

REFUGEE COUNCIL OF AUSTRALIA

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PROPOSED LAW TURNS THE CLOCK BACK AND COULD LEAD TO BREACHES OF REFUGEE CONVENTION

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“The Government’s hasty abandonment of providing protection in Australia for future West Papuans fleeing persecution is appalling. It demonstrates that our refugee laws are being determined by a foreign State, and is a policy of appeasement, not principle”, said John Gibson, President of the Refugee Council.

“The proposed laws announced by the Minister for Immigration and Multicultural Affairs run counter to all the positive changes which her Department is currently implementing, including the major improvements in the treatment of detainees in Australia, and turn the clock back to a situation which most Australians believed had ended. It would seem we will even see a return to children in detention”, he said.

The Australian navy will be instructed to intercept West Papuans who arrive in our territorial waters and transfer them to Nauru, or will be placed in a position of assisting Indonesian forces to turn them back, which will directly contravene Article 33 of the 1951 Convention Relating to the Status of Refugees (“The Refugee Convention”).

If transferred to Nauru, it seems they will be denied assistance to apply for asylum and will simply be assessed by Australian officials whose decisions will not be subject to independent scrutiny. When seen together with the excision of Australia, the policy of deterrence and targeting of a specific group coming directly from a country of persecution, and the placement of asylum seekers in detention in a foreign country, there is a strong argument that the proposed law breaches Article 31 of the Convention.

If they are found to be refugees, Australia will accept no obligation to do other than see whether another country will take them. They will be left in limbo indefinitely. This will occur despite our detailed knowledge of just how mentally and physically destructive long-term detention on Nauru can be.

“We should not bow to external pressure to compromise our commitment to protecting the human rights of vulnerable people who are genuinely fleeing persecution. As Australians we have a special relationship to the peoples of the island of New Guinea given the great sacrifices they made during World War Two to protect Australian soldiers and Australia. They must not be sacrificed to political expediency”, he concluded.

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