

Australian laws rushed through to detain refugees offshore

By Mike Head
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In an extraordinary display of bipartisan unity, legislation was pushed through the lower house of the Australian parliament yesterday to implement the Labor government's plan to consign new asylum seekers to indefinite detention on remote Pacific islands. The bill is likely to pass the Senate today, with the support of the opposition Liberal-National Coalition, just three days after Prime Minister Julia Gillard unveiled the scheme.

By tomorrow, Australian military personnel will arrive on Nauru and Manus Island to begin erecting tents to house hundreds of refugees. "Processing centres" will then be constructed, where up to 2,100 defenceless and traumatised people could languish for years, if not decades.

The Labor government's new refugee regime goes far beyond the "Pacific Solution" adopted by the previous Howard Coalition government.

Under that scheme, refugees were detained for up to five years. As a result, some abandoned their asylum applications and returned to face persecution or death in the countries they had fled. Others were psychologically scarred by their incarceration. Labor is so determined to stop refugees arriving in Australia, however, that Gillard has declared they are likely to be incarcerated on the islands for even longer. On the pretext of ensuring "equal treatment", asylum seekers who arrive in Australia by boat will be made to languish in detention for the same length of time as people waiting in Middle Eastern, African and Asian refugee camps. Even after refugees are officially recognised as such, they will be denied asylum and kept in detention, in order to deter others from coming to Australia. Gillard told a media conference on Tuesday there would be no time limit for the men, women, and children detained offshore. All this is in flagrant violation of international law.

According to the UN's refugee agency UNHCR, asylum seekers are held for "protracted periods of time"

in Southeast Asia. Malaysia, for example, houses more than 86,000 refugees but only managed to resettle about 8,300 people in other countries last year. By some estimates, the global average wait is 20 years.

Nauru, Papua New Guinea and other detention countries will be nominated by regulation, rather than legislation. This will make it easier for the government to add other destinations with little public scrutiny. It is also designed to thwart last year's High Court ruling that struck down the government's proposed "Malaysian Solution" of sending refugees to that country's detention camps. The judges said the scheme violated even the limited requirements of the international Refugee Convention.

Even if and when detainees are granted Australian visas, they will be banned from sponsoring family members to join them in Australia, matching the provisions of the Howard government's Temporary Protection Visas. As happened under Howard, this cruel measure will propel more wives and children to seek passage on refugee boats in order to be reunited with their loved ones.

The government's asylum seeker panel headed by former military chief Angus Houston, on whose report the scheme is based, did not rule out using the navy to force refugee boats to turn back to Indonesia or Sri Lanka, once certain operational, safety and legal conditions were met. The opposition Coalition is clamouring for this policy to be pursued, as it was under Howard.

The Houston panel recommended an increase in the number of humanitarian visas granted each year from 13,750 to 20,000, and eventually to 27,000, so people who came through official refugee programs, rather than by boat, would be rewarded. This proposal was presented as a "humane" balance to the scheme. Yet both Gillard and Opposition leader Tony Abbott indicated that this increase was unlikely in the near future, or at all.

Interviewed on Channel 9 television yesterday, Gillard said: “In principle we’ve given that the tick, now we’ve got to work through all of the financial costs and they are considerable.” Abbott flatly refused to back the idea, saying it would cost millions of dollars.

The government’s plan directly flouts the right, enshrined in the Refugee Convention, to seek refuge from persecution. For public consumption, it has been presented as a bid to stop people dying on hazardous journeys. This is gross hypocrisy. The “border protection” regime enforced by Labor and Liberal governments is directly responsible for desperate refugees resorting to the use of boats to claim asylum in Australia and for the consequent deaths. Tougher measures will not halt the drownings.

Some contributions to the parliamentary debates exposed the plan’s deeply reactionary character. Abbott welcomed the prospect of asylum seekers living in tents, saying they could not expect “five-star, or even three-star treatment.” Liberal Party backbencher Dennis *Jensen* accused the government of being a “soft touch” for refugees. “Now, it’s time for the *iron fist*,” he said.

Governments around the world are enacting similarly brutal crackdowns on immigrants and refugees.

The Israeli government is currently running operation “Go Back Home” to expel tens of thousands of Eritreans, Sudanese and other Africans. In Greece, 4,500 policemen were mobilised last week to hunt down “illegal” migrants, seizing 6,700 foreign-looking people and interning 1,555 in special deportation camps. These international parallels point to the real political motivations behind the Australian government’s agenda and its humanitarian posturing. Facing a deepening economic crisis, mounting social distress and unrest, governments internationally are seeking to distract attention from their own austerity and pro-market programs, and divert discontent in the direction of nationalist and xenophobic scapegoating.

Despite a barrage of support for the Labor government’s plan in the media, there are signs of popular revulsion and political shock at the right-wing shift that has occurred. Letters to newspaper editors recalled that hostility to Howard’s policies had been a significant factor in Labor’s victory at the 2007 election.

A letter to the *Age* denounced “one of the most reprehensible decisions made by a Western government in the 21st century.” One to the *Sydney Morning Herald* commented: “The asylum seeker ‘solution’ being pushed by the Gillard government has got to be the final nail in

its coffin for thinking voters... If we wanted the Pacific solution we would have voted for John Howard in 2007.”

Refugee groups warned of terrible consequences. Amnesty International’s refugee spokesman, Graham Thom, said it was “shocking to see the panel favour punitive measures that deliberately hold vulnerable people hostage, separate families and leave them in limbo... Ultimately, this will mean that more refugees in the Asia Pacific face torture, exploitation, and even death.”

The Greens, while formally opposing the government’s plan, adapted to the right-wing lurch in the official “debate” by proposing an amendment to allow offshore detention of refugees for 12 months. “I would prefer that mandatory detention did not exist; I would prefer that we had a much speedier process for processing people’s asylum claims,” Greens’ deputy leader Adam Bandt told parliament. “But I would hope that 12 months represents a reasonable time that all members of this House could agree to as being an acceptable limit... That is not perfect, but it is a compromise that I hope will be acceptable.”

The Greens gave every indication that they would vote for the government’s legislation if their amendment was incorporated. This exposed their claims to have a principled opposition to offshore processing and their posturing in defence of refugees. The Greens in fact bear responsibility for all the measures advanced by the minority Gillard government, which remains in office thanks to the continued loyal support of Bandt and co.

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