Additional Comments
Australian Greens Senators

On the 17th of January the Minister for Immigration and Border Protection announced that Australian Navy and Customs vessels had breached Indonesian territorial waters whilst undertaking activities as part of Operation Sovereign Border (OSB).

The Australian Greens are extremely concerned about the government's response to this incident, in particular the Minister's insistence on attributing the failure of the policy to Australian Navy and Customs officials.

Rather than placing the blame on individual Customs and Navy personnel the Australian Government must take responsibility for the dangers and complexities of the policy that has inevitably lead to the breaches.

It is evident that the policy is untenable and that there is a clear conflict between the directives provided by the Australia government that activities are only to be conducted;

- when deemed safe to do so by the Commanding Officer, and

- outside of the 12 nautical miles from Indonesia's archipelagic baseline.

It is clear that the Commanders of these vessels are unable to ensure the safety of both their crew and asylum seekers on board whilst remaining 12 nautical miles from the Indonesian archipelagic baseline.

This policy is also continuing to compromise relations with Indonesia, one of Australia's most important bi-lateral relationships.

The committee heard from international law experts who indicated that the breaches violated international law, in particular the United Nations International Law of the Sea, and both international refugee law and international human rights law.

Recommendation 1: That the government end its current policy of turning back boats to avoid further maritime breaches and ensure the safety of Australia's Customs and Navy personnel and asylum seekers are not further endangered.

Reccomendation2: That Australia act at all times within the law.

Senator Sarah Hanson-Young

Australian Greens Senator for SA

Senator Peter Whish-Wilson

Australian Greens Senator for TAS