

Australia's New Afghan Refugees: Context and Challenges

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Introduction

On 6 July 1938, a conference was held at Evian in France to consider how the international community should respond to the outflow of Jewish refugees from Nazi Germany. The Australian representative was the Minister for Trade and Customs in the Lyons Government, T.W. White. His intervention was to send shivers down the spines of the more compassionate delegates. 'It will no doubt be appreciated', he said, 'that as we have no racial problem, we are not desirous of importing one'.^[1] In some ways Australia is re-living those dark times.

Faced with the arrival by boat of asylum seekers from Iraq and Afghanistan, Australian political leaders have found inflammatory ways of scorning them. Thus, on 17 November 1999, the Australian Minister for Immigration and Multicultural Affairs, Philip Ruddock, claimed that 'if it was a national emergency two weeks ago, it's just gone up ten points on the Richter scale'. On 7 January 2000, the Premier of Western Australia, Richard Court, went even further, responding to the release from detention of Afghan refugees with the assertion that 'We're not talking about genuine refugees, we're talking about people who are smart alecs', adding for good measure that they 'should be turned around straight away'.^[2]

From a European perspective, these responses must seem somewhat frenzied. While European states have been moving to close their doors to asylum claimants,^[3] this is in the context of a vastly greater volume of applicants than Australia has ever had to confront. According to the most recent statistics of the Department of Immigration and Multicultural Affairs (DIMA), issued on 25 July 2000, the total number of 'boat people' arriving in Australia from 1989 on was only 8289, of whom 1141 were Afghans. Even the total for 1999–2000, namely 4174 persons, is trivial compared with those confronting other liberal democracies.^[4] Numbers alone can hardly explain the ferocity of the politicians' response. At least five other factors need to be taken into account.

First, in DIMA there is a well-entrenched 'culture of control',^[5] which spurns as 'illegals' those who arrive on Australian shores without bureaucratic approval. Such persons, even if they are 'refugees' as defined in the 1951 Convention Relating to the Status of Refugees, must by law be detained until their applications for 'protection visas' are processed, even though it is not a criminal offence to enter Australia without a visa.^[6] This obsession with control has been at the expense of more creative thinking about refugee issues, as an interesting April 1992 extract from the Cabinet diaries of Dr Neal Blewett makes clear: 'Immigration remains a disaster area, with hasty ad hoc expedients cobbled together to stem the flood'. The Minister for Immigration Local Government, and Ethnic Affairs, Mr Hand 'supported his proposals with his usual blend of vivid anecdotes about the wickedness of the boat people and their sinister manipulators (Chinese tongs this time) and attacks on the self-righteous attitude of the churches and the do-gooders'. The Attorney-General, Mr Duffy, 'told me that he likes Hand but that over the last week or so he has been all over the place and more than usually excitable—partly, Duffy believed, because the advice coming out of his department is so unreliable and changeable'.^[7]

Second, Australian ministers and officials are increasingly vocal in campaigning against 'people smuggling' in international fora. Mr Ruddock in the year 2000 visited Jordan, Syria, Iran, Pakistan, and various Southeast Asian states in pursuit of this campaign, although without securing much high-level access in the key transit states involved. Such smuggling is of course a legitimate issue to discuss, since people smugglers are not in the least bit altruistic, on occasion engage in trafficking of persons in a way which brutally exploits the

vulnerability of those who are being moved, and often are connected with organised crime more generally.[8] However, exaggerating the threat of people smuggling has proved an effective way of winning monies in a time of economic stringency, with the May 2000 Australian budget allocating A\$116.8 million over four years to 'tackle people smuggling and illegal arrivals' and 'to establish new detention centres'.[9]

Third, while numbers remain trivial, there is an inclination in policymaking circles to interpret every trickle as the precursor of an imminent flood, often illustrated with reference to large percentage increases in the number of asylum seekers from particular areas (although rarely with reference to the low base numbers from which the large percentage increases are calculated). Such primal fears are difficult to address, in part because they are not often supported with serious analyses of the sociology of forced migration. This disconnect is unfortunate, but in no small part it reflects a wider pathology of the policy process, namely that popular myths can become realities for vote-maximising politicians, and sceptical or critical social science is not a popular guest at this particular party.

Fourth, domestic political considerations have prompted an anti-refugee rhetoric amongst Australian politicians. In the 1998 Australian election, the far-right 'One Nation' party, led by Pauline Hanson, capitalised on a general disillusionment with political elites to win 936,621 votes, or 8.43% of the total votes cast.[10] One policy in her platform was to grant refugees only temporary residence, rather than the right of permanent residence which they had traditionally received if their claims to be refugees were upheld.[11] Bitter infighting subsequently broke the 'One Nation' party into pieces, but paradoxically, the result has been a heightened attention by Australia's major parties to ways in which they might lure back those who defected to 'One Nation' in 1998. Scorning refugees is an obvious tactic, and Afghan refugees have unfortunately been the first victims.

Fifth, there remains in Australia a serious ignorance of the circumstances which force Afghans to leave their homeland to seek protection in another, and of the problems which they confront on arrival. My aim in the rest of this paper is to offer some information to help dispel this ignorance.

The Destructuring of Afghanistan

Why do refugees from Afghanistan continue to seek protection in other parts of the world? The reasons are complex, and reflect the interaction of state disintegration, political mobilisation based on ethnic and sectarian social cleavages and a criminalised economy, and gross human rights violations. I shall discuss each of these in turn. It is important to note that not all of Afghanistan is unstable, not all Afghans seek asylum abroad, and that the 1990s actually witnessed a substantial voluntary repatriation of refugees from neighbouring countries.[12] But it is also important to note that most of those who returned in the 1990s were ethnic Pushtuns, whereas the bulk of those arriving in Australia are from non-Pushtun minorities. The explanation lies in the dynamics of Afghan politics.

In April 1978, a communist coup overthrew the republican regime of President Muhammad Daoud and replaced it with a revolutionary regime under the Hezb-e Demokratik-e Khalq-e Afghanistan, or People's Democratic Party of Afghanistan. The new regime inherited a weak rentier state which was unequal to the demands of revolutionary transformation which the new regime imposed on it, and the result was sharpening factional conflict within the regime, the development of popular resistance to its radical policies, and a decline in the capacity of the state to obtain revenues to fund its operations. In December 1979, the tottering regime then headed by Hafizullah Amin was overthrown by a Soviet invasion force. The new Soviet-backed regime—headed until 1986 by Babrak Karmal, and from 1986 by Dr Najibullah—was heavily dependent upon Soviet support, and the cessation of Soviet aid following the political changes brought about by the failed August 1991 coup attempt in Moscow led directly to the collapse of communist rule in April 1992.[13] At this point, the ruins of the country fell into the hands of the Afghan resistance. And ruins they were. By conservative estimate, roughly one million Afghans had perished from a pre-war population

of just over 13 million, and a great deal of the country's infrastructure was wrecked. The schools system was in a state of disarray, and much productive land was contaminated by anti-personnel mines.[14] Millions of Afghans remained as refugees outside their country, from which they had been driven by the ferocity of the war which was fought on Afghanistan's soil. In exile, a new generation of Afghans had grown up who had never set foot in their homeland, and who critically lacked the skills which would normally have been learned in the course of everyday life in a predominantly agricultural economy.[15] The country had no legitimate political institutions. Rarely has a popular resistance movement received so miserable and elusive an inheritance.

At the time the communist regime collapsed, there was no single group or party within the Afghan resistance strong enough to rule the whole country. As a result, while the forces of the Shura-i Nazar-e Shomali (Supervisory Council of the North') of Ahmad Shah Massoud occupied much of Kabul, the authority of the regime which he backed, headed by Burhanuddin Rabbani, was challenged by the Pakistan-backed extremist Hezb-e Islami of Gulbuddin Hekmatyar, which from mid-1992 rocketed the capital with stockpiled munitions, causing thousands of deaths and reducing the southern suburbs to rubble.[16] However, Hekmatyar's party proved incapable of occupying and holding territory, and from 1994, Pakistan increasingly threw its weight behind another force, the so-called Taliban movement, which without Pakistan's instrumental support would have remained socially marginal and politically irrelevant. The rise of the Taliban reflected the extent to which Afghanistan had become a theatre for the playing out of regional rivalries on territory exposed to creeping invasion by the collapse of the state. For Pakistan, a Taliban-dominated Afghanistan would minimise Iranian influence, provide a safe venue for the training of Kashmiri militants, and secure Pakistan's rear flank in the event of renewed armed conflict with its main regional rival, India. With backing from Pakistan and from the Saudi extremist Osama Bin Laden, the Taliban finally succeeded in taking Kabul in September 1996. The USA, keen to see a stable Afghanistan in which US energy companies could invest, reacted with remarkable calmness to the Taliban takeover.[17]

The results, however, have proved perverse, as a close examination of the Taliban should have led their supporters to expect. The Taliban, overwhelmingly drawn from one ethnic group, the Pushtuns, consisted of a curious mixture of extremist Sunni Muslim clerics of Deobandi persuasion, students from madrassas (Islamic colleges) who had been denied anything like a normal family life as a result of two decades of war, and Pushtuns who identified with the movement out of ethnic solidarity rather than ideological affinity.[18] This led to an increased ethnicisation of the Afghan conflict.[19] From the moment it took Kabul, the movement ran into trouble. On the night the capital fell, the UN's premises were invaded, and the former communist leader Najibullah, located in the premises since 1992, was dragged out and murdered. This attracted the world press, whose attention then fell on the remarkable and bizarre restrictions on women which the Taliban were seeking to impose.

These restrictions, so blatantly at odds with the approach to gender in so many influential capitals, blocked the movement's attempts to secure international respectability.[20] The Taliban's hospitality to Bin Laden, a principal target of US interest since the bombing of US Embassies in Kenya and Tanzania in August 1998, made their regime an international pariah,[21] resulting in mandatory sanctions from November 1999 pursuant to UN Security Council Resolution 1267. The Taliban movement instead relied on ongoing Pakistani backing to harass its opponents, and depended for income on revenues from smuggling, and from taxes on opium, of which Afghanistan became the world's largest producer.[22] Those who lauded the 'security' brought by the Taliban seemed not to notice that smugglers and drug barons were among the main beneficiaries.

The main losers were the Hazara ethnic group. Gross human rights violations in Afghanistan of course did not originate with the Taliban. Successive communist regimes had atrocious human rights records, and during the 1980s, countless Afghans suffered at the hands of the

secret police, known as KhAD (Khadamat-e Atalaat-e Dawlati, or 'State Information Service').[23] However, with the rise of the Taliban, the Hazaras have been particularly targeted. The Hazaras, concentrated in the mountainous central Hazarajat region but found in many urban centres as well, are physically distinctive, having typically a Central Asian rather than southern European phenotype, and are mostly Dovazdah Imami ('Twelver') Shiite rather than Sunni Muslims.[24] In the last decade of the nineteenth century, Amir Abdul Rahman Khan prosecuted a fierce campaign against the Hazaras, and for much of the twentieth century, Hazaras experienced significant discrimination, grounded in both sectarian antagonism and social closure. Within the Taliban one can find powerful figures who regard the Hazaras as both heretics and Untermenschen. In February 1995, the Taliban killed Abdul Ali Mazari, leader of the Hazara-backed Hezb-e Wahdat ('Party of Unity'). In August 1998, some 2,000 Hazaras were slaughtered when the Taliban took the northern city of Mazar-e Sharif; the killings were fuelled by incendiary broadcasts by the Taliban 'Governor' of Mazar, Mullah Muhammad Niazi.[25] The position of Hazaras in the Hazarajat itself has been complicated also by the desire of nomadic Pushtun tribes allied with the Taliban to obtain control over land in the region, or recover old debts.[26] For the Hazaras, the future in Afghanistan appears anything but bright.

Afghans in Australia

The Afghans who have been arriving in Australia by boat since late 1999 are largely of Hazara background, although some are former residents of Iran fleeing the threat of forced repatriation, and a small minority are anti-Taliban Pushtuns or members of other persecuted ethnic groups. Most of the Hazaras are young men, driven from their homes and families by concerted pressure applied by the Taliban, acting in concert with people smuggling networks and elements of the Pakistani state. Faced with the threat of the forced seizure of their lands and sequestration of their assets, they are casuistically offered a 'safe way out' in exchange for cash payments, with the Taliban, the smugglers, and the Pakistani groups all taking a cut. The cash in question typically comprises the pooled life savings of elders within a lineage, who recognise that it is the young men of military age in the lineage, the bearers of its future identity, who are in greatest danger. These young men are trucked to Karachi, flown to Indonesia, and then transported by boat to Australian islands and reefs close to the Indonesian archipelago. Most have had to leave wives and young children behind.

Given the persecutions which the Taliban have directed against Hazaras, the Hazaras in Australia have very little difficulty in establishing a well-founded fear of persecution on the basis of which field officers of DIMA find them to be genuine refugees. While conditions in detention centres add to the trauma which the refugees have already experienced in Afghanistan, as does slow processing of claims, it is in some ways upon release from detention that the Hazaras' real difficulties begin. This reflects a deliberate desire by the Government to make life as difficult for them as possible, in order to 'deter' others from arriving by the same route.

As a matter of conscious policy, echoing the 'One Nation' platform, such refugees are only given three-year 'Temporary Protection Visas' (TPVs). No one with any understanding of the destructured situation in Afghanistan seriously doubts that the Hazaras will eventually remain in Australia on a permanent basis—something which is to be formally revisited thirty months after the grant of a TPV—but in the meantime it is manifestly the intention of the Government that they live on the margins of society. Their 'basic human rights' are basic indeed. They are forbidden to sponsor wives and children to join them (even if they know where they are), and if they leave Australia for any reason, they cannot re-enter. While the 1951 Convention requires that TPV holders be granted the right to work, they are not permitted to attend English classes funded by the Commonwealth government, and the income support which they receive is rudimentary. Until very recently, to obtain access to Australia's universal health care system ('Medicare'), they have been obliged to apply for a permanent visa, which is a procedurally horrendous task unless a registered migration agent can be found who will supply the necessary assistance for free. Upon release from detention, they are virtually dumped in major cities, typically with less cash than is needed to survive

until Special Benefit becomes available through the banking system. The burden of assisting them has fallen on hard-pressed state and territory governments, voluntary agencies and charities, and sympathetic Afghans.[27]

In keeping with his 'deterrence' strategy, Minister Ruddock has also set out to denigrate the refugees, a move strikingly at odds with his statement to a Parisian audience in July 2000 that 'compassion should continue to guide our approach to the genuine needs of those who are truly refugees'.[28] When speaking to domestic audiences, he has accused TPV-holders of 'using our good feelings ... to get money to send out of Australia',[29] and 'using the money that is provided for food to buy mobile telephones and then go to charities to try to top up their income'.[30] While these wild claims met with sulphurous criticism,[31] they doubtless struck a chord in rightwing political circles. An even more bizarre development—the launch by the Minister of a set of videos of snakes, sharks, and crocodiles to deter refugees from embarking upon the voyage to Australian shores—may also have been intended for a domestic audience.[32] How any of this could send a 'signal' into the Hazarajat was not explained.

A further rationale offered by government officials for this treatment of the Hazaras comes in the form of a claim that they are 'queue jumpers'. However, the 1951 Convention does not establish a 'queue' for refugees to join, and to describe those who arrive by boat as 'queue jumpers' is a complete non-sequitur. Australia does have a 'Refugee and Special Humanitarian Programme' as part of its wider policy of selecting migrants for resettlement to Australia, and the Ruddock-Court approach is premised on the view that the only deserving refugees are those who lodge applications under this programme. This also suits the bureaucratic mindset of a number of key DIMA policymakers. But for Afghan Hazaras, it is absurdly out of touch with reality. There are a number of reasons why.

First, an applicant under this programme faces incredible processing delays, of well over a year. Yet those at the greatest risk cannot risk waiting that long. In Iran, for example, Afghan refugees still run the risk of being picked up in the street and forcibly deported to Afghanistan, despite the move by UNHCR to put in place an orderly system for the registration of refugees.[33] In just one week in December 1999, Iran deported 1,682 Afghans,[34] more than the total number of Afghans who have arrived in Australia by boat over the last ten years. In March 2000, Amnesty International reported that in 'the past week, Iranian police have carried out mass arrests and forcible deportations of possibly thousands of Afghan men, women and children, denying them refugee protection'.[35] Despite this, in the Australian Embassy in Iran, until very recently, there has not been a single so-called 'Australia-based' DIMA staffer in residence to process visa applications. The 2000 Budget included provision for \$5.3 million over four years to accelerate the processing of offshore resettlement applications. Such resources should have been committed long ago.

Second, Australia allocates far fewer places a year than this for resettlement to Australia of Afghans who apply at the Australian High Commission in Pakistan, and because almost all are 'Special Humanitarian Programme' rather than strictly 'refugee' places, the applicants, to succeed, must have some prior connection with Australia, established through nomination by a proposer. Apart from the recent arrivals, there are few Hazaras in Australia, and as a result, the procedures of the 'Special Humanitarian Programme' covertly discriminate against the very group in greatest need. Indeed, since an applicant need not meet the stringent Convention definition of 'refugee' in order to qualify or a 4 of two further Afghan acquaintances, whom I will call 'Dr L' and 'Mr A'. Dr L, a US-trained social scientist, held a very senior position in the Afghan Foreign Ministry between 1992 and 1996, and was actually one of UNHCR's main interlocutors in the Afghan capital during the period. Mr A, Dr L's brother, was a staffer of the Afghan Red Crescent Society. When the Taliban took Kabul, Dr L did not flee, but stayed behind to assist the escape of his staff. Unable to locate Dr L, the Taliban instead seized his brother Mr A (who bore an uncanny resemblance to Dr L), and held him in prison in Kandahar. In late 1997, the Taliban came close to locating Dr L, and

because of the urgency of his plight, his esÙa□bî of the subcontinent.[36] Those who arrive by boat cannot legally be refused protection on such grounds.

Fourth, according to Transparency International (TI), Pakistan is one of the most corrupt countries in the world,[37] and the presence of Pakistani staff in the Australian High Commission in Islamabad has prompted great suspicion among Afghans—whether justifiably or not—about the integrity of the processing of resettlement applications. To counter this, letters from the Office have recently begun to carry the message that only Australian officers finalise Afghan applications, but the scepticism of potential applicants may take some time to dispel.

Fifth, the UNHCR Office for Afghans in Pakistan is poorly equipped to discharge UNHCR's protection function with respect to particular endangered individuals.[38] Even prominent and sophisticated Afghans have enormous difficulty in securing an interview with a properly-trained legal officer, and for understandable reasons, they are disinclined to accept locally-employed Pakistanis as an adequate substitute, since the perils they confront often arise from their criticisms of Pakistan's creeping invasion of Afghanistan. Hazara villagers, despite the great dangers they face on ethnic and sectarian grounds, have very little hope of being properly interviewed.

Sixth, while no one would envy the task of having to select a few hundred applicants for resettlement from thousands of deserving individuals, egregious lapses of judgment on the part of Australian officials do not lift the credibility of the programme—such as that which in 1993 saw a distinguished former professor of Kabul University, 'Professor H', who had been adopted as a prisoner of conscience by Amnesty International,[39] rejected for resettlement when he applied to be reunited with his daughter in Sydney. This blunder was later corrected (although only after a delay of several years), but the suspicion remains that it may have been the tip of the iceberg. At the same time as deserving applicants have been rejected, applicants with KhAD connections have been granted resettlement places,[40] prompting the suspicion that at least some DIMA officers could not spot a communist in the Lenin Mausoleum.

The system of offshore selection is a human system, and is only as strong as its weakest link. That there are undoubtedly many able, conscientious and dedicated DIMA officers is of little value or comfort to those who fall victim to the misjudgments of the less impressive or acute. As the Refugee Council of Australia recently observed, the Government's 'Offshore' resettlement program does not offer 'a place in a queue, but a ticket in a lottery'.[41]

To illustrate this, I would cite the recent experience of two further Afghan acquaintances, whom I will call 'Dr L' and 'Mr A'. Dr L, a US-trained social scientist, held a very senior position in the Afghan Foreign Ministry between 1992 and 1996, and was actually one of UNHCR's main interlocutors in the Afghan capital during the period. Mr A, Dr L's brother, was a staffer of the Afghan Red Crescent Society. When the Taliban took Kabul, Dr L did not flee, but stayed behind to assist the escape of his staff. Unable to locate Dr L, the Taliban instead seized his brother Mr A (who bore an uncanny resemblance to Dr L), and held him in prison in Kandahar. In late 1997, the Taliban came close to locating Dr L, and because of the urgency of his plight, his escape from Kabul was engineered by some Western friends, and he was spirited to central Afghanistan, whence he made his way on foot to Pakistan. Mr A's release was shortly thereafter procured as part of a prisoner swap, and he too made his way to Pakistan. They were reunited there with their wives and children. However, given Dr L's past role as a very prominent critic of Pakistan's support for the Taliban, the situation for them in Pakistan was nearly as perilous as that in Afghanistan, and Dr L and Mr A therefore lodged applications for resettlement in Australia, where a family member acted as proposer. Each had a remarkably strong case.

In separate letters dated 3 February 1999 and 4 February 1999, the First Secretary (Immigration) at the Australian High Commission in Pakistan wrote to both Dr L and Mr A,

rejecting their applications without even the benefit of an interview. On the bottom of each rejection, the First Secretary wrote 'UNHCR have advised that you have been submitted to another country for resettlement'. That Dr L and Mr A had been so submitted, it turned out, was completely untrue: when I made some inquiries after learning in May 1999 of the plight of Dr L and Mr A, I was supplied with a formal statement from UNHCR dated 23 August 1999 which inter alia read: 'Please be advised that according to our records, [Dr L] and his family have not—to date—been submitted by UNHCR for resettlement to a third country'. This triggered a veritable merry-go-round of communications, which not only saw pressure from the UNHCR Head Office in Geneva on the UNHCR Office in Islamabad to conduct proper interviews with Dr L and Mr A, but also strong representations to Minister Ruddock from one of his Cabinet colleagues, who, along with another current minister in the Howard Government, had actually hosted a dinner for Dr L at Parliament House in Canberra in September 1992. Mr Ruddock's office acknowledged the representations the day after they were made, but Dr L and Mr A heard nothing further from DIMA. It was only in December 1999 that Dr L was interviewed by UNHCR, and only in January 2000 that Mr A secured an interview.

Does the story have a happy ending? Not really. On 5 September 2000, Dr L arrived with his wife and children in New Zealand, which, after an approach from UNHCR, handled his case with an expedition which contrasted sharply with DIMA's bumbling. However, the relief of escape was inevitably tinged with sorrow. Just after I had seen Mr A in May 1999, his wife had suffered a sudden asthma attack, and died because emergency medical treatment was unobtainable. Mr A never recovered from the blow. By the time he was interviewed by UNHCR, he was decidedly unwell, but he was reluctant to seek medical treatment, lest it expose Dr L to the risk of detection. When finally he was driven by unbearable pain to see a doctor, he was at death's door, and he lost his life to cancer two days later. He and his wife are survived by five children, four of them only in their teens, who are now living with their grandparents. It is a damning reflection on the international system of refugee 'protection' that had Mr A sought the services of a people smuggler, he and his wife might be alive and well today. And if figures as politically prominent and in such peril as Dr L must still struggle to capture the attention of those who 'manage' resettlement programs, how much more difficult is it likely to be for poor Hazaras to secure protection?

If Mr Ruddock wishes to dissuade desperate people from using desperate means to escape the threat of persecution, he and DIMA will need to address these problems promptly. His present approach of treating genuine refugees as if they were the scum of the earth will not work,[42] because nasty as his policies may make life in Australia for Hazaras, it is still preferable to life under the Taliban. Refugees, whatever their mode of entry to Australia, are vulnerable human beings whose dignity should be respected. It is simply not good enough that those who arrive on our shores and cry for help are treated—in Boris Pasternak's memorable words—as 'nameless numbers on a list that was afterwards mislaid'.[43] If we spurn them, we reveal nothing about them, but much about ourselves. All that limiting the benefits to these refugees will do is blight Australia's reputation for humanity, and damage their resettlement prospects. And all that the Minister's ventures into foreign policy are likely to do is convince Australia's neighbours that Hansonism is still alive and well, and that the ghost of T.W. White continues to haunt the corridors of power in Canberra.

[1] Martin Gilbert, *The Holocaust* (London: Collins/Fontana, 1986) p.64.

[2] 'PM', ABC Radio, 17 November 1999; *The Australian*, 8 January 2000.

[3] See Danièle Joly, *Haven or Hell? Asylum Policies and Refugees in Europe* (London: Macmillan, 1996).

[4] *Unauthorised Arrivals by Air and Sea* (Canberra: DIMA Fact Sheet 81, 25 July 2000).

[5] See Kathryn Cronin, 'A culture of control: an overview of immigration policy-making', in James Jupp and Marie Kabala (eds), *The Politics of Australian Immigration* (Canberra: Australian Government Publishing Service, 1993) pp.83–104.

[6] See Mary Crock, *Immigration and Refugee Law in Australia* (Sydney: The Federation Press, 1998) p.210. As a matter of international law, such detainees may be refugees under the Convention before even arriving in Australia, since the better view is that definition of refugee in the Convention is constitutive, rather than dependent upon a determination by a state party: see Guy S. Goodwin-Gill, *The Refugee in International Law* (Oxford: Oxford University Press (1998) p.141. For further background on refugee protection, see Tony Kushner and Katharine Knox, *Refugees in an Age of Genocide* (London: Frank Cass, 1999); Frances Nicholson and Patrick Twomey (eds), *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge: Cambridge University Press, 1999); William Maley, 'Refugees and forced migration as a security problem', in

- William T. Tow, Ramesh Thakur and In-taek Hyun (eds), *Asia's Emerging Regional Order: Reconciling Traditional and Human Security* (Tokyo: United Nations University Press, 2000) pp.142–156.
- [7] Neal Blewett, *A Cabinet Diary* (Adelaide: Wakefield Press, 1999) p.106. Emphasis added.
- [8] See William Maley, 'Approaches to Transnational Security Issues in the Asia Pacific', in Abdul Razak Baginda and Anthony Bergin (eds), *Asia-Pacific's Security Dilemma: Multilateral Relations Amidst Political, Social and Economic Changes* (London: ASEAN Academic Press, 1998) pp.109–122; John McFarlane, *Transnational Crime and Illegal Immigration in the Asia-Pacific Region: Background, Prospects and Countermeasures* (Canberra: Working Paper no.335, Strategic and Defence Studies Centre, Australian National University, 1999); and the special issue on 'Perspectives on Trafficking of Migrants' of *International Migration*, vol.38, 2000
- [9] See Ruddock Introduces Tough New Measures to Reduce Illegal Entrants (Canberra: MPS 046/2000 – Budget Media Release 1, 9 May 2000). The conditions endured by detainees in existing centres have come in for scathing criticism: see *Those who've come across the seas: Detention of unauthorised arrivals* (Sydney: Human Rights and Equal Opportunity Commission, 1998).
- [10] Election 98: National Results (Canberra: Australian Electoral Commission, 1998) p.29.
- [11] See Chandran Kukathas and William Maley, *The Last Refuge: Hard and Soft Hansonism in contemporary Australian politics* (Sydney: Issue Analysis no.4, Centre for Independent Studies, 16 September 1998).
- [12] See William Maley, 'Reconstructing Afghanistan: Opportunities and challenges', in Geoff Harris (ed), *Recovery from Armed Conflict in Developing Countries: An economic and political analysis* (London: Routledge, 1999) pp.225–257.
- [13] There is now a large literature on the events of this period. See Thomas T. Hammond, *Red Flag Over Afghanistan: The Communist Coup, the Soviet Invasion, and the Consequences* (Boulder: Westview Press, 1984); Henry S. Bradsher, *Afghanistan and the Soviet Union* (Durham: Duke University Press, 1985); Olivier Roy, *L'Afghanistan: Islam et modernité politique* (Paris: Éditions du Seuil, 1985); Edward Girardet, *Afghanistan: The Soviet War* (London: Croom Helm, 1985); Bo Huld and Erland Jansson (eds), *The Tragedy of Afghanistan: The Social, Cultural and Political Impact of Soviet Invasion* (London: Croom Helm, 1988); Milan Hauner and Robert L. Canfield (eds), *Afghanistan and the Soviet Union: Collision and Transformation* (Boulder: Westview Press, 1989); Mark Urban, *War in Afghanistan* (London: Macmillan, 1990); Amin Saikal and William Maley, *Regime Change in Afghanistan: Foreign Intervention and the Politics of Legitimacy* (Boulder: Westview Press, 1991); Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (New Haven: Yale University Press, 1995); Assem Akram, *Histoire de la guerre d'Afghanistan* (Paris: Éditions Balland, 1996); Henry S. Bradsher, *Afghan Communism and Soviet Intervention* (Karachi: Oxford University Press, 1999); Douglas A. Borer, *Superpowers Defeated: Vietnam and Afghanistan Compared* (London: Frank Cass, 1999); Gilles Dorransoro, *La révolution afghane: Des communistes aux tâlebân* (Paris: Karthala, 2000); Antonio Giustozzi, *War, Politics and Society in Afghanistan 1978–1992* (London: Hurst & Co., 2000)
- [14] On schools, see *The Status of Education in Afghanistan* (Peshawar: University of Nebraska at Omaha/ESSP Research and Planning, 1994) Vols. I–II. On mines, see *Report of the National Survey of Mines Situation: Afghanistan* (Islamabad, Mine Clearance Planning Agency, 1993) Vols. I–II.
- [15] On this wave of Afghan refugees, see Nancy Hatch Dupree, 'The Demography of Afghan Refugees in Pakistan', in Hafeez Malik, (ed.), *Soviet–American Relations with Pakistan, Iran and Afghanistan* (London: Macmillan, 1987) pp.366–394; Nancy Hatch Dupree, 'Demographic Reporting on Afghan Refugees in Pakistan', *Modern Asian Studies* vol.22, no.4, October 1988, pp.845–865; Pierre Centlivres and Micheline Centlivres–Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', *Current Sociology*, vol.36, no.2, Summer 1988, pp.71–92; William Maley, 'Afghan Refugees: From Diaspora to Repatriation', in Amin Saikal (ed.), *Refugees in the Modern World* (Canberra: Department of International Relations, Research School of Pacific Studies, Australian National University, 1989) pp.17–44.
- [16] For more detailed analysis of these events, see William Maley, 'The Future of Islamic Afghanistan', *Security Dialogue*, vol.24, no.4, December 1993, pp.383–396; William Maley, 'The dynamics of regime transition in Afghanistan', *Central Asian Survey*, vol.16, no.2, June 1997, pp.167–184.
- [17] On US policy, see Richard Mackenzie, 'The United States and the Taliban', in William Maley (ed.), *Fundamentalism Reborn? Afghanistan and the Taliban* (New York: New York University Press, 1998) pp.90–103; Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven: Yale University Press, 2000) p.180.
- [18] See William Maley, 'Introduction: Interpreting the Taliban', in William Maley (ed.), *Fundamentalism Reborn? Afghanistan and the Taliban* (New York: New York University Press, 1998) pp.1–28.
- [19] Amin Saikal, 'Afghanistan's Ethnic Conflict', *Survival*, vol.40, no.2, Summer 1998, pp.114–126. Afghanistan is an extremely diverse country from an ethnic perspective: see Erwin Orywal (ed.), *Die ethnischen Gruppen Afghanistans: Fallstudien zu Gruppenidentität und Intergruppenbeziehungen* (Wiesbaden: Dr. Ludwig Reichert Verlag, 1986).
- [20] See William Maley, *The Foreign Policy of the Taliban* (New York: Council on Foreign Relations, 2000) pp.18–21. For a detailed critique of the Taliban's gender policies, see *The Taliban's War on Women: A Health and Human Rights Crisis in Afghanistan* (Boston: Physicians for Human Rights, 1998). The depth of the chasm between the Taliban and the international community can perhaps best be illustrated by a report of a September 2000 meeting between the United Nations High Commissioner for Refugees, Dr Sadako Ogata, and the Taliban Governor of Herat, Mullah Khairullah Khairkhwā. 'According to UN aides who attended the meetings with Ogata, she devoted 90 percent of her agenda to the issue of women's rights ... At one point, the aides said, Khairkhwā used an analogy to make his point, noting that many Afghans generally abhor dogs but treat them well if they are trained to obey commands. The aides said Ogata responded with silence': Pamela Constable, 'Tongue–Lashing the Taliban', *The Washington Post*, 20 September 2000, p.A22.
- [21] Zalmay Khalilzad and Daniel Byman, 'Afghanistan: The Consolidation of a Rogue State', *The Washington Quarterly*, vol.23, no.1, Winter 2000, pp.65–78.
- [22] See Barnett R. Rubin, 'The Political Economy of War and Peace in Afghanistan', *World Development*, vol.28, no.10, October 2000, pp.1789–1803.
- [23] For more detail, see William Maley, 'Social Dynamics and the Disutility of Terror: Afghanistan, 1978–1989', in P. Timothy Bushnell, Vladimir Shlapentokh, Christopher K. Vanderpool, and Jeyaratnam Sundram (eds), *State Organized Terror: The Case of Violent Internal Repression* (Boulder: Westview Press, 1991) pp.113–131.
- [24] On the background of the Hazaras, see David Busby Edwards, 'The Evolution of Shi'i Political Dissent in Afghanistan', in Juan R.I. Cole and Nikki R. Keddie (eds) *Shi'ism and Social Protest* (New Haven: Yale University Press, 1986) pp.201–229; Kristian Berg Harpviken, *Political Mobilization among the Hazaras of Afghanistan: 1978–1992* (Oslo: Report no. 9, Department of Sociology, University of Oslo, 1996); Sayed Askar Mousavi, *The Hazaras of Afghanistan: An Historical, Cultural, Economic, and Political Study* (New York: St Martin's Press, 1998); Hafizullah Emadi, 'The Hazaras and their role in the process of political transformation in Afghanistan', *Central Asian Survey*, vol. 16, no. 3, September 1997, pp.363–387.
- [25] For details, see *Afghanistan: The Massacre in Mazar-i Sharif* (New York: Human Rights Watch, 1998); Kenneth J. Cooper, 'Taliban Massacre Based on Ethnicity', *The Washington Post*, 28 November 1998, p.A01.
- [26] Rubin, 'The Political Economy of War and Peace in Afghanistan', p.1799.
- [27] The response of Afghan communities has been far from uniform. A number of younger, deracinated Afghans have performed outstandingly, while a number of older Afghans, including some who support the Taliban, have shown a scorn for

the Hazaras which may reflect longstanding attitudinal dispositions. But it would be dangerous to generalise, since as yet there is no study of Afghans in Australia which could compare with Patricia A. Omidian, *Aging and Family in an Afghan Refugee Community* (New York: Garland Publishing, 1996) or Maliha Zulfacar, *Afghan Immigrants in the USA and Germany: A Comparative Analysis of the Use of Ethnic Social Capital* (Münster: LIT Verlag, 1998).

[28] Philip Ruddock, 'An International Approach to Combating People Smuggling and the Illegal Movement of People', Speech at the European Union International Meeting on 'The Struggle Against Illegal Immigration', Paris, 20 July 2000.

[29] 'The World Today', ABC Radio, 9 August 2000. Pressed by the interviewer, the Minister admitted he had no proof for this claim. Hazaras I have interviewed have been fearful of attempting to initiate any contact with their families, lest it expose the families to further danger from the Taliban. As a result, they are typically wracked by feelings of profound anguish and uncertainty about the future.

[30] 'Sunday', National Nine Television Network, 13 August 2000. Again, the Minister offered no evidence to support this assertion.

[31] See, for example, Adele Horin, 'Demonising the defenceless', *The Sydney Morning Herald*, 12 August 2000; Bernard Lagan, 'Divided we fall', *The Sydney Morning Herald*, 9 September 2000.

[32] These remarkable videos caused considerable anger in various sections of the Department of Foreign Affairs and Trade, because the paranoia which they reflected ran the risk of reminding key circles in Australia's Asian neighbours of the paranoia which for years fuelled the 'White Australia Policy'. Given the dismay caused in Asia by the rise of Pauline Hanson's 'One Nation', this was the last thing that Australian diplomats needed.

[33] This move may help to account for a recent dip in the number of Afghans arriving in Australia by boat, but without further detailed research, it is perilous to speculate about the causes of fluctuations over time in what remain relatively small numbers. A report for *The Straits Times*, 15 July 2000, also raises doubts about the nature of the 'voluntary' repatriation under this programme: 'A woman refugee waiting in a bus that will take her home said: "Let's say we were obliged to volunteer." Shortly before the programme got underway, police raided an Afghan community and extradited more than 1,400 to send a strong signal to those who refuse to "volunteer".' See also Amnesty International, *Iran: Are returning Afghan refugees properly protected?* (London: MDE 13/028/2000, 26 September 2000).

[34] United Nations, *Humanitarian Assistance for Afghanistan: Weekly Update* (Geneva: UNOCHA, no.341, 7 December 1999) p.1.

[35] Amnesty International, *Hundreds of Afghan refugees forcibly removed from Iran* (London: MDE 13/06/00, 17 March 2000).

[36] See William Maley, 'Multiculturalism, Refugees, and Duties Beyond Borders', in Chandran Kukathas (ed.), *Multicultural Citizens: The Philosophy and Politics of Identity* (Sydney: Centre for Independent Studies, 1993) pp.175-190 at p.185.

[37] In the listing of the 'TI 1999 Corruption Perceptions Index', Pakistan ranked 87th out of 99 countries listed. See *Transparency International Annual Report 2000* (Berlin: Transparency International, 2000) p.13.

[38] On UNHCR and protection more generally, see Guy S. Goodwin-Gill, 'Refugee identity and protection's fading prospect', in Frances Nicholson and Patrick Twomey (eds), *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge: Cambridge University Press, 1999) pp.220-249.

[39] See Summary of Amnesty International's Concerns in the Democratic Republic of Afghanistan (London: Amnesty International, ASA 11/07/84, 1984) p.3.

[40] For a recent discussion, see Larry Schwartz, 'Asylum-seeking victims find themselves living side by side with tormentors', *The Sunday Age*, 13 August 2000, pp.12-13. One such KhAD official managed to evade proper scrutiny and enter Australia because, as a Deputy Secretary of the then-Department of Immigration and Ethnic Affairs explained to a Senate Committee, 'there was clearly a breakdown in our procedures', which apparently did not recognise that certain letters in the Persian or Pushto alphabets could be transliterated into English in more than one way: Senate Hansard, Estimates Committee F, 23 June 1994, p.F 231.

[41] *The Size and Composition of the 2000-2001 Humanitarian Program: Views from the Community Sector* (Sydney: Refugee Council of Australia, 2000) p.53.

[42] Being so treated is a painfully familiar aspect of the refugee experience: see Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, 1973) p.267.

[43] Boris Pasternak, *Doktor Zhivago* (Moscow: Izdatel'stvo 'Sovetskaia Rossiia', 1989) p.586.