



## Refugee Council of Australia

12 August 2011

Hon. Kevin Rudd, Minister for Foreign Affairs and Trade and  
Hon. Chris Bowen, Minister for Immigration and Citizenship  
Parliament House  
Canberra ACT 2600

Dear Ministers,

The Refugee Council of Australia would like to express concern about the Australian Government's plans to develop arrangements with the Government of Papua New Guinea to allow asylum seekers who enter Australian territory to be sent and forced to remain on Manus Island.

The Government has been rightly critical of the Opposition's proposal to reopen a detention centre on Nauru, with Mr Bowen noting on a number of occasions that many people were left for a long time on Nauru and were very damaged in the process. We cannot see how sending people to Manus Island would differ in any significant way from sending them to Nauru.

We acknowledge that the economic exploitation of asylum seekers by people-smuggling syndicates is a serious issue, as is the risk associated with boat journeys to Australia. However, these are by no means the only issues, being part of a much larger and more complex web of serious problems associated with persecution in source countries and the lack of effective protection in many potential countries of asylum in Asia. The increasing numbers of boat journeys of asylum seekers are symptomatic of the serious shortcomings in refugee protection in the region, problems which are being glossed over in national political debate and still not being addressed in any effective way.

The Refugee Council of Australia has supported the Australian Government's efforts to promote Asia-Pacific regional cooperation on refugee protection. We welcomed the outcomes of the March 2011 Bali Process ministerial meeting which saw governments, many for the first time, recognise the need for collective action on refugee protection. Little will change without genuine regional cooperation aimed at increasing protection for people undergoing the refugee status determination process, timely decision-making and durable solutions for people found to need refugee protection.

However, we have consistently opposed proposals to transfer asylum seekers from Australia to other countries, believing that this actively undermines efforts to build regional cooperation. The feedback that we are receiving from our international counterparts is that Australia's advocacy for a regional protection framework is being regarded with increasing cynicism because the Government, by its actions, is demonstrating that it is far more interested in short-term bilateral deals aimed at reducing the numbers of people seeking asylum in Australia.

Australia and PNG do not share common challenges in refugee protection. The people entering Australia by boat to seek asylum are overwhelmingly from a series of countries stretching from Burma to Iraq while in PNG the 9,700 refugees are almost without exception Melanesians from the Indonesian province of West Papua. The latest figures released by UNHCR showed that the number of non-Melanesian refugees in PNG was just 14. Unless the plan is to offer large numbers of resettlement places to Melanesian refugees from West Papua, it is difficult to see how the Australian Government can credibly claim that the re-established centre on Manus Island will be part of a bilateral arrangement involving two governments working on issues of common concern.

PNG, a state party to the Refugee Convention but with multiple reservations, has little or no capacity to respond to the asylum seekers to be transferred from Australia. It has no effective domestic refugee status determination system and relies entirely on UNHCR to carry out all its national obligations under the Refugee Convention. It is also highly unlikely to be able to offer durable solutions for people found to be refugees while being forced to remain on Manus Island.

Internationally, the reopening of the centre on Manus Island will be viewed in the same way that the opening of the centre in 2001 was viewed – as Australia paying a much poorer neighbour to accept extra-territorial processing of asylum seekers to whom Australia has protection obligations. This really is a return to the “Pacific Solution” which the Government repudiated in 2007 and shut down in early 2008. Asylum seekers would be transferred to Manus Island under the legislative provisions the Howard Government introduced to enact the “Pacific Solution” and it now appears that they would be kept in some of the same facilities used previously for extra-territorial detention.

We urge the Government not to proceed with re-establishing the Manus Island centre. Instead, we believe that the Australian Government must focus all of its efforts in regional cooperation on encouraging and providing practical support to governments in South-East Asia and South Asia to:

- improve access to fair refugee status determination processes;
- improve living conditions and support for asylum seekers and refugees waiting for a long-term outcomes; and
- increase access to durable solutions for people found to be refugees.

Measures designed purely to address domestic political goals are taking the focus away from efforts to bring about the longer term change which must occur before we can expect any significant improvement to the insecurity which results in asylum seeker boat movements to Australia.

Yours faithfully,



Paul Power  
Chief Executive Officer