on Asylum Seekers and the 'No Advantage' policy on protection visa processing* (2012) <http://www.immi.gov.au/managing-australias-borders/border-security/irregular-entry/no-people-smuggling/_pdf/fact-sheet-

3 Evaluation and Observations

The ‘No to People Smuggling’ campaign and its recent addition of the ‘No Advantage’ message continues in the tradition of Australian awareness campaigns that primarily seek to frighten smuggled migrants and deter them from making their way to Australia by irregular means. In this campaign, friends, relatives, and diaspora communities in Australia were chosen as the main target audience so that they, too, can sway would-be migrants from using the services offered by migrant smugglers. Seen this way, this campaign recognises the importance of social networks in migration flows.⁷⁰ One novelty of this campaign is the extensive use of social media sites to disseminate the campaign message to seemingly unlimited audiences. The main messages chosen for this campaign are simpler than those used in earlier onshore campaigns and have been translated into many languages. The one catchphrase, ‘no to people smuggling,’ is reiterated time and again in all the campaign videos.

Much of the information disseminated through this campaign is, however, not fully accurate or objective, nor is there a balance between positive and negative information. The information emphasises the dangers and risks of being smuggled by boat and the criminality associated with migrant smuggling, but offers little to no alternative solutions. The videos specifically contain no information relating to alternative, legal avenues of migration and make no mention of the rights of migrants, including asylum seekers. In short, the campaign highlights—and often dramatises—the problem of migrant smuggling, but offers no answers, choices, or solution to its (often desperate) audience.

A slightly better balance has been struck with the pamphlets and factsheets that were added to the campaign in late 2012, as these include information about the resettlement and legal migration options for those wanting to move to Australia. These documents contain specific advice about the possibility to register with the United Nations High Commissioner for Refugees (UNHCR), and about partner and family migration to Australia.⁷¹

There is, at present, no information about any evaluation or measurable outcome of this campaign.

E ‘Don’t Be Sorry’

1 Background and Context

Soaring numbers of smuggled migrants arriving in Australia by boat in 2012 led the Department of Immigration and Citizenship (DIAC) to launch a further awareness campaign

english.pdf>; DIAC, *Australia by boat – no advantage!* (2 September 2012) YouTube, <<http://www.youtube.com/watch?v=5Kt-PEuDnfw>>.

⁷⁰ Khalid Koser, *Responding to Boat Arrivals in Australia: Time for a Reality Check* (13 December 2010) Lowy Institute, <<http://www.lowyinstitute.org/publications/responding-boat-arrivals-australia-time-reality-check>>; Wise Strategic Communication, *Afghanistan Counter People Smuggling Scoping Study*, Final Report (WSC, 24 October 2010) 4 <<http://www.customs.gov.au/webdata/resources/files/FinalReport-WiseStrategicCommunicatoin.pdf>>.

⁷¹ Australian Government, *Fact Sheet: The Expert Panel on Asylum Seekers and the ‘No Advantage’ policy on protection visa processing* (2012) 2, <http://www.immi.gov.au/managing-australias-borders/border-security/irregular-entry/no-people-smuggling/_pdf/fact-sheet-english.pdf>

against migrant smuggling in February 2013. This campaign, entitled ‘Don’t be Sorry’, targets Afghan, Iranian, Iraqi, and Sri Lankan diaspora communities living in Australia.⁷²

According to official statements, this latest campaign seeks to ‘stop the tragic loss of life at sea and to encourage regular migration to Australia’.⁷³ To achieve this ambitious goal, the campaign publicises the Government’s ‘carrot and stick’ approach to migrant smuggling and the treatment of asylum seekers which, on the one hand, involves greater opportunities to apply for refugee resettlement in Australia from offshore, while, on the other hand, sending some of those who come to Australia at their own initiative with the help of migrant smugglers to third countries for detention and processing. These measures are part of the ‘No Advantage’ approach to migrant smuggling advocated by the *Report of the Expert Panel on Asylum Seekers* in August 2012. The Minister for Immigration, Mr Brendan O’Connor, further confirmed that this new campaign is ‘sending the message that not only is it too dangerous to take these perilous journeys, but also to communicate to them we have new laws since August last year that will give them no advantage.’⁷⁴

No information has been made available about any research that may have informed the development and design of the campaign.

2 Design, Message and Media

The principal message conveyed by this campaign is captured by the main theme ‘Don’t Be Sorry’ which is meant to communicate that travelling to Australia illegally by boat and/or with the assistance of migrant smuggling is dangerous and may not, or not immediately lead to the desired outcome of settling in Australia. Instead, smuggled migrants may face a perilous journey in unseaworthy, overcrowded vessels and, in the event they reach Australia, may be taken to detention facilities in Nauru or Papua New Guinea, where their claims for asylum may not be considered for years and may not lead to resettlement in Australia. This message and information is specifically communicated to the relatives and friends of would-be migrants in Australia so that they do their part in warning others of the dangers and consequences of migrant smuggling. ‘Don’t be sorry you didn’t tell your friends and family about this message,’ is one of the principal lines used in this campaign, together with the advice that it is better to migrate to Australia the ‘right’ and ‘legal’ way.⁷⁵

Other messages used in this campaign include: ‘Warn home. Once paid, a smuggler doesn’t care if they arrive dead or alive,’ ‘The law has changed. Know the facts,’ ‘Don’t risk your family’s safety or your money’ which is followed by information stating that

Arriving in Australia by boat means no guarantee of resettlement in Australia, claims will not be processed faster than those arriving the right way, high chance of being transferred to Nauru or Manus Island for processing, waiting to be resettled can sometimes take many years—even if your family are found to be refugees, they won’t be able to get a family reunion visa (under the

⁷² ‘Don’t get on boats: Sri Lankan stars urge’, *The Australian* (online), 24 February 2013 <<http://www.theaustralian.com.au/news/breaking-news/dont-get-on-boats-sri-lankan-stars-urge/story-fn3dxiwe-1226584531058>>.

⁷³ DIAC, ‘Immigration attends Melbourne’s Kurdish New Year’ (Media Release, 22 March 2013) <<http://www.newsroom.immi.gov.au/channels/NEWS/releases/immigration-attends-melbourne-s-kurdish-new-year>>.

⁷⁴ ‘Cricketers discourage asylum seekers from sea journeys’, *Australia Network News* (online), 24 February 2013 <<http://www.abc.net.au/news/2013-02-24/an-sri-lanka-cricketers-to-discourage-asylum-seekers/4536828>>.

⁷⁵ DIAC, ‘Don’t be sorry – Muttiah Muralitharan message’ (21 February 2013) YouTube <<http://www.youtube.com/watch?v=6jJPwgFc07U>>.

humanitarian program), your family may be kept in detention or be placed in the community with no work rights.⁷⁶

The media used to disseminate this campaign include a website hosted by DIAC, containing a number of video clips (that are also posted on YouTube), as well as factsheets and other information available in multiple languages about recent policy changes and amendments to Australia's immigration laws. The website also asks viewers 'What is the best way to migrate to Australia?' with a further link to '[f]ind out which pathway is right for you.'⁷⁷ Advertisements suggesting to '[m]igrate the right way. Travel by boat to Australia could land you in detention. Find the right way to migrate' have also been posted on social networking websites such as Facebook. It has also been reported that the campaign is advertised through community papers, radio, and TV in Australia.⁷⁸ Some of the video material used in this campaign also includes interviews with refugees who have been resettled in Australia from Indonesia (rather than travelling to Australia with the assistance of migrant smugglers), as well as a message spoken by members of Sri Lanka's cricket team who, once more, remind viewer to 'not be sorry' and 'migrate the safe way'.⁷⁹

3 Evaluation and Observations

The 'Don't Be Sorry' campaign has a clearly defined target audience and the content and messages used in this campaign have been tailored accordingly. Much of the campaign content is based on truthful information insofar as it promotes and publicises recent policy and legislative changes. The concept and design of the campaign seeks to balance negative messaging about the dangers of migrant smuggling and consequences of arriving in Australia illegally with positives messages advising viewers about legal avenues of migration to Australia and specifically the increased humanitarian intake of refugees from abroad. The call for action explicit in this campaign, that is to 'tell your friends and family about this important message,' may indeed encourage some viewers to do just that, thus increasing the reach and effect of this campaign further.

It is, however, difficult to see if and how this campaign can be effective in medium and long-term, so long as many if not most smuggled migrants move to Australia for reasons that are beyond their control and that often leave them with little choice but resort to migrant smugglers and make the dangerous journey to Australia. Moreover, the campaign fails to communicate that while quotas for offshore resettlement to Australia have increased considerably with recent policy changes, this legal avenue of migration, too, is associated with long waiting periods, usually taking years, and with uncertainties about the outcome. And despite the recent increase in numbers, these quotas are only ever able to assist a small fraction of refugee population in the key source and transit countries of persons seeking to move to Australia.

⁷⁶ DIAC, *Visa, Immigration and Refugees – Don't Be Sorry* (2012) <<http://www.immi.gov.au/visas/humanitarian/dontbesorry/>>.

⁷⁷ DIAC, *Visa, Immigration and Refugees – Don't Be Sorry* (2012) <<http://www.immi.gov.au/visas/humanitarian/dontbesorry/>>.

⁷⁸ 'Don't get on boats: Sri Lankan stars urge', *The Australian* (online), 24 February 2013 <<http://www.theaustralian.com.au/news/breaking-news/dont-get-on-boats-sri-lankan-stars-urge/story-fn3dxiwe-1226584531058>>.

⁷⁹ DIAC, 'Don't be sorry – Muttiah Muralitharan message' (21 February 2013) YouTube <<http://www.youtube.com/watch?v=6jJPwgFc07U>>.

VI OBSERVATIONS

A Messaging

The analysis of the five awareness campaigns run or commissioned by Australian Government agencies between 1999 and 2013 demonstrates that most of the campaign focus has been on warning would-be smuggled migrants about the dangers associated with migrant smuggling, about the criminality of ‘people smuggling’ in Australia, and the consequences, such as mandatory detention and long waiting periods, of arriving in Australia illegally. This focus is emphasised in the key messages chosen for these campaigns, highlighting that would-be smuggled migrants should ‘not be fooled’, ‘not be sorry’, and say ‘no to people smuggling’. The choice of negative wording is paramount in the Australian campaigns.

While the information presented in these campaigns is, by and large, accurate and, in some cases, supported by real case examples and evidence given by former smuggled migrants and other asylum seekers, the messages used in most campaigns are overtly negative and fail to strike a balance with more positive, constructive, and empowering information. Although some of the more recent campaign material points to legal avenues of migrating to Australia, the key focus remains on deterring would-be smuggled migrants and on emphasising that they gain ‘no advantage’ from resorting to the services offered by migrant smugglers. To this end, the Australian campaigns depart from international best practice guidelines, which call for a more nuanced and balanced approach in awareness raising. To some degree, the selective approach taken by the Australian campaigns perpetuate the myths and stereotypes surrounding migrant smuggling. Furthermore, by emphasising the illegal aspects of migrant smuggling and labelling smuggled migrants as illegals, these campaigns do little to counteract the xenophobic sentiments that characterise much of the public debate and media reporting on the topic of migrant smuggling in Australia.

While more recent campaigns contain more balanced messages and constructive information, they, too, do little to address the concerns and fears of smuggled migrants. It is doubtful that the intended or anticipated reaction by smuggled migrants to these campaigns is one that is realistic and feasible. In no way do these campaigns address the causes and motivations that lead irregular migrants to turn to migrant smugglers in the first place. The suggestions that migrants should ‘wait it out’ in their home and transit countries until they obtain a regular place for resettlement is not realistic and would only lead to the containment and warehousing of smuggled migrants in countries other than Australia. To that end, there are some concerns that the messages sent by Australian anti-migrant smuggling awareness campaigns are not supported by other countries, some of which are Australia’s immediate neighbours.

The messages used in the awareness campaigns may also be seen as a tool to advocate government policies rather than illustrating the reality of migrant smuggling. In September 2010, a representative of the Australian Customs and Border Protection also recognised that

the more formal and overt communication modalities we have been using [in anti-migrant smuggling information campaigns], while serving to raise visibility of the issue, can be interpreted by the target [audience] as propaganda. This leads some [potential smuggled migrants] to simply dismiss our messaging, or at least to take it with a grain of salt. They may also take counter-productive lessons...‘make sure we get seaworthy boats.’ A desensitisation effect is likely to grow if we continue with our saturation public advertising approach. In sum, ‘more of the same’ is considered a low-return option for achieving our strategic communications objectives and, based on recent research from Sri Lanka, may even be counter-productive.⁸⁰

A better and more balanced choice in the messages and information used in awareness

⁸⁰ Minute from Director, People Smuggling Policy and Strategy to National Director, Law Enforcement Strategy Division, 2 September 2010 1-2 [4]-[5].

campaigns would thus go some way to enhance credibility, and with that the potential effectiveness of awareness raising on this topic. It should, however, be noted that the Australian Government is unlikely to engage in campaigns that do not fully comply with the position and policies of the government of the day.

B *Asylum Seekers and Refugee Protection*

One of the principal concerns about the way in which Australian awareness campaigns have been designed and executed relates to the fact that the vast majority of those arriving in Australia with the aid of migrant smugglers are found to be refugees. Official statistics show that 90 per cent of irregular maritime arrivals in Australia—after undergoing rigorous assessment, background, health, and security checks—are found to be refugees and subsequently granted protection visas to remain in Australia.⁸¹ While the level of unauthorised arrivals has varied greatly over the years, the level of refugees among smuggled migrants has not. Indeed, recent reports show that in some years as many as 95 per cent of those smuggled to Australia by boat were later found to be refugees.⁸² Advocating against migrant smuggling may thus been seen as denying genuine refugees an avenue to seek asylum and with that protection from persecution, including protection from being returned to a country where they face persecution, as recognised by Article 33 of the *Convention relating to the Status of Refugees*, which Australia has ratified.

The *Smuggling of Migrants Protocol* states as one of its purpose the ‘protection of the rights of smuggled migrants’⁸³ and recognises the fact that smuggled migrants may be fleeing from persecution and, despite their illegal status, deserving protection in the destination country. Article 19(1) specifically states that

[n]othing in this Protocol shall affect the other rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.⁸⁴

The overtly negative, fear mongering messages used in Australian anti-migrant smuggling awareness campaigns may have the effect of deterring persons in desperate situations, facing prosecution, torture, discrimination and human rights abuses, from seeking asylum and safety. Australian campaigns fail to state that those arriving in Australia, legally and illegally, who are found to be refugees are entitled to be protected from return to a country where they face persecution, known as the non-refoulement principle. Others, too, have noted that policies focused on preventing would-be smuggled migrants who in fact meet the refugee definition from leaving the country of their persecution, or transit countries that provide no protection for refugees, could be regarded as ‘presumptive refoulement.’⁸⁵

It is, inter alia, for this reason that international best practice guidelines call on States to balance negative messaging with information that offers migrants, including asylum seekers, real prospects of regular migration and opportunities to flee from situations of persecution

⁸¹ Aspasia Papadopoulou, *Exploring the asylum-migration nexus: a case study of transit migrants in Europe*, Global Migration Perspectives No 23 (GCIM, January 2005) 2.; Australian Government, Expert Panel on Asylum Seekers, *Report* (August 2012) 27, <<http://expertpanelonasylumseekers.dpmc.gov.au/report>>.

⁸² Australian Government, Expert Panel on Asylum Seekers, *Report* (August 2012) 27, <<http://expertpanelonasylumseekers.dpmc.gov.au/report>>.

⁸³ *Smuggling of Migrants Protocol*, art 2.

⁸⁴ *Smuggling of Migrants Protocol*, art 19.1.

⁸⁵ John Morrison & Beth Crosland, *The trafficking and smuggling of refugees: the end game in European asylum policy?*, Working Paper No 39 (UNHCR, April 2001) 2.

and other human rights catastrophes. Anti-migrant smuggling information campaigns, that seek to ‘contain’ potential migrants in source and transit countries will only succeed if effective resettlement programs and legal migration options are provided.⁸⁶ Up until recently, Australian campaigns did not contain such information and even more recent campaigns do not strike an adequate balance between deterrence and informing about legal avenues of migration.

C Decision Making Processes of Migrants

Australian awareness campaigns aim to change the decision of would-be migrants to use the services offered by migrant smugglers in their quest to flee persecution or migrate to a country that offers a better life. This is an ambitious, complex goal for awareness campaigns that are mostly based on one-line slogans, short video clips, and brief information leaflets. It is doubtful that Australia’s past and present awareness campaigns can address the complexities involved in the decision making process of would-be migrants and it is perhaps naïve to believe that such campaigns can influence, let alone change, the behaviour of often desperate would-be migrants.

The anti-migrant smuggling information campaigns appear to be based on the assumption that information plays a key role in migration decisions and that smuggled migrants lack complete and accurate information. Such campaigns further assume that the decisions and behaviour of migrants are based on available information and that information provided through the campaign is sufficient to discourage would-be migrants from being smuggled.

The available research on international migration and on the factors that inform and influence the decisions made by would-be migrants does, however, not support these assumptions. Adela Ros et al suggest that ‘there is a complete lack of knowledge of the ways in which information flows shape the movement of people around the world.’⁸⁷ On the other hand, a study conducted amongst the Hazara population in Afghanistan in 2010 found that many respondents were unaware they could face the risk of repatriation and detention by Australian authorities, and that those who were aware of these risks were unlikely to migrate illegally. The same survey, however, also showed that the respondents had a general awareness of the conditions and dangers associated with the smuggling journey to Australia, thus making it difficult to make generalisations about the levels of information and the decision making process.⁸⁸

Further complicating matters is the fact that migration decisions may not only be based on purely rational choices and on the accuracy of the available information, but rather on the migrants’ subjective interpretation of this information. These perceptions and interpretations are embedded in the collective dynamics of migration, where social, cultural and economic factors unite to create migration as a socially structural and normative behaviour.⁸⁹ For these

⁸⁶ Mary Crock & Daniel Ghezelbash, ‘Do Loose Lips Bring Ships? The Role of Policy, Politics and Human Rights in Managing Unauthorised Boat Arrivals’ (2010) 19(2) *Griffith Law Review* 278.

⁸⁷ Adela Ros et al, ‘Migration and Information Flows’ (Working Paper, Internet Interdisciplinary Institute, June 2007) 1 quoted in Joris Schapendonk and David van Moppes, ‘Migration and Information’ (Working Paper No 16, Radboud University, September 2007)1.

⁸⁸ Wise Strategic Communication, *Afghanistan Counter People Smuggling Scoping Study*, Final Report (WSC, 24 October 2010) 3 <<http://www.customs.gov.au/webdata/resources/files/FinalReport-WiseStrategicCommunication.pdf>>.

⁸⁹ Celine Nieuwenhuys & Antoine Pecoud, ‘Human Trafficking, Information Campaigns and Strategies of Migration Control’ (2007) 50 *American Behavioral Scientist* 1685, 1686 (citing P Bourdieu, *Pascalian meditations* (Stanford University Press, 1997); J; IOM, *Managing*

reasons, the simplistic messages adopted in Australian anti-migrant smuggling campaigns fail to recognise the complexity of migrants' decisions and, indeed, of international migration generally.

D Evaluation and Impact Analysis

A further deficiency of the awareness campaigns run or commissioned by the Australian Government is the limited or lack of research, evaluation, and impact analysis that preceded, accompanied, or followed each of the campaigns. It is difficult to understand on what basis some campaigns and their messages were developed and what successes and failures these campaigns entailed. The Australian Customs and Border Protection Service, too, has noted the difficulties of evaluating the impact of anti-migrant smuggling information campaigns, mainly due to the ambiguous nature of evaluation subject matter.⁹⁰ To what extent the campaign messages have been absorbed, and if and how they subsequently influenced behaviour cannot be ascertained with any certainty. None of the campaigns reviewed here have been able to make determinative conclusions as to the lasting effects of the campaign.

E Role of the Media

A further difficulty faced by awareness campaigns on topics such as migrant smuggling is the fact that media reporting on such topics vastly exceeds the reach of government-run awareness campaigns. While, at times, the information and messages disseminated in media reports may conform with that promoted in awareness campaigns, in many, if not most cases media reports differ from officially held views and may indeed conflict with the sort of message awareness campaigns try to communicate.

This is particularly important in the Australian context, where the topic of migrant smuggling has made headlines continuously since 1999. Many media reports also contain factual errors about the levels and patterns of migrant smuggling and about Australia's immigration system, including the legal avenues open to migrants seeking to move to Australia. Much of the reporting on migrant smuggling, especially in the Australian print media and on commercial TV and radio stations, also uses sensationalised and inflammatory language, often fuelling xenophobia and anti-smuggled migrant sentiments in the Australian community. For over a decade, vocabulary such as 'boat people,' 'queue jumpers,' 'illegals' and the need to 'stop the boats' has characterized the public debate in Australia. Public figures and politicians have often further contributed to the bias that characterises much of the media reporting on this topic.

On this background, it is important for awareness campaigns to provide accurate information about the characteristics of migrant smuggling and the situation of smuggled migrants. But rather than counteracting the widely held prejudices towards 'unauthorised arrivals' most of the campaigns here have perpetuated stereotypes and have done little to educate the Australian public about the reality of irregular migration and the motives and background of those seeking asylum in Australia. Indeed, much of the Australian response to migrant smuggling, including the awareness campaigns discussed here, has failed to work with and utilise the media to disseminate truthful information about the smuggling of migrants and about the legal and administrative frameworks set up to combat migrant smuggling whilst

⁹⁰ Perception, Policy Making Guide, Section 1.10 (IOM, 2004) <http://www.rcmvs.org/documentos/IOM_EMM/v1/V1S10_CM.pdf> 4.
Australian Customs and Border Protection Service, *Strategic Assessment of Counter People Smuggling Communications Activities* (Australian Customs and Border Protection Service, November 2011) 27, <http://www.customs.gov.au/webdata/resources/files/2012-018673_Document04_Released.pdf>.

protecting the rights of smuggled migrants and honouring Australia's obligations under international law.

VII CONCLUSIONS AND RECOMMENDATIONS

The analysis in this research paper has shown that the five campaigns run or commissioned by the Australian Government to prevent and combat the smuggling of migrants have done little to 'stem the flow' of smuggled migrants coming to Australia and save them from using the services of often unscrupulous smugglers who put the safety of migrants at risk and their lives in jeopardy. At the time of writing, the Australian media contained daily reports about new arrival of 'suspected illegal entry vessels' bringing dozens of smuggled migrants to Australia every day. 14 years since the first anti-migrant smuggling campaign was launched there has been no noticeable impact on the levels of migrant smuggling.

This is not to say, that education and awareness raising on this topic is meaningless and doomed to fail, but the complexities of international migration and, in particular, the humanitarian, political, socio-economic, and environmental circumstances that cause and fuel migration flows are unlikely to be addressed through awareness campaigns alone, and that any effort to warn would-be migrants about the dangers associated with migrant smuggling and about the legal avenues that may exist in the alternative need to go hand in hand with a more comprehensive approach to this issue.

The *Smuggling of Migrants Protocol* along with other international best practice guidelines call for a holistic approach to migrant smuggling, including criminalisation, prosecution, investigation, effective border controls, assistance and protection for smuggled migrants, as well as awareness raising and education.⁹¹ Tackling migrant smuggling holistically also requires recognition of the migration pressures that lead many migrants to resort irregular forms of migration, of which migrant smuggling is one of several forms. As a result, any effort to campaign against migrant smuggling must be accompanied with genuine opportunities to migrate legally so that those most at risk of the promises made by migrant smugglers see a meaningful alternative.⁹² This is particularly the case for those smuggled migrants who flee from persecution, extreme poverty, environmental disasters, or other humanitarian crises.

Importantly, any serious effort to combat the smuggling of migrants needs to identify and address the root causes of migrant smuggling and the conditions that leave many people with little choice but to leave their place of origin. To that end, the *Smuggling of Migrants Protocol* also specifically calls on States Parties to

promote or strengthen, as appropriate, development programmes and cooperation at the national, regional and international levels, taking into account the socio-economic realities of migration and paying special attention to economically and socially depressed areas, in order to combat the root socio-economic causes of the smuggling of migrants, such as poverty and underdevelopment.⁹³

⁹¹ UN Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on the Smuggling of Migrants, *Challenges and good practices in the prevention of the smuggling of migrants*, UN Doc CTOC/COP/WG.7/2012/2 (21 March 2012) 3 [8]–[9]; UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2012) 15; UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.1, 3; *Smuggling of Migrants Protocol*, Art 15.3.

⁹² UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) Tool 9.3, 10; IOM, *Managing Perception, Policy Making Guide*, Section 1.10 (IOM, 2004) <http://www.rcmvs.org/documentos/IOM_EMM/v1/V1S10_CM.pdf> 16.

⁹³ *Smuggling of Migrants Protocol*, art 15(3).

So long as the root causes of migrant smuggling remain unaddressed and avenues for legal migration unavailable, demand for migrant smuggling is unlikely to drop.⁹⁴ Anti-migrant smuggling awareness campaigns will not be effective in preventing migrant smuggling unless would-be migrants see meaningful alternatives.⁹⁵

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An electronic version of this paper is available at www.law.uq.edu.au/migrantsmuggling.

⁹⁴ UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2012) 6.

⁹⁵ UN Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on the Smuggling of Migrants, *Challenges and good practices in the prevention of the smuggling of migrants*, UN Doc CTOC/COP/WG.7/2012/2 (21 March 2012) 6–7 [27]–[28].