



Refugee Council  
of Australia

## **REBUILDING OUR DAMAGED REPUTATION: A STRATEGY FOR AUSTRALIAN LEADERSHIP ON REFUGEE PROTECTION**

*Bob Hawke Prime Ministerial Centre, University of South Australia, 7 September 2017*

**Paul Power, Chief Executive Officer, Refugee Council of Australia**

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I would like to begin by acknowledging the Kaurna people, who have been custodians of this land for many thousands of years. I pay my respects to their elders, past and present, and extend that respect to indigenous people present here tonight. I would like to thank the executive director and staff of the Hawke Centre of the University of South Australia for the invitation to give this public lecture. The invitation came as a surprise to me as, while I speak publicly a bit, this is only the second time I have been invited to give something titled a public lecture. As an advocate, I have tried at times to lecture politicians and bureaucrats and found it to be a spectacularly unsuccessful strategy. My hope for all of you present tonight is that this lecture might be a little more successful. Thank you for coming along.

While I'm in a thanking mood, I'd like to thank people who have helped the Refugee Council of Australia to keep going as a voice for Australians who want to see our nation respond fairly to people who have been displaced by persecution. You may recall that in 2014 the then Immigration Minister Scott Morrison completely cut the \$140,000 of core funding we received from the Federal Government. While this was only about a quarter of our income at the time, it was a significant threat for a very small organisation – just as it was designed to be. Many people came to our aid and, in six weeks, we received in public donations three times the amount Mr Morrison had taken away. Four years on, we are more active and vocal than ever, supported by public donations and contributions from our members. I think our experience is an example of the struggle organisations involved in advocacy have in the current political environment.

### **Current crisis in Rakhine state in Myanmar**

Over the past two weeks, as I have been putting this presentation together, I have been hearing deeply alarming reports about the rapidly worsening situation in Rakhine state in Myanmar. It appears from reports in the media, from NGOs and from Rohingya community members that hundreds of people have been killed, possibly thousands, and that entire villages have been burned to the ground. Human Rights Watch has been monitoring satellite images which confirm the destruction of many homes. Last night, I was conducting a community consultation on refugee issues here in Adelaide which was attended by, among others, six Rohingya men. We spoke for a little while about their situation as people who arrived by boat prior to mid-2013, discussing the difficulties of living on a Bridging Visa and not having any access to permanent protection. However, the discussion quickly turned to the impacts of the violence on their families back in Myanmar. One man spoke about the killings of his sister and niece while another explained that his family home and all houses in his village had been deliberately destroyed by fire, leaving his elderly mother and many relatives homeless. These family members now have no shelter, living in the bush as he described it, unable to cross the border to Bangladesh. Media reports today say that 140,000 Rohingya have fled across the border so far, despite Bangladesh's previous attempts to keep the border closed.

#### **Sydney office:**

Suite 4A6, 410 Elizabeth Street  
Surry Hills NSW 2010 Australia  
Phone: (02) 9211 9333 • Fax: (02) 9211 9288  
admin@refugeecouncil.org.au

Web: [www.refugeecouncil.org.au](http://www.refugeecouncil.org.au) • Twitter: @OzRefugeeCounc

#### **Melbourne office:**

Level 6, 20 Otter Street  
Collingwood VIC 3066 Australia  
Phone: (03) 9600 3302  
admin@refugeecouncil.org.au

Incorporated in ACT • ABN 87 956 673 083

There are suggestions that the number of people fleeing Myanmar could increase to 300,000, joining more than 250,000 Rohingya already living in Bangladesh under terrible conditions.

The situation of Rohingya people is truly appalling. They are stateless, having had their right to citizenship of their country of birth removed more than 35 years ago. Much to their dismay, their situation has got worse since the National League for Democracy, led by Nobel Peace laureate Aung Sung Suu Kyi, took government five years ago. Their attempts to seek refuge in other countries have often been met with very negative responses, including from Bangladesh, India, Thailand and, unfortunately, Australia. It has often been remarked internationally that the Rohingya are among the most unwanted and mistreated people on the planet.

Last night, I couldn't offer the Rohingya community members much more than listening to them and letting them know that I and many others are deeply concerned about what is happening. I have written to the Minister for Foreign Affairs, Julie Bishop, asking for Australia to take up this crisis as a diplomatic priority, applying pressure to the government of Myanmar and inviting other nations in the region to work on a joint diplomatic intervention.

This crisis emphasises that refugee issues are truly issues of life and death – and that giving up in despair and cynicism is not an option. If we do that, we be can sure of achieving nothing.

### **Australia's candidacy for the UN Human Rights Council**

At the end of next month, the United Nations General Assembly will vote on Australia's candidacy for the UN Human Rights Council. As happens with UN roles, the positions on the UN Human Rights Council are allocated on a quota basis to different regional groupings of countries. Australia is competing for one of the two positions allocated for the next three years to countries in the Western European and Other category. Until two months ago, Australia was competing with Spain and France for the two positions. However, in July, France dropped out, just a week after the Australian Prime Minister Malcolm Turnbull visited Paris. While Australia is now set to walk into this position, it will still have its human rights record scrutinised by other UN states prior to the vote, and its human rights record will continue to be scrutinised for the three years it remains a Human Rights Council member.

**UN Human Rights Council candidacy**

Five pillars of Australia's candidacy for UN Human Rights Council:

1. Advance the rights of **women and girls**
2. Promote good governance and **stronger democratic institutions** everywhere
3. Promote and protect **freedom of expression**
4. Advance the human rights of **indigenous peoples** around the globe
5. Promote strong **national human rights institutions** and capacity-building

 Refugee Council of Australia

The pledges and voluntary commitments made by Australia for its candidacy for the Human Rights Council are based on five pillars:

1. advance the rights of women and girls
2. promote good governance and stronger democratic institutions everywhere
3. promote and protect freedom of expression
4. advance the human rights of indigenous peoples around the globe
5. promote strong national human rights institutions and capacity-building

These are outlined in a document presented to the UN General Assembly in July. In this document, the Australian Government

expresses its commitment to international human rights, including to the procedures and processes of the UN Human Rights Council, highlights its humanitarian resettlement program and expresses its commitment to combatting racism and xenophobia.

Many Australians may be a little surprised to see the Australian Government claim in this document that it is "a strong advocate for strengthening the capacity of national human rights institutions to promote and protect human rights". I doubt that Professor Gillian Triggs would agree, given the ministerial attacks on the Australian Human Rights Commission during her tenure as president and recent cuts to the commission's budget.

## International perspectives of Australia's human rights record

The Australian Government's rosy view of its human rights record is not shared by many international figures who have been examining Australian refugee policy. In his first address to the UN Human Rights Council after his appointment as UN High Commissioner for Human Rights in 2014, Zeid Ra'ad Al Hussein specifically named Australia when commenting on human rights abuses in different parts of the world. He said: "Australia's policy of offshore processing for asylum seekers arriving by sea, and its interception and turning back of vessels, is leading to a chain of human rights violations, including arbitrary detention and possible torture following return to home countries."

In 2015, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Méndez, investigated four matters referred to him that relate to Australia: the detention of asylum seekers and incidents of violence on Manus Island; the forced return of Sri Lankan asylum seekers who were intercepted at sea; allegations of intimidation of two asylum seekers who had made statements about violence in the Manus Island detention centre; and the implications of two pieces of legislation, the Asylum Legacy Caseload Bill 2014 and Character and General Visa Cancellation Bill 2014. Mr Mendez concluded that Australia had violated the rights of asylum seekers to be free from torture, inhuman or degrading treatment, as provided under different articles of the Convention Against Torture.

### 'Inhuman, degrading treatment'

**UN Special Rapporteur on Torture:**

Investigated:

- Detention and violence on Manus Island
- Forced return of Sri Lankan asylum seekers
- Allegations of intimidation of asylum seekers on Manus Island
- Implications of Asylum Legacy Caseload Bill 2014 and Character and General Visa Cancellation Bill 2014

Conclusion:

Australia **violated rights of asylum seekers to be free from torture, inhuman or degrading treatment**, as provided by articles of Convention Against Torture

Juan Mendez, 6 March 2015



I was present in Geneva in June this year when the UN Special Rapporteur on the human rights of migrants, Francois Crepeau, handed down his report on his visit last year to Australia and the regional processing centre on Nauru. In his remarks to the UN Human Rights Council, Professor Crepeau said:

"I remain deeply concerned that some of Australia's policies have eroded the human rights of migrants in contravention of its international human rights and humanitarian obligations. Of particular concern is the mandatory, prolonged and indefinite detention of undocumented migrants, asylum-seekers, refugees, stateless persons and unauthorised maritime arrivals.

"Australia is responsible for the damage inflicted to these migrants, asylum-seekers and refugees, a damage that has been amply documented and which I have witnessed first hand and is especially concerning when children suffer. The involuntary geographical and psychological confinement in which these persons are detained for an indefinite time, without any hope of being able to leave any time soon, constitutes cruel, inhuman and degrading treatment or punishment according to international human rights law standards."

### 'Involuntary, indefinite confinement'

**UN Special Rapporteur on Migrants:**

"The involuntary geographical and psychological confinement in which these persons are detained for an indefinite time ... constitutes **cruel, inhuman and degrading treatment or punishment** according to international human rights law standards."

Francois Crepeau  
8 June 2017



Professor Crepeau recommended that Australia quickly close down the regional processing centres, end the offshore processing policy and bring those under the offshore processing regime to Australia.

These comments of the president of the UN Human Rights Council and the two Special Rapporteurs are consistent with the deep concerns expressed by the Office of the UN High Commissioner for Refugees in its reports of numerous monitoring visits to Nauru and Manus Island since 2012.

In July, the High Commissioner for Refugees, Filippo Grandi, quite unexpectedly issued a blunt statement attacking Australia's offshore processing policy. In it, he said: "UNHCR fully endorses the need to save lives at sea and to provide alternatives to dangerous journeys and exploitation by smugglers. But the practice of offshore processing has had a hugely detrimental impact. There is a fundamental contradiction in saving people at sea, only to mistreat and neglect them on land."

In his statement, Mr Grandi said that UNHCR had exceptionally agreed to help with the relocation of refugees from Nauru and Manus Island to the United States "on the clear understanding that vulnerable refugees with close family ties in Australia would ultimately be allowed to settle there." However, the news that Australia would not honour this agreement prompted Mr Grandi to go public in his criticism of the "extensive, avoidable suffering" Australia was inflicting on more than 2000 people in its offshore processing arrangements.

The US offer to resettle refugees from Nauru and Manus, we learned last month, resulted from concern within the administration of President Barack Trump about the way Australia was treating people.

**Pressure from President Obama**  
**Background to US resettlement deal:**  
"While the [Obama] Administration strongly pressed the Australian government to change its policy toward asylum seekers, we also sought to immediately relieve the suffering of these refugees and agreed to resettle up to 1200 after they went through the US government's rigorous refugee screening processes."  
Heather Higginbottom,  
former US Deputy Secretary of State  
*Time magazine, 10 August 2017*  


Heather Higginbottom wrote in Time magazine that, as the then deputy secretary of state, she was the official responsible for negotiating the deal with Australia. She wrote that the Obama administration "strongly pressed the Australian government to change its policy toward asylum seekers" and that the offer to resettle up to 1200 people was done "to immediately relieve the suffering of these refugees". Until Ms Higginbottom's article, we in Australia had been led to believe that the US resettlement deal was a result of the skill of Australian diplomats, not due to American horror at our behaviour.

However, not everyone around the world is horrified. When we all saw the transcript of the first conversation the new US president Donald Trump had with Australian Prime Minister Malcolm Turnbull, it was clear that Mr Trump was impressed with Australian policy. Explaining the offshore processing policy to Mr Trump, Mr Turnbull said: "So, we said if you try to come to Australia by boat, even if we think you are the best person in the world, even if you are a Nobel Prize winning genius, we will not let you in." Mr Trump replied: "That is a good idea. We should do that too. You are worse than I am."

None of the international criticisms of the treatment of people in offshore processing can come as any surprise to the Australian Government. All of these issues have been canvassed thoroughly in reports directly to the Government or to Parliament. There have been three Senate committee inquiries into various aspects of detention on Nauru and Manus Island, as well as reports by the Australian Human Rights Commission, Australian National Audit Office and government-commissioned inquiries led by Keith Hamburger, Robert Cornall and Philip Moss. In addition, there have been numerous independent reports, including by organisations such as Human Rights Watch, Amnesty International and Save the Children.

As we come up to the UN Human Rights Council election, it remains to be seen how much pressure will be applied, publicly or privately, to Australia, particularly given that it now has no competition for its position. However, Australia's effectiveness as a Council member for the next three years will be undermined by our own hypocrisy if nothing is done to address significant international concerns about our nation's human rights record.

## New York Declaration for Refugees and Migrants

In looking at how to improve Australia's record, a good starting place would be the New York Declaration for Refugees and Migrants, a declaration Australia voluntarily adopted when Prime Minister participated in the UN General Assembly's high-level Summit for Refugees and Migrants in September last year. The declaration included some quite impressive general commitments which are being developed between now and the end of next year into a Global Compact for Refugees and a Global Compact for Migrants.

Much of the declaration is focused on the situation of nations poorer than Australia which are hosting significant numbers of refugees. While it is clearly in Australia's interest for many host states to improve their protection of refugees, our nation cannot do that with any credibility if we don't believe the same principles apply to us and if we are not prepared to make a fair contribution to host states with limited resources. So what did Australia and all other 192 UN member states agree to when they adopted the New York Declaration? I'll give a quick summary of some of the main points.

All UN member states agreed to:

- Adhere to the international protection regime, including the Refugee Convention, human rights law and international humanitarian law;
- Agree that the protection of refugees and assistance to host states should be a shared international responsibility;
- Increase efforts to address root causes of displacement through preventative diplomacy and support to countries of origin;
- Promote multi-stakeholder participation in implementing the declaration's commitments, not just governments but also civil society, the private sector, and migrant and refugee organisations;
- Facilitate a well-funded emergency response and support a smooth transition to sustainable approaches that invest in resilience of refugees and local communities;
- Take steps against xenophobia, and implement measures to improve inclusion;
- Provide additional and predictable humanitarian funding and development support;
- Acknowledge the rights of states to manage borders but conforming with international law and the principle of non-refoulement (of not forcibly returning someone in need, or potentially in need, of protection from persecution);
- Specific commitments to refugee and migrant women and girls, children, and others with particular vulnerabilities;
- Review policies that criminalise cross-border movement and pursue alternatives to detention;
- Increase avenues for refugees to be admitted to third countries through resettlement and complementary pathways;

### NY Declaration commitments

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- Increase avenues for refugees to be admitted through **resettlement and complementary pathways**;
- Provide access to **education** at all levels, from early childhood to tertiary, skilled and vocational training;
- Support **comprehensive refugee responses** for large-scale refugee movements, including protracted situations, with UNHCR as lead and other stakeholders involved;
- Work towards adoption of **global compacts** on refugees and migrants in 2018.



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- Work towards the adoption of global compacts on refugees and migrants in 2018.

### **Building the Declaration into a Program of Action**

In the past few months, I've participated in quite a number of discussions about the development of the global compacts on refugees and migrants. There is a risk, of course, that the nice-sounding words in the New York Declaration may result in no change for real people who seriously need greater protection. However, the proposal to develop a Program of Action to implement the Compact on Refugees offers some hope of change.

Anyone who is paying attention would know that the international system of refugee protection is seriously broken. We need change. Too many people who need protection from persecution are not receiving it or are living difficult and precarious lives in countries where they have sought refuge. Despite the temptation to give up in despair, we have to continue trying to plot a constructive way forward. We need to be grounded and realistic in our thinking but, the longer I have been in my role with the Refugee Council, the more I have come to realise the importance of working with a sense of idealism and optimism. Constructive change can only come through a vision of how things could be better, backed up with a strategy for how it might be achieved.

A practical program of action associated with the Global Compact for Refugees could result in the Australian Government developing a much clearer plan for its international engagement in refugee protection. An effective national program of action would not just be about Australian citizens asking the government to do things but would include strategies that communities and civil society organisations could work on themselves, regardless of what the government does.

### **The strategic importance of constructive engagement in Asia**

If the greatest political fear in Australia is that refugees might seek to move on to Australia, then it makes sense for our government to be doing everything possible to promote stability and safety in countries where they first seek asylum, to be working with other nations to try to address the factors which prompt people to flee in the first place and to be helping refugees to find long-term answers to their displacement. This is the contradiction at the heart of Australian Government policy. Our nation has a strong preference for order and fairness and yet our promotion of deterrence and detention undermines the regional stability needed to maximise the opportunities for Australia to maintain an orderly border.

Instead we need to recognise that it is in Australia's best interests to be a champion of refugee protection in Asia. If Afghan refugees are safe in Quetta in Pakistan then it is much less likely that they will seek to move on to somewhere else. If refugees in Indonesia could live legally, support themselves and be free from detention, then they are much more likely to remain where they are while longer term answers for them are found. This should be the common ground between the Immigration Minister's view about protecting Australia's border and the millions of Australians motivated by a humanitarian concern for people who have fled persecution. Enhancing the safety of refugees in Asia is good for the refugees themselves and the most effective way of bringing the order the Australian Government wants to see.

In many ways, Australia's international engagement in refugee issues is more important strategically than its domestic refugee policy. The best way, in the longer term, to reduce unregulated movement by boat is not through sending more people to years of pain in offshore detention or physically forcing back boatloads of desperate people to countries not interested in receiving them. Even if you are prepared to ignore the terrible suffering this policy creates, the breaches of international law or the considerable damage to Australia's reputation, it is still clear that these policies are only stopgap measures.

## Finding answers for people in offshore processing arrangements

As much as the current government likes to tell us that it has stopped the boats, it still hasn't found an answer for many of the 2200 people now suffering under its offshore processing policy. We all hope that the United States will offer sustainable protection to as many of these refugees as possible but it seems almost certain that there will be hundreds of refugees left behind with nowhere to go.

The Labor Party thinks that, if it gains office, it will be able to find places in other countries for all the people on Nauru and Manus Island. My private discussions with immigration officials in other resettlement countries suggest to me that this is highly unlikely. The view in every other country is that the people on Nauru and Manus are Australia's responsibility and that it is unacceptable, particularly in the current international environment with so many refugees desperately in need of help, for Australia to be leaning on other nations to help it out of the hole it has created for itself. New Zealand may offer some help but it is difficult to see more than a handful of people, in the most exceptional of cases, going to other countries.

It seems that a future Prime Minister will have to do as John Howard did from 2005 and accept that many of the refugees on Nauru and Manus should be brought quietly to Australia. By the time Mr Howard

left office in late 2007, 616 refugees had been resettled in Australia from Nauru and Manus. The final 89 were brought to Australia by the Rudd administration. Of the 1,153 refugees resettled from Nauru and Manus between 2002 and 2008, 705 came to Australia, 401 ended up in New Zealand and only 47 went to other countries (Sweden, Canada, Denmark and Norway).

## Looking beyond resettlement alone

In thinking about a more effective international response for Australia, we must first acknowledge that, while resettlement is important, it is only part of the answer. As Australians, most of the refugees we see in this country have come through a resettlement program. It is tempting to think, therefore, that the answer is to increase resettlement to the level where every refugee can get to a safe place in a country of asylum and wait there patiently until a resettlement place becomes available in North America, Europe, Australia or New Zealand. If that is our strategy, then we are sentencing many refugees to decades in limbo.

Last year, despite refugee resettlement being at a 20-year high, only 189,300 of the world's 22.5 million refugees were resettled. So, if you want to believe in a resettlement queue (and I can assure you that such a queue doesn't exist), then your mythical queue on last year's figures is 119 years long. The Trump administration's decision to cut its resettlement queue in half to 50,000 will see the number of refugees resettled this year drop to much closer to 100,000. This would extend the mythical queue to two centuries. Even if we could increase resettlement ten-fold, and I don't believe

that is possible politically, it would still take more than a generation to resettle those who are refugees right now.

### Pacific Solution 2001-08

Of 1,153 refugees resettled from Nauru and Manus Island:

- 616 resettled to Australia by John Howard
- 89 resettled to Australia by Kevin Rudd
- **Total resettlement to Australia: 705 refugees**
  
- 401 refugees to New Zealand
- 21 refugees to Sweden
- 16 refugees to Canada
- 6 refugees to Denmark
- 4 refugees to Norway
- **Total resettlement elsewhere: 448 refugees**



### Durable solutions for refugees

**Availability of resettlement in 2016:**

- 189,300 refugees resettled
- Total number of refugees 22.5 million
- Theoretical non-existent resettlement queue = 119 years

Need to explore all three of UNHCR's **durable solutions for refugees** simultaneously:

1. Safe, voluntary return after conflict or persecution ends
2. Integration in country of asylum
3. Resettlement to a third country



We need many more resettlement places around the world but we need more protection opportunities for refugees than resettlement alone can provide. I have had numerous opportunities over the past decade to talk to refugees in a wide variety of situations in different continents. The overwhelming desire of most is to return home if and when it is safe to do so. Some have concluded that their homelands will never offer them safety, but most have not. Many would prefer to remain close to their country of origin, if they could find a way of doing so legally, safely and viably, while they wait for things to change back home. Quite a few of those who have no hope of return would still prefer to remain where they are, if they could, rather than seek resettlement in another country. A number of Rohingya refugees in Malaysia who have been offered resettlement to the United States have refused it, opting to remain in Malaysia, preferring a climate and culture which is familiar despite their lack of security or legal status there. Durable solutions for refugees need to be based on what refugees want, not on what we imagine they want. For many refugees, resettlement becomes the least worst option only when safe return home is never going to be possible in the future and building a viable life where they are isn't possible.

### Australia's potential role in South East Asia

My thoughts about durable solutions for refugees have been significantly shaped by my interaction with NGO counterparts in Asia, through involvement as a steering committee member of the Asia Pacific Refugee Rights Network. The view of quite a few NGO leaders in Malaysia and Thailand is that each of those countries can and should do more as part of the international response to refugees. Economic growth has seen both countries classified now by the World Bank as upper middle-income countries. In a world where displacement is at a 70-year high, it is no longer acceptable for Malaysia and Thailand to expect western nations to step in and resettle all refugees in their territory, doing nothing in return. Over the past decade, resettlement nations—particularly the US, Canada, Australia and New Zealand—have resettled more than 100,000 refugees from Thailand and more than 80,000 refugees from Malaysia. As a group, those resettlement nations could do much more to engage Thailand and Malaysia in a constructive dialogue about working collectively to improve the longer term protection of refugees. It is time to ask for some reciprocal sharing of responsibility.

If we accept, as I suggested earlier, that Australia has much to gain through promoting protection and security for refugees in Asia, then it would make sense for our nation to take a leadership role on refugee issues in the region. South East Asia is a region where, with a vision for what could be achieved, it might be possible to work towards practical solutions for many of the region's refugees.

### Refugees in SE Asia

275,000 refugees and asylum seekers in Thailand, Malaysia and Indonesia:

Refugees from Myanmar:

Rohingya	57,500	21%
Other ethnic groups	182,500	66%
<b>Total from Myanmar</b>	<b>240,000</b>	<b>87%</b>

Refugees from other countries:

Afghanistan, Iran, Iraq, Nigeria, Palestine, Pakistan, Somalia, Sri Lanka, Syria, Vietnam, Yemen and others

**Total from other countries 35,000 13%**

*Change in Myanmar is critical to change in SE Asia*



What is remarkable about the refugee population in Thailand, Malaysia and Indonesia is that 87 per cent of the region's 275,000 refugees and asylum seekers originate from the one country – Myanmar. Much of Australia's policy in the region relates to the other 13%, the 35,000 refugees and asylum seekers who have come from a range of countries in Asia, the Middle East and Africa. Of the 240,000 refugees from Myanmar in South East Asia, 57,500 are Rohingya and 182,500 are from other ethnic minorities, particularly Karen and Chin. While the situation for Rohingya is rapidly worsening, the situation for other ethnic minorities is different. Small numbers of

refugees are returning home and others would be prepared to consider it, if their fears about security, landmines and livelihoods were addressed. There is a real opportunity to engage refugee communities, host states and the government of Myanmar in working on a peace-building strategy in Karen, Mon, Karenni, Kachin, Chin and Shan states, to see what could be achieved. With refugees from these states making up two-thirds of all refugees in South East Asia, the opportunity to work towards sustainable return is too great to be ignored, despite the many challenges.

My perhaps idealistic but also very practical strategy for Australia to rebuild its damaged reputation on human rights is to take the principles of the New York Declaration and develop them into a plan for renewed international engagement and domestic policy reform.

### **Reshaping Australia's international engagement**

The international engagement would begin with Australia using its involvement in international forums and its future membership of the UN Human Rights Council to push for international action on the root causes of displacement. If the world wants to put an end to the growth in the number of refugees, then it must take every step possible to intervene as displacement crises develop. The situation in Rakhine state in Myanmar is an obvious place to begin. Answers are not easy to find but the consequences of international inaction are much easier to predict: a growing death toll, increasing displacement, a stunting of democratic change and economic development in Myanmar and significant impacts on many nations, even the potential for greater instability in the region. Some nation somewhere needs to draw other nations together to develop sustained international pressure on Myanmar to stop harming its own people. Australia is as well placed as any nation to take that step.

Our international engagement should also be focused on doing everything we can to promote peace-building and reconciliation in situations where conflicts have ended or the scale of conflict has reduced. This applies in Sri Lanka and also in parts of Myanmar, though the situation varies from state to state. Peace-building is critical to laying the ground work for the possible return of refugees in the future.

As I have suggested earlier, Australia could work very closely with other resettlement nations – particularly New Zealand, Canada and the US – to improve access to all three durable solutions in South East Asia. Through careful and constructive negotiation, based not on human rights (sadly) but on practical problem-solving, the resettlement states could actively work with states in the region and with refugee leaders towards the changes necessary for refugees to want to go to home. What a wonderful thing it would be for Myanmar if many of the refugees who have fled over the past 25 years voted with their feet and returned home to help in the rebuilding of the country. While that is not going to be possible for the Rohingya in the foreseeable future, it could be possible for people from other minorities, with the right vision and action.

#### **International engagement**

Positive options for Australian engagement in Asia:

- Diplomacy and aid strategy for root causes of displacement (e.g. Rakhine state)
- Support peace-building and reconciliation (e.g. Myanmar and Sri Lanka)
- Work with other resettlement states to use diplomacy, aid and resettlement to work on all three durable solutions in SE Asia:
  - Safe, voluntary return where possible
  - Freedom from detention, longer term residency and work rights in asylum countries
  - Resettlement of most vulnerable



If people in the region believe that significant change to the refugee situation in the region is possible, then it becomes much easier to have a serious dialogue about how things can be different for refugees who aren't thinking about going home. It could be possible for Thailand, Malaysia or Indonesia to consider allowing people who are already in the country to have short or medium-term legal status. It could be possible to demonstrate that those nations would be better off allowing refugees to work to support themselves, rather than detaining them or forcing them into illegal work. In this situation, a more limited resettlement program would focus on the most vulnerable, demonstrating the continuing good will and interest of resettlement states.

### **Rebuilding Australia's international credibility**

Of course, this would be much harder to achieve if Australia is asking its neighbours to do things we are not prepared to do ourselves. We need to clean up our own act domestically if we want to effect change elsewhere – change which I stress would be in Australia's national interest and in the interests of refugees. Clearly we must begin with the situation of people struggling to survive in

Australia's offshore detention arrangements. As I have noted earlier, even if the US takes 1200 refugees, almost inevitably there will be many left behind. The Government must recognise what John Howard recognised a decade or so ago, that the point about boats has been made clearly and the sky will not fall in if people who have suffered for four years are quietly brought to this country.

The scale and length of immigration detention also needs serious scrutiny. At the end of June, the average length of time spent in detention for the 1,262 people detained was 467 days – that's more than 15 months. 298 people had been detained for more than two years. If you are charged with a crime, your detention is scrutinised by a court and ultimately you get an end date for your period of imprisonment.



**Rebuilding our credibility**

Priorities for rebuilding credibility in Australian refugee policy:

1. Find safety and security for people in offshore detention.
2. Introduce independent review of domestic immigration detention.
3. Restore fairness to asylum process by:
  - ending 'fast track' process for boat arrivals;
  - restoring full independent review;
  - restoring legal aid;
  - scrapping temporary protection.
4. Increase resettlement numbers by introducing a Canadian-style private sponsorship program

 Refugee Council of Australia

With immigration detention, a bureaucrat decides whether or not to detain you, with no reference to a court, and you have no idea when or whether you will be released. This is unacceptable and an appalling precedent for other countries. We need an independent review process for immigration detention, just like we have for detention in prisons.

Our domestic asylum process is a mess, with different systems depending on the mode of arrival and the date you came. It is full of unfairness. We need to go back to having a single asylum process, with full independent review of decisions,

legal aid for those who need it and the scrapping of temporary protection. The process needs to be focused on determining fairly whether or not a person has a well-founded fear of persecution and, if they do, giving them the opportunity to get on with their lives in safety and security. As that's what we'd like other countries to do, we must do it ourselves.

As we are well away from the large-scale movements of refugees, we have the capacity to do more through resettlement, as we have shown through the recent additional allocation of 12,000 places for Syrian and Iraqi refugees. The program can be expanded at low cost through a genuine community-based private sponsorship model similar to the one in operation in Canada. In June, I spent 10 days in four Canadian cities looking at how it works – and it's impressive. The program brings communities together to welcome refugee newcomers and to support them. We can do that as well or better here. The Government's current model of private sponsorship, the new Community Support Program, is without a doubt the world's worst practice in private sponsorship. It is focused on gauging money out of businesses and refugee families and it provides no real option for broader community involvement. I have worked with people from Settlement Services International in Sydney on a short discussion paper about how the best of the Canadian model can be applied here. It's on the Refugee Council website.

### **What civil society organisations can do**

If a strategy for change in refugee policy in Australia is entirely reliant on positive action from the government, then we restrict our role to arguing with the Government until it is implemented. We need to take positive action ourselves. Here are some suggestions for things organisations and communities can do – and I'm pleased to say that the Refugee Council is involved in each of these in some way right now. There's plenty of scope for others to make their own contribution.

The Global Compact on Refugees encourages nations to share what they do well with others. Having had the opportunity to see how refugee support works in a number of other countries, we have identified some positive practices Australian NGOs have to share with counterparts in other countries. European NGOs could learn a lot from the way Australian NGOs engage former refugees in service delivery here, providing refugees with jobs while expanding the cultural expertise of the

services. Our refugee youth programs and our torture and trauma services are, I believe, the best in the world. We should share this practical knowledge with others.

The Refugee Council is working diligently on trying to create opportunities for former refugees to be more centrally involved in the refugee policy debate in Australia. We have supported the development of Refugee

Communities Advocacy Networks in New South Wales and Victoria and are looking at supporting similar networks in South Australia and other states. We have worked with these networks and the Australian National Committee on Refugee Women on submissions and giving evidence to Parliamentary inquiries, on high-level advocacy with senior government officials and Parliamentarians and with international advocacy with UNHCR and the UN Human Rights Council. In June, we worked to bring together refugee-led networks from Australia, New Zealand, Asia and Europe in Geneva in the margins of the annual UNHCR-NGO Consultations and are now working with others on the possible development of an international network of refugee-led organisations. People with lived experience have much more than just personal stories to share. There are many articulate advocates in our refugee communities. They need to be given the opportunity to be at the policy makers' table.



**What civil society can do**

Australian organisations and communities can:

- Promote what we do well in refugee support: e.g. engagement of former refugees in service delivery, youth services, torture and trauma support
- Promote opportunities for former refugees to take a stronger role in policy debate and community education
- Build partnerships with local NGOs in Asia working with refugees – fundraising, practical support
- Work together to support people abandoned by malevolent government policies
- Continue to advocate for policy change
- Work towards building a broad community-based private sponsorship program



Our government is largely ignoring the vital work in neighbouring countries of national NGOs and refugee community organisations which are involved in supporting refugees. Concerned and interested Australians need to step in. Many of you will have seen the documentary “The Staging Post”, a local initiative of people here in Adelaide which shows the way Australians have worked with refugees in Indonesia to support the development of a refugee-led initiative, the Cisarua Refugee Learning Centre. We need to do more of this. Despite our financial situation, over the past two years, the Refugee Council has put \$30,000 a year into small projects run by impoverished national NGOs in South East Asia to support refugees. These include education projects, interpreter training and information for asylum seekers. Governments and international NGOs are ignoring these needs. Australian organisations can step in, with money and with volunteer or logistical support.

As a community, we need to respond when we see people seeking asylum being victimised by our government, as is happening now with 60 to 70 people previously transferred from Nauru and Manus who have had all assistance stripped from them. In the past two weeks, people around Australia have been mobilising to meet these needs. There is more that can be done to support other Bridging Visa holders who are really doing it tough.

And we need to continue to advocate for the change we want to see – for an end to policies which treat people harshly and for positive initiatives which can bring people together. We believe that a genuine community-based private sponsorship scheme will be introduced in Australia at some stage in coming years – and we'd like to work with people here in South Australia who want to make that happen.

### **What individuals can do**

As an individual, there is plenty that you can do yourself. Inform yourself about what is going on. Sign up to the Refugee Council's fortnightly bulletin. Just email us. It's free. And there's plenty of information on our website and other websites and social media. Look at what you can do to inform others. The best way to do this is through creating opportunities for people to hear directly from people who have been refugees. The Australian Refugee Association here in Adelaide is one of a number of organisations which has refugee speakers available. Contact them and line up a speaker

for a school or community group that you are associated with. Arguments about refugee policy rarely change people's minds but hearing directly from real people with real experience does.

**What can individuals do?**

- **Educate:** Inform yourself about key issues and create opportunities for others (community groups, schools) to hear from refugee speakers
- **Advocate:** Be an active citizen, telling your MP and Senators what needs to change
- **Serve:** Find out about volunteer options with local organisations and get involved
- **Support:** Donate to organisations doing important work.



Become an active citizen. Tell your MP and Senators about your concerns and your ideas. You South Australians are much more influential than you realise. The fate of the current citizenship legislation will be decided by four South Australian Senators – Nick Xenophon and his two colleagues and the new Independent Senator Lucy Gichuhi. In fact, any legislation supported by the Government and opposed by Labor and the Greens in this Parliament will be decided by those four South Australians. As locals, you have greater access to them than I do. Use this influence.

You can get involved in volunteering.

There's plenty of information on the internet about organisations working with refugees. And use your money to support the organisations doing valuable work for refugees without government funding support. There are plenty around. I know from our experience at the Refugee Council that a small amount of money donated on a regular basis makes a big difference to a struggling organisation. Skip the occasional smashed avocado and look for a good cause to support.

And go to the Refugee Council website ([www.refugeecouncil.org.au](http://www.refugeecouncil.org.au)) where there are articles which give more detail about some of the ideas I've discussed.

My basic message is this: There are many reasons for despair about the way persecuted people are being treated. But don't give up, because giving up means giving in.

Thank you for your attention.

## Further reading

Refugee Council of Australia resources:

- Hope in the midst of crisis: Opportunities for improving refugee protection in South-East Asia: <https://www.refugeecouncil.org.au/publications/speeches/hope-midst-crisis-se-asia/>
- Canada's Private Sponsorship of Refugees program: potential lessons for Australia: <https://www.refugeecouncil.org.au/publications/reports/canada-private-sponsorship/>
- State of the nation: Refugees and people seeking asylum in Australia: <https://www.refugeecouncil.org.au/publications/reports/state-nation-2017/>

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