

JUST IN TIME



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Think again

“When you think about the boats, think again”. This is the message put to us by the **Amnesty International** campaign called **Rethink Refugees**. This campaign encourages people to move beyond their initial responses to consider the facts about refugees and asylum seekers. With the **“Malaysia Solution”** ready to begin, now is the perfect time to rethink our attitudes and approach to refugees.

The deal is done. Malaysia and Australia have agreed to a people-swap arrangement - Malaysia accepts 800 asylum seekers from Australia while Australia takes 4000 refugees from Malaysia over four years. The Gillard government have secured a “solution” to Australia’s refugee “problem”. But what exactly is the problem?

The problem is that asylum seekers leave places like Malaysia in leaky boats, seeking a better life in Australia. This jeopardises the lives of those onboard, but of greater concern for Australian politicians, it jeopardises the appearance of Australia being “tough” on border security.

If Australian politicians were truly concerned about the lives of those leaving South-East Asia by boat, they would assist countries like Indonesia, Thailand and Malaysia in establishing numerous fast and effective processing centres to determine the status of those seeking asylum.

The Malaysia Solution is an elaborate and expensive way of drawing a line between “boat people” and “genuine refugees”. This is despite the fact that on average 70-97% of boat people are indeed found to be legitimate refugees.

Insisting on offshore processing for those who do attempt to reach Australia by boat is not a solution, it is a defiance of Australia’s obligations to those who seek asylum in our country.

What the Malaysia Solution reveals is that the fear generated under the Howard government ten years ago is still dictating policy. The documentary **Leaky Boat**, which aired on the ABC in July, examined the political tactics used in 2001 to make it hard for everyday Australians to identify with the plight and the humanity of

asylum seekers. Jenny McKenry, who was the Head of Public Affairs for the Department of Defence at the time, revealed that instructions were given by the government that “there was to be nothing in the public forum which would ‘humanise’ these people”.



Rethink Refugees poster - the average Australian is not so different from the average refugee.

It is frightening to think that the Australian public would have ever needed help to see asylum seekers as humans. It is even more frightening to think that our political leaders deliberately tried to strip them of their humanity.

Everyday Australians need to step up and take responsibility for the decisions that politicians make on our behalf. The 3-part program **Go Back to Where You Came From**, which aired on SBS in June, showed that it only takes a walk in a refugee’s shoes to show that they are not so different from us, and they are not so scary after all.

Unconventional “Solution”

Following the horrors of World War II the international community were keen to define the rights of humans and the rights of those seeking protection from persecution. This led to the development of The Universal Declaration of Human Rights in 1948, and the United Nations Convention relating to the Status of Refugees in 1951.

The United Nations Convention relating to the Status of Refugees (hereafter referred to as the Refugee Convention) determines how signatories must treat and process those seeking asylum in their territory. The Refugee Convention is a legally binding international treaty, which Australia ratified in 1954. By ratifying the Refugee Convention Australia made a commitment to consider requests for protection from people with a “well-founded fear” of persecution in their own country. If their request is found to be valid, Australia is then obligated to offer that person protection.

Australia is side-stepping its responsibilities as a signatory to the Refugee Convention by intercepting asylum seekers’ boats before they reach Australian territorial waters, putting them into a limbo where no-one is truly looking after their rights.

Not only does this practice defy the spirit of the Refugee Convention, but the subsequent trading and swapping of people with Malaysia constitutes a new moral low for Australia. Do we really want our country to be known as one where human lives are seen as tradable political commodities?

One of the main concerns expressed by opponents of the Malaysia Solution is that the 800 asylum seekers being sent to Malaysia are being sent back into a country that is *not* a

signatory to the Refugee Convention. This means that Malaysia has no obligations towards asylum seekers or refugees - they are treated as “illegals”, have no right to work, and can be arrested, whipped and detained at any moment.

Chris Bowen, Australia’s immigration minister, promotes the so called advantages of the deal – that the 800 asylum seekers will have the right to work, children will receive schooling, and that they will be assisted by the UNHCR to apply for protection and have their claims processed. While the minister endeavours to make these sound good on paper, details of how they will be implemented or overseen are scant and brush aside the fundamental inhumanity of the agreement.

Malaysia has an appalling track record in the treatment of asylum seekers and refugees, but Australia - happily sending asylum seekers into Malaysia - can hardly claim a higher moral ground.

Despite being a signatory to the Refugee Convention, having ample resources to process asylum seekers onshore, and having a society proudly based on the idea of a “fair go”, Australia may soon become an undesirable destination for those seeking refuge.

Perhaps this is was the plan all along. Our political leaders may achieve the “stop the boats” goal after all. And all it will have taken is the side-stepping of our international obligations and the dehumanisation of vulnerable people.

The question is, if we continue to dehumanise people seeking help, how long before we lose our own humanity? As the Malaysia Solution begins, perhaps we will soon find out.

Web links

RETHINK REFUGEES

<http://www.rethinkrefugees.com.au/>

REFUGEE ACTION COALITION

<http://refugeeaction.org.au/malaysia-solution/>

LEAKY BOAT DOCUMENTARY

<http://www.abc.net.au/tv/programs/leakyboat.htm>

GO BACK PROGRAM

<http://www.sbs.com.au/shows/goback>

FACTS ABOUT REFUGEES

<http://www.aph.gov.au/library/pubs/bn/sp/AsylumFacts.pdf>

ALTERNATIVES TO DETENTION

http://www.apo.org.au/sites/default/files/The_Better_Way.pdf

WHAT’S THE PROBLEM?

<http://theconversation.edu.au/refugees-now-we-have-the-malaysian-solution-but-whats-the-problem-1155>

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