

Submission to the Expert Panel on Asylum Seekers – 13/7/12

1. Recent debates on asylum seeker problems have revolved around two approaches that are not going to work.

The Terms of Reference of this Committee heavily emphasise the need to save lives, how to stop people drowning at sea.

2. The Opposition's Nauru solution involves intercepting people who have already got on boats or taking people from Christmas Island to Nauru. It is not going to get them off boats. It is part of the process by which they get to Nauru which many will regard as a stepping stone to come to Australia. Seventy percent of those who previously did go to Nauru were resettled in Australia and in New Zealand. Nauru damages people, is not a deterrent and was expensive. The Pacific Solution, which saw asylum seekers detained on Manus Island and Nauru, cost more than 1 billion dollars over five years, or \$500 000 per person.
3. The Malaysian solution is no better. It still requires people to come to Australia by boat. Eight hundred people who come here are going

to be sent to Malaysia and then are going to be traded for 4000 proven refugees, 1000 a year for four years. It is a short term policy because those numbers are finite, at least in terms of what has been said publicly. The policy is also based on the fact that people will still try to come to Australia by boat. If the 800 in number are exceeded what happens to them? If as the Government believes, that the number of 800 will not be reached because the policy will be a deterrent, it implies that those who are sent to Malaysia will not get any protections or any of the rights that should be accorded to refugees. The so called Malaysia solution was found to be unconstitutional by the High Court as it breaches our domestic law and international obligations as signatory to the Refugee Convention. In addition, against the barbarity that occurs in a number of countries from which refugees flee, the policy will be no deterrent at all (the recent Taliban).

4. If the main objective is to save lives and to stop people getting on dangerous boats, it is clear that we need to resource the UNHCR offices to increase resettlement and processing in Indonesia and Malaysia. Starting with an immediate increase in the number of people Australia resettles from Indonesia. This year, we have only

resettled 61 people from the 1,200 recognised refugees in Indonesia. Increasing the number of people we resettle from Indonesia and Malaysia is the only way to stop people getting on boats. It should be run and managed to the maximum extent by UNHCR with funding from the Australian Government. Under UNHCR management, Indonesia could have as much involvement as it wished.

5. For the policy to be effective, we should increase the number of humanitarian refugees that we are prepared to take to at least 25,000. Increasing Australia's humanitarian intake is something the three major political parties agree on, so why not implement this immediately.
6. At the same time this humanitarian intake (which includes from family reunion where there is a backlog of over 20,000) should be de-linked from any who may arrive by boat.. We need to resettle those waiting for family reunion as soon as possible. Then after that the family reunion could be part of the 25,000 humanitarian intake.
7. It wouldn't hurt Australia to show a little generosity and say that we will get rid of that backlog of 20,000 for family reunion as quickly as possible. If we really wanted to, we could probably do it in a year.

Some of those on the waiting list have already been waiting over five years. This part of the policy would need to be de-linked from those taken as part of onshore processing.

8. If these suggestions could be put into effect, it would mean that refugees in Indonesia would be treated decently, humanely and in accordance with international conventions. It would also mean that we would put ourselves within the law in Australia and within the provisions of the Refugee Convention.
9. Some may argue that there is no element of deterrence in this policy. This is where Australia started to make a major mistake by believing that a democratic country such as Australia with a strong humanitarian record and with a largely compassionate population, would be able to provide a deterrent that equalled the terror and oppression from which most refugees have been fleeing from a number of countries.
10. Whether it is fleeing Saddam Hussein or the Taliban in Afghanistan or from terror perpetrated by both sides in Sri Lanka, it is inconceivable that an Australian Government could match the brutality and fear

caused in their homelands. This is why the policy of deterrence has not and will not work.

11. The Opposition claimed that the policy of deterrence worked in earlier times. That is highly debatable because while the numbers coming to Australia on boats did fall, the numbers going to Europe on boats also fell dramatically and proportionally just as much, if not more. At that time, no country in Europe had applied a policy of deterrence. The decrease in boat arrivals was due to geo political factors such as the fall of the Taliban in 2001 rather than any deterrence policy of Australia.
12. All of this could be done by negotiation between Indonesia, Australia and with the full support of UNHCR. Such a policy should be put in place immediately.
13. A second stage would involve the internationalisation of what is a local regional approach. We should seek to persuade the United States, Canada, New Zealand and other recipient countries to take more refugees and particularly to take some from the holding centres in Indonesia if the numbers continued to rise.

14. If Australia has already acted with generosity and effective diplomacy on stage one, it could make this achievable. That's exactly what happened in relation to a very much larger intake of refugees from Indo-China in the late 70s and early 80s.

Then Malaysia was pushing boats out to sea. Many were river boats that could not survive at sea, especially the long journey through Indonesia and Archipelago to Australia.

15. To stop Malaysia pushing people out to sea it was necessary to persuade them to establish a centre to have people processed there. This was only possible because of the commitment we and many others made to take many tens of thousands from that centre. They would not be left with a major problem on their own doorstep. That worked. The countries that took large numbers of Indo-Chinese and Vietnamese have all benefitted economically and culturally as a consequence and that applies with special emphasis to Australia.

16. Such a policy overall of resourcing UNHCR offices in places such as Indonesia and Malaysia would probably be much less expensive than

current policies. The cost of air and sea surveillance is obviously very high. The cost of detention centres in Australia is \$1billion over 4 years, nearly \$140,000 per person a year for no real benefit except that it is part of an effort to create a deterrence that does not work.

17. With appropriate political leadership I am sure the Australian public will accept such a humanitarian policy. There are very large numbers of people who hate what has been done, who hate the policies pursued by Australia over many years, ever since Tampa. If anyone says “why Australia”, we are the wealthiest country in the region. We also have space and the capacity to absorb large numbers of people. We are a successful multicultural country. We also have the need for many of the skills which refugees have. Sixty percent of those who pass through the doors of ASRC’s “Employment Program” in Melbourne fulfill Australia’s currently list of skills and/or labour shortages. If the toxic political debate of the last several years can be put aside and if people can be told of the conditions from which asylum seekers and refugees flee, then the humanitarian instincts of Australians will be aroused instead of fear and concern about damage to Australian values.

I have had many Vietnamese tell me that they were overwhelmed by the generosity of their acceptance in Australia. Some have said that in the houses to which they were allocated there had been toys or clothes waiting for their children. I know of one family where they had discussed how to repay Australia and as the young boy grew old enough, the family decided that he should join the air force as part re-payment for Australia's generosity. The Catholic Church has ordained the first Vietnamese Bishop, Lieutenant Governor of South Australia was on the first boat that arrived in Darwin Harbour. There are many stories. There is much evidence that Australia has benefitted greatly from the migration of those times.

The short and long term measures outlined above will save money, do not require legislative changes and will save lives at sea.

Protecting asylum seekers seems to have been lost from the current debate and it's time to restore this protection as integral to our approach to asylum seekers.