


Australia's International and Domestic Borders as Sites of Dislocation, Division and Distrust: The Socio-Political Impacts of COVID-19 Travel Bans

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ABSTRACT.

In response to the COVID-19 pandemic, Australia deployed some of the strictest border controls in the world. Australia's international and domestic travel restrictions and border closures were introduced to save lives and protect health by preventing or reducing the spread of COVID-19. Nevertheless, early research indicates that the rigid manner in which they were implemented and the length of time for which they continued contributed to loss of life, led to the onset and exacerbation of serious medical conditions and plunged some people into poverty or extreme financial distress. In this article, we take these observations further by drawing on transitional justice scholarship to suggest that public accounts written by people affected by these border restrictions indicate a deeper national malaise. Consistent themes in these public accounts indicate erosion of trust in government, a sense of betrayal by public authorities, a feeling of disconnection from fellow Australians and a sense of no longer having a 'home'. We argue that these tropes mirror findings on the consequences of displacement in transitional justice studies and indicate the need for a process and period of healing and reconciliation once the nation emerges out of the pandemic. We conclude by outlining the potential role of a 'people's inquiry' in fostering these outcomes.

Keywords. Australia; borders; COVID-19; displacement; human rights; transitional justice; travel bans.

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1. INTRODUCTION

In March 2020, the Australian government shut Australia's international borders to most travellers as a public health response to the COVID-19 pandemic. Australian citizens and permanent residents were, with some exceptions, permitted to return but the imposition of incoming passenger caps and hotel quarantine meant that tens of thousands of Australians were essentially locked out of the country. Caps on passengers arriving from overseas destinations were not removed until late 2022. State and territory governments also imposed restrictions on travel across domestic borders. This resulted in people being unable to cross a state or territory border to access medical treatment and thousands of Australian residents being unable to return to their homes and, in some cases, rendered homeless.

In the first part of this paper, we consider Australia's international and domestic border restrictions from a human rights law perspective. We also highlight emerging research that indicates that while these travel restrictions and border closures were introduced to save lives and protect health by preventing or reducing the spread of COVID-19, the rigid manner in which they were implemented contributed to loss of life, led to the onset and exacerbation of serious medical conditions and plunged some people into poverty and homelessness. In the second part of this paper, we take these observations further by drawing on public accounts of those affected by border restrictions to suggest that these stories indicate a deeper national malaise. While most people who have publicly commented on their experiences with Australia's international and domestic border restrictions have agreed with the need for public health measures to combat COVID-19, including limitations on freedom of movement, they have expressed frustration with the rigid, arbitrary and lengthy deci-

sion-making procedures at federal and state and territory levels. Consistent themes in public accounts of these bureaucratic processes are: erosion of trust in government, a sense of betrayal by public authorities, a feeling of disconnection from fellow Australians and a sense of no longer having a 'home'. In Part Three, we argue that these tropes mirror findings on the consequences of displacement in transitional justice studies and indicate the need for a process and period of healing and reconciliation once the nation emerges out of the pandemic. We conclude by outlining the potential role of a 'people's inquiry' in fostering these outcomes.

2. BACKGROUND

In early 2020, as an initial response to COVID-19, many nation-states closed their international borders.¹ In March 2020, Australia too closed its international borders to almost all travellers except Australian citizens and permanent residents (Prime Minister of Australia 2020). While other countries gradually re-opened their borders, Australia kept its borders shut to most non-citizens until February 2022. With one exception (returns from India for two weeks in April and May 2021)² Australian citizens and permanent residents were allowed to return to Australia. However, the imposition of incoming passenger travel caps and hotel quarantine meant that tens of thousands of Australian nationals were essentially locked out of the country (Senate Select Committee on COVID-19 2022, pp. 41-2). The limits that the federal government set on the number of travellers that could arrive in Australia each week ranged from 3,070 to 6,370 arrivals during 2020 and 2021 (Evershed 2021). Almost all these travellers had to submit to hotel quarantine for two weeks. From April 2020, this was at their own expense and could cost up to \$3000 for an in-

¹ For a description of states' border policies at 2 June 2020 see Al Jazeera (2020).

² *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements-High Risk Country Travel Pause) Determination 2021* (Cth) s6 made under s 477 of the *Biosecurity Act 2015* (Cth).

dividual and \$5000 for a family (Halton et al 2021). At most times during these travel restrictions, between 30,000 and 40,000 Australian citizens and permanent residents were registered with the Department of Foreign Affairs and Trade as wanting to return to Australia (Senate Select Committee on COVID-19 2022, p. 42)

The cap on the numbers of people permitted to travel to Australia meant that it became very difficult to purchase airline tickets (Jeffries, McAdam and Pillai 2021, p. 212). For those who did manage to secure a ticket, flights were often cancelled and economy passengers were regularly bumped off flights (Jeffries, McAdam and Pillai 2021, p. 212). From some locations, it was only possible to travel to Australia by purchasing a first or business class ticket or multiple tickets in case of cancellations (Evershed 2021). For many Australian citizens and permanent residents, the exorbitant costs of airline tickets and hotel quarantine were prohibitive (Jeffries, McAdam and Pillai 2021, p. 212).

The federal government also put restrictions on Australian citizens and permanent residents leaving the country. From March 2020, most Australian citizens and permanent residents who wanted to travel internationally had to apply for an exemption and prove that they had 'compelling reasons' for travel.³ At the time these measures were introduced, they did not apply to Australian citizens and permanent residents ordinarily resident overseas. However, this changed in August 2021, when the federal government required Australian citizens and permanent residents who lived overseas but returned to Australia (even for a temporary visit) to apply for an exemption to be able to leave again. The objective of this policy was to deter Australian citizens and permanent residents living overseas from travelling to Australia in the first place because they risked being unable to return to their families, homes and jobs.

Most Australian states and territories restricted travel across their domestic borders at various stages during the pandemic. In some instances, this resulted in people being unable to return to their homes for weeks or months at a time. For example, pursuant to Queensland's July 2021 border direction, most people who wished to enter Queensland (including Queensland residents returning from other parts of Australia) were required to apply for a Queensland Border Declaration Pass, enter the state at a designated airport and undertake hotel quarantine at their own cost.⁴ The Queensland border did not open until 13 December 2021 (Ogg and Simic 2022a, p. 103). During July to December 2021, thousands of Queensland residents were unable to return home because they could not afford hotel quarantine and airline tickets (Ogg and Simic 2022a, p. 103). Many of those with the means to pay for flights and hotel quarantine found themselves stranded due to delays in processing entry pass applications and lack of quarantine places (Ogg and Simic 2022a, p. 103). A similar situation occurred in Victoria as a result of the Victorian government's decision to restrict travel across its border in July 2021 (Victorian Ombudsman 2021).

Analyses of these international and domestic border restrictions conclude that they were disproportionate interferences with human rights. Jeffries, McAdam and Pillai (2021, p. 223) argue that restrictions imposed on returning Australian citizens and permanent residents were in breach of the right to freedom of movement in the International Covenant on Civil and Political Rights⁵ (ICCPR). Article 12(4) of the ICCPR provides that '[n]o one shall be arbitrarily deprived of the right to enter his [or her or their] own country'. The UN Human Rights Committee (1999, p. 21) has stated that 'there are few, if any, circumstances in which deprivation of the right to enter one's own country could be reasonable'. Jeffries, McAdam and Pillai's (2021, p. 220) re-

³ *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* (Cth) s7.

⁴ *Border Restrictions Direction*, (No. 28, 22 July 2021, Chief Health Officer and Queensland Health) (Qld). This Direction was quickly superseded the following day and new directions were issued frequently.

⁵ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) ('ICCPR').

search on article 12(4)'s drafting history indicates that there are very limited, if any, circumstances that would permit a state to implement policies restricting people from returning to their country of nationality. In particular, the drafters were of the view that disease was not a factor that could justify a state excluding its own nationals from its territory (Jeffries, McAdam and Pillai 2021, p. 221). McAdam and Jeffries (2021) describe Australians stranded overseas as being in a state of 'arbitrary exile'. Human rights experts have also argued that the two-week ban on Australian citizens and permanent residents returning from India was in breach not only of the right to return under article 12(4) of the ICCPR but also prohibitions of discrimination on the grounds of race and national origin such as those in articles 2(1) and 26 of the ICCPR (Australian Lawyers for Human Rights 2021; Simic 2022).

It has been suggested that Australia's outward travel ban was a violation of article 12(2) of the ICCPR (Ogg 2020), which outlines the right to freedom of movement, including the right to leave a country. Pursuant to article 12(3) of the ICCPR, Australia can place restrictions on freedom of movement if they are necessary to protect a number of stated objectives, including public health. While the outward travel ban may have been implemented to protect public health, for it to have been compliant with the right to leave in the ICCPR, it must have been necessary to prevent or reduce the spread of COVID-19 and also have been the least intrusive method of achieving this goal (UN Human Rights Committee 1999, p. 14). Banning Australians from leaving the country was not the least intrusive method available for reducing the spread of

COVID-19. Other methods that could have been deployed include mandatory testing before departure and quarantine upon return.

Australia can derogate from its obligations under article 12 of the ICCPR in the event of a public emergency that threatens the life of the nation.⁶ Australia cannot rely on this derogation provision to justify its travel bans. The UN Human Rights Committee (2020, p. 1) notes that states 'confronting the threat of widespread contagion may, on a temporary basis, resort to exceptional emergency powers and invoke their right of derogation from the [ICCPR] under article 4 provided that it is required to protect the life of the nation'. However, to rely on the derogation provision in article 4 of the ICCPR, states must take a number of procedural steps including the official proclamation of a state of emergency and formal notification to the UN Secretary-General. The federal government did not proclaim a state of emergency⁷ nor did it take the other necessary procedural steps to derogate from the ICCPR including notification to the UN Secretary-General.⁸

The Victorian Ombudsman's report (Victorian Ombudsman 2021) considers Victoria's domestic border closure's compatibility with the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (Charter). The Charter contains a provision on freedom of movement which includes a right for Victorian residents to enter the state.⁹ This right can be subject to 'reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom'.¹⁰ The Victorian Ombudsman (2021, p. 103) concludes that refusals to grant exemptions to return to the

⁶ ICCPR art 4.

⁷ Some states and territories in Australia declared a public emergency but for the purposes of derogation under the ICCPR, the proclamation must be made at the federal level: ICCPR art 50; *Vienna Convention on the Law of Treaties*, opened for signature 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980) art 27.

⁸ Article 4(3) of the ICCPR provides that: 'Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated'. McGaughy et al (2022, p. 193) highlight that while many states introduced restrictions to human rights in response to the COVID-19 pandemic, few formally derogated from their obligations pursuant to article 4 of the ICCPR.

⁹ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s12 (Charter).

¹⁰ Charter s7(2).

state were not a reasonable limitation on the right to freedom of movement in situations where a person was fully vaccinated, had tested negative to COVID-19, was willing to quarantine and could return home without interacting with other people. The Victorian Ombudsman (2021, p. 8), while noting the need for border restrictions during a pandemic, observes:

The whole scheme failed to comprehend the very real need for many people to come and go across the border for a whole range of reasons, even in the face of official warnings. Our state borders have been porous for over 100 years. Even in a global health emergency, some people need to cross them, and too many found themselves bereft.

It has also been argued that Queensland's border closures were in breach of the right to freedom of movement under the ICCPR and *Human Rights Act 2019* (Qld) (HRA) (Ogg and Simic 2022a). While the border directions were introduced to protect the right to life,¹¹ the ICCPR and HRA indicate that policies inhibiting people from accessing their homes can only be made when there is no viable alternative to protecting a legitimate objective such as public health (Ogg and Simic 2022a, p. 107). The Queensland government could have altered its policies and procedures in a manner that protected the right to life under HRA and did not result in thousands of Queensland residents being unable to return home. For example, it could have allowed people to home quarantine where possible, permitted people to drive into the state with appropriate checks, required a negative COVID-19 test before arriving in the state and deployed additional personnel to process exemption applications more quickly (Ogg and Simic 2022a, p. 107-8).

Research on the consequences of these international and domestic travel bans and restrictions is slowly emerging. McDermid et al (2022) surveyed 1363 stranded travellers from around the globe. Of the people who participated, 64 per cent had moderate to extreme depression, 42 per cent developed anxiety and 58 per

cent suffered from stress (McDermid et al 2022). They also found that that some stranded travellers were rendered homeless and others faced significant financial distress (McDermid et al 2022). Another study found that those affected by Australia's international border closures reported high to very high levels of psychological distress (Ali et al 2022). The Victorian Ombudsman's report on Victoria's border policies includes evidence of depression, anxiety, homelessness, an inability to access critical medical care and family separation (Victorian Ombudsman 2021, pp. 12-13).

Most of the existing research on the impacts of travel bans is published in health and medicine journals and focusses on physical and mental health. The socio-political consequences of Australia's travel restrictions have received little academic scrutiny. Oster et al's (2022) study found that Australia's international travel restrictions resulted in a separation from place, family, home and belonging but their analysis centres on the implications for the participants' wellbeing. In the next section, we analyse public accounts of people who were affected by Australia's COVID-19 international and domestic border policies. We highlight consistent themes that indicate erosion of trust in government, a sense of betrayal by public authorities, a feeling of disconnection with fellow Australians and a sense of no longer having a 'home'. Instead of examining the personal health and wellbeing implications, we draw a parallel to transitional justice studies of displacement to provide a theoretical framework for understanding these experiences from a socio-political perspective.

3. BEYOND INDIVIDUAL HARMS: COVID-19 BORDER CLOSURES DISRUPTING SOCIAL AND POLITICAL CONNECTIONS

'We may be winning the war against the pandemic, but we are at serious risk of losing the peace' (Soutphommasane quoted in Stewart 2021).

To discern the reactions of those affected by Australia's international and domestic border closures, we reviewed newspaper articles and online articles and blog

¹¹ *Human Rights Act 2019* (Qld) s13(2); Statement of Compatibility, Public Health and Other Legislation (Public Health Emergency) Amendment Bill 2020 (Qld).

posts published between March 2020 and March 2022. We focussed on sources written by Australian citizens or residents who had difficulty returning to Australia, leaving Australia or travelling across state and territory borders. We also included in our search articles written about people in these situations in which they had been directly quoted. We primarily used Dow Jones Factiva and supplemented the results with Google News and Google database searches. We did not canvass social media posts unless they were directly quoted in newspaper articles, online articles or blog posts.

We chose newspaper articles and online articles and blog posts because they capture contemporaneous reactions to displacement or restrictions to freedom of movement. We are conducting an ongoing interview-based study of people affected by Australia's international and domestic border closures (Ogg and Simic 2022b) but the sources relied on in this article are valuable because, due to the nature of journalistic and online publishing, reactions are documented during or shortly after the events in question. As Davies and di Piramo (2022, p. 77) explain, media sources during a pandemic provide 'real time' records of reactions to unfolding events and constitute a knowledge base that was available to policy-makers at the relevant time. Further, newspaper articles (usually opinion pieces or letters to the editor), online articles and blog posts allow for more in-depth and comprehensive reflections than the brief comments more typical on social media sites. We adopted a qualitative approach to analysing these sources by coding for various themes. The themes of trust, betrayal, disconnection and dislocation emerged across almost all sources surveyed.

Many of those who chose to publicly comment on their experiences of Australia's international and domestic border restrictions acknowledged that some limitations on travel were necessary in the context of a global pandemic but became frustrated with the length of time the border restrictions remained in place. For example, Rebekah Ison (2021), an Australian citizen who was living in Germany when the pandemic started wrote:

I knew Australia's border restrictions were tough, but I wasn't outraged in the early days. I was accepting and – dare I say it – proud that Australia seemed to be dealing with the virus better than many countries. This was a once-in a-lifetime public health emergency. I could cop the sacrifice while the government put in place safe and reasonable pathways for return. ... The problem is, it never really did.

The enduring nature of the international border closures created a sense of distrust of the Australian government and a feeling of being forgotten and forsaken by Australia. Helen Mather (2022), an Australian citizen living overseas who was not able to return home to visit her family in Western Australia explained:

For almost two years now Western Australians overseas have felt completely abandoned by our own country. We have waited and waited and waited to be able to reconnect with our loved ones, the mental health cost of which cannot be overstated. It's not ok, we're not ok, and we haven't been for a long time.

Karen Stollznaw (2020), an Australian citizen living overseas, also wrote that 'Australians stranded overseas feel abandoned by their government'. She explained that 'Australian consulates are overwhelmed, while the government has issued dismissive advice that affected people should borrow money from friends and family, or seek out local homeless shelters' (Stollznaw 2020).

Growing distrust of government is also a theme in public accounts written by Queenslanders unable to return home. Kelly Reynolds, a Queensland resident who could not return to Queensland after a 12 month stay in Dubbo, New South Wales said: 'It's just really made me lose faith in our government being there for us and supporting us as Queensland residents. It's very hard to keep it together mentally when you don't know what the future holds' (quoted in O'Flaherty 2021). A man who was forced to live in a camp ground in Northern New South Wales while waiting for permission to enter Queensland explained that the Queensland government's travel restrictions were 'causing a lot of sadness, a lot of lack of trust and hope' (quoted in King and Smeed 2021).

The reported lack of trust of government in the Queensland context is related to a view that government actors showed little compassion or regard for those unable to return home. An elderly man who was hoping to relocate from New South Wales to southern Queensland died after waiting in a caravan for the border to open for three months. The man, 78, had been living in the caravan with his wife and daughter in the northern NSW town of Tenterfield and wanted to move just 50km further north to live with his son in Stanthorpe (Lackey 2021). Queensland Opposition Leader David Crisafulli said the incident was 'harrowing and hard to fathom' because 'you can be [both] safe and compassionate' (quoted in Lackey 2021). Joanne Hovington, a 54 year old cancer patient tried three times to obtain a medical exemption through Queensland Health to return to her home in Brisbane (Hope 2021). She, however, never received an exemption or any communication from Queensland Health (Hope 2021). She was on an oral chemotherapy course and living and sleeping in the back of her car for five months (Hope 2021). Ms Hovington reportedly wrote to the Premier Palaszczuk 27 times but did not receive a response (Hope 2021). She described her frustrations as follows:

I've paid for my funeral in Queensland. What happens if I died here? My family would have to pay to get me to Queensland. I even got in contact with White Lady [funeral directors] and they said it's about \$8000. 'I said, 'Do I need a border pass?'' (quoted in Hope 2021).

We observed not only feelings of distrust of governments, but also many Australians stranded internationally and domestically reported a growing sense of disconnection with their families, communities and Australian society more broadly. An Australian man for whom the cost of returning home was initially prohibitive said he felt 'very scrutinised' by his friends who did not believe that he could not afford to come home even though the cost of flights and quarantine would have been almost \$20,000 (quoted in Fitzsimmons 2021). He said '[w]hat bothers me the most is the lack of empathy, and sympathy' (quoted in Fitzsimmons 2021). Mandeep Sharma, an Australian citizen who experienced challenges in returning to Australia after travelling to India

to attend his father's funeral reported being extremely dispirited by the lack of understanding from some parts of the Australian community (Mao 2021). He said '[i]t's really devastating to see when people on social media say: "Just let them stay there". What kind of thing is that to say about a fellow Australian?' (quoted in Mao 2021).

Many of those stranded internationally spoke of disparaging comments made on social media. A journalistic investigation uncovered a social media post made by an Australian resident which stated that Australians stranded overseas should have their citizenship removed because that would 'solve the problem' (quoted in Stewart 2021). Ashton Hollwarth, an Australian living in the United Kingdom, reported that comments on social media such as '[w]ell, you chose to stay there' and 'you were told to come home' were 'hurtful and a little frightening' especially when she knew people who had spent thousands of dollars trying to get home and had numerous flights cancelled (quoted in Guest 2021). There were similar sentiments in public comments on media articles. An article in *Australian Aviation* (Thorn 2020) contained some comments showing understanding for stranded Australian's situation but others showing disregard:

Our population has more than its fair share of idiots. We were warned 7 months ago to get back to Australia and even at that time flights were being cancelled, changed and warnings were out there about the future. People had the choice to return and chose not to, only themselves to blame [sic]. Returning travellers seem to be the people that have made up majority of new Covid cases. I just think Australians are getting dumber as time goes on.

I find it hard to empathise with travellers especially if they left Australia after 20th March. Like many of us we had to make tough decisions to change travel plans due to the government warning to prevent not being able to return home. My question to the people currently overseas, why should you put the people that have done the right thing at risk because of your poor decision making?

People who left their return too late are upset they have to pay more for airfares and pay for quarantine. They

were warned. Many, many times. They should have returned when there was cheaper flights and free quarantine. No sympathy.

Australians returning from overseas also spoke about their reception from friends and strangers and, in particular, being treated as if they were infectious. One returning traveller explained that '[t]he moment you mention you just got back from America, people literally take a step back ... [t]here is this irrational belief that everyone who comes from overseas is going to kill them' (quoted in Stewart 2021). Nataly Gray, an Australian who returned from Cambodia, was invited to a social event by a friend. When others invited to the event discovered Nataly was coming they refused to attend because they were scared that Nataly may have COVID-19. Nataly reflected 'I had just been in quarantine, I had had five tests but still they didn't feel comfortable with me being there. This seems to be the mentality of Australia at the moment. People make assumptions that don't come from an informed place and it is so reactive and defensive' (quoted in Stewart 2021).

A sense of social division was also evident in the domestic context between people who remained in their home state or territory and residents who left and were blocked from returning. Those prevented from entering Queensland due to its border restrictions implemented in July 2021 were demonised by some parts of community. A few of the reader comments on King and Smees' (2021) story about thousands of Queenslanders stranded at the border were:

The Qld Premier did encourage people to holiday and travel.... IN QLD!!! Not sure I have a great deal of sympathy for those who went on an interstate camping holiday only months ago. If it wasn't already as plain as the nose on your face, the govt warned of the risks numerous times. Some people rolled the dice and lost.

It makes sense not to travel unless absolutely necessary. People need to think about any consequences and if willing to take the risks then accept the consequences rather than complaining. You do the crime, you do the time, simples really.

The Guardian has joined the rest of the mainstream media in focusing on the plight of relatively few ...

Queenslanders. The woes and complaints of every other state border seem to not exist. The overwhelming percentage of Queenslanders who are alive, healthy, and living with few restrictions are mentioned in one paragraph. And I do not recall the Queensland Government 'encouraging' people to travel interstate.

Why do people need to travel? Then they complain about not being able to go back where they live because borders are shut. Covid is real and so are the variants and the latest one is even worse. Can people just learn to stay at home and be safe?

In the Queensland context, this sense of social division was exacerbated by the Queensland government's position that it would not relax its border measures until a significant proportion of the Queensland population was vaccinated. As the Tweed shire council's general manager, Troy Green, said, '[i]t's been somewhat frustrating to see the slow uptake of vaccines in Queensland. Those [people] on the border have paid the penalty for that' (quoted in Smees 2021).

These feelings of distrust of governments and division between Australian residents were accompanied by a sense of dislocation in many public accounts written by those affected by border closures. Rebekah Ison (2021) wrote that she was 'nervous about the prospect of returning' to Australia. She explained:

I can't forget what I've endured, and how deeply the government's prolonged border restrictions have hurt. Now, I wonder how I can sit at Christmas or Easter lunch knowing the person passing the salt might have thought it was reasonable to leave me in the wilderness during an international crisis. How are returning Australians supposed to buy a round for old mates who barely made a peep as we lost loved ones, life savings and health without access to home? I wonder whether we can feel truly secure among our compatriots or in our Australian citizenship ever again (Ison 2021).

Another returning Australian was quoted as having said:

I worry that Covid has changed Australia ... Australians have always been supportive of victims in bushfires and floods but when it comes to those of us who

are overseas they are like, ‘It’s not our problem, they chose to leave so they are not Australian anymore.’ I think Covid has divided us in a way that never happened before (quoted in Stewart 2021).

Similar feelings of dislocation were expressed by those who could not return to their homes due to domestic border closures. One woman who was prevented from returning to her home in Queensland for a significant period said, while crying on the phone as she crossed into the state, ‘I haven’t got a home anymore, I haven’t got a job, where’s home?’ (quoted in Dekker 2021, p.6). Meredith Llewellyn, a woman who voluntarily supported thousands of Queenslanders trapped in Northern New South Wales stated, ‘[a]ll that happened last Monday [13 Dec 2021] is they crossed an *invisible line*. Returned home? They don’t know if it’s home anymore’ (quoted in Dekker 2021, p. 6).

These feelings of no longer belonging have made some people question what it is to be Australian and whether they want to continue to live in Australia or consider themselves Australian. Rebekah Ison (2021) said that ‘[t]he pandemic and Australia’s response to it has warped my sense of nationality, maybe irrevocably’. Another returning traveller was quoted as having said ‘[t]o be honest I’m starting to think Australia has become a selfish country during the pandemic. I feel that the mentality has changed for the worse’ (quoted in Stewart 2021). Ala Marcinczyk a woman who immigrated to Australia from Poland in 1981 explained ‘[t]he Australia I loved was an absolutely gorgeous country and the people were good and open-hearted but this is wrong, leaving Australians over there is wrong ... Now I wonder what being Australian means’ (quoted in Stewart 2021). Allison Bradwell, an Australian living in Malaysia exclaimed ‘I’ve never felt like this before about my own country ... My husband’s contract is up next year but I’m asking myself, “Do we even want to go home anymore?”’ (quoted in Stewart 2021). Nataly Gray, an Australian in Cambodia said ‘[u]nless the politics changes or the mentality changes, I am not sure we can go back ... I really value openness and freedom and compassion and

kindness but I just don’t feel that Australia is like that anymore. I really hope that changes’ (quoted in Stewart 2021).

Discussions of lack of trust, betrayal and disconnection were evident in public accounts written by Australian citizens and residents of all genders, ages and cultural backgrounds. We did not observe discussions of race or racism in newspaper articles, online articles and blog posts written by Australian citizens and residents whose freedom of movement was inhibited by Australia’s domestic and international travel bans and restrictions. This is surprising considering that accusations of racism were made by a number of high-profile Australians including cricketer Michael Slater (Matthews 2021), human rights lawyer Geoffrey Robertson (Mills 2021), former Race Discrimination Commissioner Tim Soutphommasane (Kagi 2021) and conservative political commentator Andrew Bolt (2021) in response to Australia’s two-week ban on residents and citizens returning from India.¹² Australians with Indian heritage made remarks similar to those canvassed in this article. For example, Kim Soans-Sharma who has lived in Australia since 2013 and became stuck in Mumbai after returning to attend her father’s funeral stated that the India travel ban made her, for the first time, feel ‘unwanted’ by Australia (quoted in Gunia 2021). However, in the sources we surveyed we did not observe any accusations of racism. Those impacted by Australia’s COVID-19 travel restrictions, especially the two-week India travel ban, may have been reticent to overtly discuss race in a non-anonymous manner in publicly available fora due to a fear of backlash. Indeed, some Australians of Indian heritage reported concerns about vitriolic social media comments from those who supported the India travel ban (Gunia 2021). There is research on the role of race and colonialism in Australia’s COVID-19 policies (Barber and Fang Law 2020; Simic 2022). An issue for future research is the role of race and racism in experiences of international and domestic travel restrictions.

¹² See discussion in Simic (2022).

The sources canvassed in this article indicate that the consequences of Australia's international and domestic border restrictions go beyond personal harms such as depression, anxiety and financial stress. In addition to these very serious repercussions, there is evidence that Australia's COVID-19 border laws and policies have eroded feelings of national identity and belonging. Below, we draw on transitional justice scholarship to theorise the connections between displacement and ruptured social and political bonds.

4. TRANSITIONAL JUSTICE AND DISPLACEMENT

The above documented feelings of distrust of government, rifts with fellow citizens and fractured national bonds are reflected in transitional justice scholarship that addresses displacement. Transitional justice aims to provide recognition to victims of human rights abuses, rebuild civic trust and promote reconciliation (Duthie 2011, p. 243). The transitional justice field of study predominately focusses on societies emerging from large-scale armed conflict and mass atrocities. However, transitional justice fora have also been used or proposed in the context of other forms of social and political conflict and upheaval such as the aftermath of natural disasters (Australian Peoples' Tribunal 2021) and historical and ongoing abuses, injustices and discrimination inflicted upon Indigenous people in settler-colonial societies (Yarwood 2012). Transitional justice initiatives have been deployed in lower, middle and higher income countries and while scholarship largely focusses on transitional justice in lower and middle income countries, there are some studies of transitional justice efforts in higher income democracies, such as Australia and Canada (Balint, Evans and McMillan 2014; Keynes 2019; Luoma 2021; Nagy 2013). The recently established Yoo-rrook Justice Commission in Victoria (the first truth-telling body in Australia) is understood

to be a transitional justice process (First Peoples' Assembly of Victoria 2021). Transitional justice mechanisms include criminal trials, truth and reconciliation commissions, material and symbolic reparations, institutional reforms and/or guarantees of non-repetition. Civil society led transitional justice initiatives include story telling through theatre and performance and recording and archiving oral testimony (Gilmartin 2021, p. 124).

While displacement within and across borders is a common aspect of conflict and mass atrocities, it has not been addressed in most transitional justice practice or scholarship (Duthie 2011, p. 241; Harris Rimmer 2010, p. 165). Nevertheless, there is a growing body of literature that focusses on the relationship between transitional justice and displacement. In particular, there has been a call for greater research on displaced populations and their attitudes towards and experiences of transitional justice processes in their homeland (Harris Rimmer 2010, p. 163).

The subjects of research on displacement and transitional justice would be refugees under the UN Convention Relating to the Status of Refugees¹³ (UN Refugee Convention) or a regional refugee treaty or they would be entitled to complementary protection. A person is a refugee under the UN Refugee Convention if they are outside their country of nationality or habitual residence and owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, are unable or unwilling to avail themselves of the protection of that country.¹⁴ In some regions, the refugee definition is broader. For example, in Africa the refugee definition extends to those compelled to leave their country of origin or habitual residence owing to external aggression, occupation, foreign domination or events seriously

¹³ *Convention Relating to the Status of Refugees*, opened for signature 28 July 1951, 189 UNTS 137 (entered into force 22 April 1954) (UN Refugee Convention).

¹⁴ UN Refugee Convention art 1A(2).

disturbing public order.¹⁵ A person cannot be sent to another country if they face a real risk of torture,¹⁶ cruel or inhuman treatment or punishment¹⁷ or arbitrary deprivation of life.¹⁸ In many states those facing a real risk of torture, cruel or inhuman treatment or punishment or arbitrary deprivation of life are entitled to complementary protection.¹⁹ In some regions, civilian victims of armed conflict are explicitly recognised as in need of complementary protection.²⁰

However, the differing definitions of ‘refugee’ and various categories of people entitled to complementary protection are not fundamental to the relationship between displacement and transitional justice. Empirical scholarship based on interviews with displaced people indicates that their feelings towards their homeland are predominately informed by their experience of alienage (being locked out of their country of origin) as opposed to the reason for their displacement or risks upon return (Bradley 2005, p. 5; Parry 2016). Indeed, scholarship on transitional justice and displacement rejects technical legal definitions of who is a refugee or entitled to complementary protection and instead adopts broader and more flexible concepts of refugeehood based on a person’s exclusion from their homeland (Bradley 2005, p. 5; Parry 2016, p. 263).

Empirical research on displacement and transitional justice underlines the enduring role of the nation-state system for the protection of human rights, human security and a sense of identity. Parry explains that ‘in

our modern political system, it is the nation state that is responsible for protecting the rights of its citizens. Rights cannot be protected by well-meaning movements of global cosmopolitanism, but require legitimate and democratic nation-states that guarantee rights as part of their constitutional architecture and provide clear remedies in law’ (Parry 2016, p. 263). Gilmartin’s (2021, p. 108) study of those displaced during Northern Ireland’s troubles highlights that displacement ‘profoundly impacted access to resources, education, work and social and familial networks, as well as status and sense of identity’ (Gilmartin 2021, p. 108). He explains that the experience of displacement fractured people’s sense of ‘ontological security’ (Gilmartin 2021, p.116). By this he means that displacement resulted in a significant reduction in ‘levels of certainty and predictability in the lives and social knowledge of individuals and collectives, based on a taken-for-granted knowledge of what to expect and how to ‘be’ in the world’ (Gilmartin 2021, p. 116). This affects ‘a person’s understanding of their place within their worldview and with which they feel comfortable – through the loss of relative stability in their known world’ (Gilmartin 2021, p. 116).

The way in which displacement has been theorised in transitional justice scholarship emphasises the relationship between the state and its citizens and the breakdown of that relationship. Bradley (2005, p. 4) employs social contract theory:

Philosophers including Hobbes, Locke, Rousseau, Kant and Rawls appeal to the idea of a social contract

¹⁵ *Convention Governing the Specific Aspects of Refugee Problems in Africa*, opened for signature 10 September 1969, 1001 UNTS 45 (entered into force 20 June 1974) art 1(2).

¹⁶ *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, opened for signature 10 December 1984, 1456 UNTS 85 (entered into force 26 June 1987) art 3; ICCPR art 7 as interpreted by the UN Human Rights Committee (1992, [9]).

¹⁷ ICCPR art 7 as interpreted by the UN Human Rights Committee (1992, [9]).

¹⁸ ICCPR art 6 as interpreted by the UN Human Rights Committee (2019, [30]).

¹⁹ See, eg, s36(2A) *Migration Act 1958* (Cth); *Directive 2011/95/EU of the European Parliament and of the Council of 13 December on Standards for the Qualification of Third Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons eligible for Subsidiary Protection, and for the Content of the Protection Granted (recast)* [2011] OJ L 337/9-337/26 arts 2(f), 15(a), 15(b). Complementary protection is the term used to refer to those, ‘fleeing serious harm but who do not fall within the technical legal definition of a “refugee”’ (McAdam 2007, p.1).

²⁰ See, eg, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December on Standards for the Qualification of Third Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons eligible for Subsidiary Protection, and for the Content of the Protection Granted (recast)* [2011] OJ L 337/9-337/26 arts 2(f), 15(c).

to justify the institution of the state and illuminate what qualities political institutions should have. In its most basic form, social contract theory suggests that individuals sacrifice a significant degree of their personal liberty to the state in return for increased security and well-being, which individuals could not guarantee for themselves if acting alone. Thus the social contract creates mutual obligations between the citizen, who promises to respect the rule of the sovereign, and the state, which pledges to protect its citizens.

Bradley (2005, p. 5) explains that displacement and alienage is one way in which this social contract can be broken.

Similarly, Parry's (2016) research with people displaced from Liberia and Afghanistan emphasises broken social and political bonds. Parry (2016, p. 262) explains that:

'[r]ather than describing harm in terms of physical displacement, they most frequently referenced their social isolation, the inability to influence decisions being made by those in power, and a sense of disconnection from institutions of governance in their home countries. ... This suggested a conception of harm that stretched well beyond physical displacement, and encapsulated political exclusion and a loss of social power'.

On these grounds, Parry (2016, p. 263) argues that rather than relying on legal definitions of a refugee, 'a more accurate understanding of the refugee ... is someone who has been forced out of his or her own domestic political community, indefinitely'. She goes on to explain that being politically excluded from one's homeland means that the displaced cannot access rights protection and suffer 'a loss of political relevance' (Parry 2016, p. 263).

The situations of the participants in the above-noted studies on displacement and transitional justice are different from that of the thousands of Australian citizens and residents who found themselves 'stranded' during the COVID-19 pandemic. While the subjects of the discussed transitional justice research fled their homeland and could not return due to armed conflict

and political persecution, during the COVID-19 pandemic large numbers of Australian citizens and residents could not return home as a result of federal and state government policy designed to reduce the spread of COVID-19. Yet, there are strong parallels between transitional justice studies focussing on displacement and public accounts written by 'stranded' Australians during the COVID-19 pandemic. As highlighted in the above discussion of public accounts written by those impacted by Australia's COVID-19 travel restrictions, the physical alienage from their country or home state prompted a sense of social disconnection from their communities and broken political bonds with government actors and institutions. How to rebuild these connections and trust among Australian communities in the post-pandemic era needs to be considered. In the following section we look at the potential role of people's inquiries in bringing some form of reconciliation and closure to those most affected by border closures.

5. THE ROLE OF COVID-19 INQUIRIES

In Australia and elsewhere there have been a number of calls for investigations into government handling of the COVID-19 pandemic and most jurisdictions have instigated some form of COVID-19 inquiry. For example, in April 2020 the Senate in the Australian Federal Parliament established a Senate Committee inquiry into the federal government's response to COVID-19, which handed down its final report in April 2022 (Senate Select Committee on COVID-19 2022). The Australian Capital Territory (Select Committee 2020), New South Wales (Public Accounts and Estimates Committee 2021) and Victoria (Public Accountability Committee 2022) held inquiries into the COVID-19 pandemic response. There have also been calls for Australia to hold a Royal Commission into government responses to COVID-19 (see Credlin 2022; Grattan 2022; Massola 2021; Senate Select Committee on COVID-19 2022, Recommendation 17). The United Kingdom has already conducted a people's inquiry into government law and policy relating to the COVID-19 pandemic, which we discuss further below (People's COVID Inquiry 2021), and has now established a state-led inquiry (Terms of Reference 2022).

The Australian COVID-19 inquiries noted above address important issues that need to be examined including the vaccine rollout, lockdown laws and policies, cooperation (or lack thereof) between the federal and state and territory governments and hotel quarantine standards and procedures. However, the types of inquiries that have been carried out and proposed are focussed on governments' and public authorities' decisions and actions. What is missing from the public discussion about the nature, role and mandate of potential inquiries is the idea of a process designed to repair broken bonds between those who had different experiences during the pandemic as well as re-establish trust with governments and public authorities. For example, while the Senate Committee inquiry into the federal government's response to COVID-19 accepted submissions from individuals about their pandemic experience, those who made a written submission did not receive an individual response and many were not invited to appear at a public hearing. The most assurance people had that their voice was being heard was a line on the Committee's website that read: 'The committee wishes to assure submitters that each piece of correspondence to the inquiry is being read and considered' (Parliament of Australia ND).

Transitional justice scholarship highlights the importance of people being able to tell their stories and feel like they have been heard (Bradley 2005, p.7). This is particularly important in the context of exile and displacement where those displaced often express a desire to be listened to both by state authorities and communities that were not displaced (Gilmartin 2021, p. 122). Those who have been displaced and subsequently participated in a form of transitional justice story telling have reported that the process has been an essential part of their healing journey and helped them to understand and communicate their experience of displacement (Gilmartin 2021, p. 124).

In addition to facilitating a process of healing, transitional justice fora play a role in recording history. Bradley (2013, p. 2) explains that 'the acknowledgment and examination of displacement and exile in truth commission reports may significantly affect whether the experiences and suffering of refugees and

IDPs are popularly recognized as a critical part of a conflicted country's history'. Including experiences of displacement in records of a country's history is crucial because there is a risk that without hearing these stories, displacement and exile can become normalised. Oslender (2016, p. 10) coined the term 'banality of displacement' which captures 'the normalization of violence' that makes forced displacement appear as a mundane, banal social fact. He argues that the increasingly bureaucratic and thoughtless nature of an institutionalised discourse on displacement has led to a creeping normalization of forced displacement (Oslender 2016).

Transitional justice mechanisms also aim to rebuild trust in government, state institutions and public authorities and may improve relations between displaced persons and their country or home states or territories (Bradley 2005, pp. 3-4). Trust in government captures citizens' holistic assessment of the credibility, fairness, transparency, compliance and effectiveness, of government across social, political and economic issue areas (Horne 2023). Duthie (2011, p. 255) explains that it is important that transitional justice processes recognise the displaced as 'rights bearers' as a fundamental part of re-establishing the state-citizen bond. Similarly, Purkey (2016, p. 7) posits that trust can be fostered through transitional justice mechanisms for displaced people by 'reaffirming the importance of the principles and norms that were violated'. Bradley (2005, p. 4) suggests that 'formal recognition of the wrongs endured by refugees and IDPs may help reposition the displaced as full, rights-bearing members of the political community of the state, whose claims for protection and assistance must be taken seriously and treated equitably'. As discussed above, human rights scholars agree that, while the federal government had to implement measures to address COVID-19, the international border restrictions were in breach of the right to enter and leave one's own country under international law. The Victorian Ombudsman concluded that the way in which the Victorian border restrictions operated were in breach of the Victorian Charter and similar arguments have been made with respect to Queensland's border policies. Federal and state governments certainly had human rights obligations to prevent or reduce the spread of COVID-19

(the rights to life and health being the most relevant)²¹ but were required to implement travel restrictions in a manner that took account of the right to freedom of movement as well as the rights to life and health of those affected by international and domestic border restrictions. By prioritising the rights of those physically present in the country or state or territory over the rights of the displaced, governments enabled the 'excluded' (in this context those physically excluded) to be perceived as those whose lives and livelihoods do not matter (see Butler 2009). A transitional justice forum where people can tell their stories, feel like they have been heard and receive acknowledgement of the harm done to them would help to re-establish trust in government and state institutions.

Transitional justice also has a role to play with respect to healing broken relationships between people within a community. While Australia's domestic and international borders have traditionally been porous for Australian citizens and permanent residents, federal and state laws and policies transformed these borders into the lines that separate (see Mbembé 2003). What developed in public discussion of the international and domestic border restrictions was an assumption that permitting citizens and residents to return home would lead to an increased spread of COVID-19. As discussed above, many people supported policies that essentially locked citizens and permanent residents out of Australia and prohibited residents of a state or territory returning to their homes on the grounds that these policies kept those who had remained at home and not travelled safe from COVID-19. What was misunderstood was that movement of people across international and domestic borders could have been managed in a safe manner through COVID-19 testing and appropriate quarantine policies. This was a point stressed by the Victorian Ombudsman (2021).

Without this more nuanced public conversation, those with disabilities or a pre-existing vulnerability to COVID-19 understandably expressed reticence towards more relaxed border policies (see ABC News 2022).

Duthie (2011, p. 257) explains that truth-telling initiatives, by both exposing and validating the experiences of those displaced and those who remained at home, can reduce tensions between these two groups and encourage more nuanced and comprehensive future policy responses. Purkey (2016, p. 8) states that 'transitional justice initiatives seek to promote reconciliation and social cohesion. Reconciliation is a concept that is not easily defined but at very least it involves repairing relationships and social links and building trust between individuals and between groups of people'. She explains that this can be achieved by 'debates and interactions that take place between different groups in the context of transitional justice [that] can provide the opportunity for individuals to reflect critically on their own values and for the development of a new narrative that embodies shared values; in other words, for reconciliation and the development of civic trust' (Purkey 2016, p. 11).

It is important that reconciliation and rebuilding civil trust, as lofty as these objectives may seem, are worked towards. Denying others' suffering legitimises forms of discrimination and exclusion and can frustrate attempts to rebuild a national community after a period of conflict or upheaval (Gilmartin 2011, p. 123). Transitional justice mechanisms such as truth and reconciliation commissions could be used in Australia to bring divided communities (such as stranded and not stranded) together and to rebuild their social connections. Ideally, in any transitional justice initiative involving state actors, political leaders should acknowledge the harm done and publicly apologise for their actions. The Victorian Ombudsman (2021, pp. 8, 11) has called for an acknowledgment of wrongdoing.

Scholars have already outlined the possibilities of adopting transitional justice approaches to the

COVID-19 pandemic (see Parmentier 2021). There have been calls for establishing domestic truth and reconciliation commissions (Coyle 2022; Marder 2020; Mazzucato 2020) and even a global truth and reconciliation commission to bring to light the impacts of COVID-19

²¹ See discussion in McGaughy et al (2022).

policy measures such as lockdowns and restrictions on free movement on individual human rights (Reveggino and Becerra-Bolanos 2022). Restorative justice practitioners have suggested that transitional justice mechanisms could be used to ‘respond to societal trauma and grief’ (Marder and Rossner 2021, p. 305). Scholars have proposed transitional justice approaches due to the need to create spaces in which people can feel free ‘to tell their stories and feel heard and vindicated’ and to facilitate collective decision making on issues such as how to address and repair the harms caused by COVID-19 and how to prevent such harms from reoccurring (Marder and Rossner 2021, p. 312).

If there is no political appetite to establish a state-led truth telling initiative, the Australian community can turn to civil society-led, grassroots transitional justice initiatives. People’s tribunals or people’s inquiries are independent, grassroots movements, created by members of civil society, to address impunity that is associated with ongoing or past human rights abuses. As such, inquiries offer communities an alternative history and create a space for healing and reconciliation to take place that may otherwise be stifled by political agendas and legal technicalities. Since the 1960s, people’s tribunals have grown and developed to address many different situations, including genocide, sexual slavery and environmental degradation (see Menachery Paulose 2021). Civil society tribunals draw on international law while emphasising the significant role of bearing witness and listening to people’s stories of harm and injustice (see Byrnes 2017).

Australian academics and activists could establish a people’s inquiry into the consequences of COVID-19 law and policy similar to the one recently undertaken in the UK. The People’s COVID Inquiry (2021, p. 6) in the UK was initiated after the UK Prime Minister initially rejected holding an independent public inquiry into the COVID-19 pandemic. Eventually, the UK Prime Minister acknowledged the need for an independent inquiry but said that it would be carried out at some point in the future. UK civil society did not trust that this would happen so it moved on with its own people’s inquiry (People’s COVID Inquiry 2021, pp. 7-8). The UK People’s

Covid Inquiry was held over four months in early 2021. It was a citizens’ tribunal that heard evidence from over 40 witnesses including bereaved families, frontline workers and national and international experts. The Inquiry afforded ‘an opportunity for the beleaguered citizen to be heard; for the victims to be addressed; for the frontline workers to be recognized; and for independent experts to be respected’ (People’s COVID Inquiry 2021, p. 7). These life narratives put a human face to suffering and, as individual stories accumulate, ‘the collective story’ can gain ‘cultural salience and resonance’ (Schaffer and Smith 2004, p.7). The report by the UK People’s Covid Inquiry was released in December 2021. In the same month, the UK Prime Minister announced the establishment of the state-led inquiry into the pandemic (Prime Minister’s Office 2021). The state-led inquiry began its work in early 2022. It was established under the *Inquiries Act 2005* (UK), with full powers, including the power to compel the production of documents and to summon witnesses to give evidence under oath.

Australian civil society has experience with conducting citizens’ tribunals and peoples’ inquiries. Most recently a citizens’ tribunal was organised into the 2019/2020 Australian bush fires to assess the failure of Australian governments to ‘care for country’ (Australian Peoples’ Tribunal 2021). The Australian Peoples’ Tribunal (2021) has been created as a permanent civil society institution to enable people to share their concerns about the destruction of the environment. In 2015, social work academics led the People’s Inquiry into Detention to expose injustices within Australia’s privatised detention network for asylum seekers (Briskman 2020). The Inquiry interrogated policies and practices that ensued since mandatory immigration detention was introduced by legislation in 1992 (Briskman 2020). The People’s Inquiry was run by supporters from many different backgrounds, including students, who took on roles of advisers, organisers, researchers, and media liaisons. It was funded by modest donations. Public hearings were held in metropolitan and rural locations, where more than 200 people presented before panels that were established in different sites. Written submissions were also sought and received (Briskman 2020). The Inquiry’s report documents people’s experience of

immigration detention centres in Australia (Peoples' Inquiry into Detention 2006). Briskman, Latham and Goddard (2008) argue that some positive and practical changes were introduced as a result of the Inquiry's recommendations and findings. While these changes were modest, participating in this movement was important to people who organised it and to its participants (Briskman, Latham and Goddard 2008).

Establishing a transitional justice process that canvasses the personal, social and political consequences of the COVID-19 pandemic will be crucial for many of those affected by international and domestic travel restrictions, because the harms associated with displacement do not necessarily end when people return home. Some people still feel a sense of displacement and dislocation once they return to their former home. Gilmartin, in his study of those displaced during Northern Ireland's troubles, explains that '[d]espite rebuilding their lives after their relocation or return, the act of displacement(s) (some respondents were displaced on more than one occasion) continues to instil negative emotions regarding the significance of loss' (Gilmartin 2021, p. 115). This is reflected in Rebekah Ison's (2021) account of her experience of Australia's international border policies: 'My countrymen's support of Australia's border policies, or silence in the face of their impact, has been traumatising and I am struggling with the consequences of that unacknowledged trauma. Australia, I believe, needs a reckoning'. Similarly, Sharma Marar, an Australian citizen stranded in India stated: 'I think the scars of these policies and what has been done in last few weeks ... will live with us forever' [sic] (quoted in Gunia 2021). A properly conducted state-led public inquiry together with a grass-roots civil society-led people's inquiry are both tools that can be employed as part of this reckoning.

6. CONCLUSION

This article has sought to encourage a broader understanding of the consequences of Australia's COVID-19 border restrictions and the ways in which they can be addressed. Research on the medical and financial ramifications of these border policies as well as human rights

analyses are important but there needs to be a greater acknowledgement of how international and domestic border restrictions in Australia have eroded political and social bonds. Further, inquiries into Australia's COVID-19 experience need to countenance more than government responses to the pandemic. There needs to be investment into mechanisms that aim to rebuild civic and social trust and address ongoing trauma. Transitional justice scholarship provides models for such fora and Australia has experience in conducting both state and civil society-led transitional justice processes. A question for future research and policy planning is the precise forms of transitional justice mechanisms that would most appropriately address these issues in the Australian context.

During the COVID-19 pandemic, many political leaders and Australian residents did not question the imposition of border restrictions. These policies were based only on medical advice designed to address COVID-19 and did not take into account broader health and well-being concerns or human rights implications. Fear of not being able to return to one's home and becoming displaced and stranded onshore or overseas became normalised and expected. We hope to encourage a broader understanding of the consequences of Australia's COVID-19 border policies and what can be done for those who are trying to manage and navigate their trauma as they return to their homes. Governments must be accountable for their failures and lack of care for all citizens' lives. A properly conducted

public inquiry together with a bottom-top civil society peoples inquiry could be an important part of these accountability and healing processes.

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