

REFUGEE COUNCIL OF AUSTRALIA

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MEDIA RELEASE

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REFUGEE COUNCIL LAMENTS DISPROPORTIONATE EXCISION POLICY

"The Government's decision to excise Melville island from the Migration Zone to prevent 14 people gaining access to Australia's refugee determination process is disproportionate, and a breach of our obligations under the 1951 Refugee Convention," said David Bitel, President of the Refugee Council of Australia.

As the Council has stated before, a domestic law narrowly defining 'migration zones' to exclude part of its territory cannot override a nation's treaty obligations: Article 27 of the Vienna Convention on the Law of Treaties plainly states that 'A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty'.

"Previous excisions have not stopped people in desperate circumstances from seeking to reach Australia. It simply forces some boats to head for the mainland, at greater risk to the passengers. It seems that in its attempts to stop people smugglers, the government is prepared to put people's lives at risk."

"Has the Government weighed the cost of removing the 14 people to Christmas Island against processing their applications in Australia?"

"The Refugee Council of Australia," Mr Bitel concluded, "is completely supportive of proposals to alleviate the circumstances which drive people to flight. Well-reasoned proposals, devised in cooperation with UNHCR, lie at the heart of any sensible measures to address the issue of people-smuggling. But there is nothing to be said for unacceptable measures which violate our responsibilities under international law, and continue the impression that we are seeking to dump 'problems' in the laps of our neighbours. This is not a sensible way of securing their cooperation."

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