

The Boat-People Tragedy: A Challenge to the Australian Conscience

James Dunn*

I have some sympathy for Malcolm Turnbull and his colleagues, especially when denting the Government's popularity is difficult, and when they themselves are burdened with memories of unpopular past policies. But their apparent decision (at least of some Coalition members) to use the latest asylum seeker tragedy off Ashmore reef to revive former Prime Minister Howard's border protection policies on refugees, such as the discredited Pacific Solution, is disturbing.

A quite garrulous response came from Alexander Downer, who seems to have gained little understanding of this issue after 11 years of experience as our foreign minister. He will surely need to exercise greater wisdom, and respect for the plight of refugees in his UN role in dealing with the Cyprus question. Last week he ranted on angrily on ABC Canberra, claiming that the sudden increase in boat people demonstrated the correctness of Howard policies and the abject failure of the Rudd Government.

Suddenly, it seemed, the embarrassing Tampa episode was forgotten, along with the human misery of the camps in Nauru, and in remote parts of Australia like Woomera. His remarks and those of some colleagues, including the West Australian premier, seemed based on biased speculation, and designed to revive the fear campaign that appeared to drive the Howard Government policies on border protection and – for that matter – defence matters. Their demands for an immediate account of the burning to the SIEV 36 is quite cynical, against the background of the handling of the Tampa affair.

As Immigration Minister Chris Evans and Home Affairs Minister Bob Debus have wisely pointed out the matter is under investigation and we should not be reaching speculative conclusions about responsibility for the fire that had such serious consequences. In particular we should not be reaching any disparaging conclusions about the occupants' collective responsibility, and their motives as asylum seekers.

It is surely unsurprising that many Afghans have reached a point of despair about the situation in their own country, and, for that matter, the performance of their own government, when we take into account the present situation in that country. Based on the comments of most credible observers conditions there have not really improved despite the best intentions of the coalition forces, including Australians, and may get worse.

This is not slur on our troops who have undoubtedly performed well. However, most recent major assessments of the situation (including from British and US military commanders) will tell us this modern international brigade is yet to make much progress against the Taliban. From an Afghan point of view, after some three decades of conflict so little has changed that seeking a new life elsewhere may seem the only way out. The Taliban, far from being defeated, seems to be gaining in strength and confidence, thanks in part to help from their Pakistan safe havens and allies. Can we really blame Afghans for deciding to flee such a bleak environment?

We may get a few more Afghans, but it is absurd to conclude that Australia is now at risk of being swamped by these asylum seekers. The facts of the matter present a different picture. Recent UNHCR figures certainly show that the flow of refugees from Afghanistan has certainly increased – from the 9th largest in 2005 to 4th largest last year, but only a small number have been heading in this direction.

While the number of boat people may have increased, it is still in hundreds – more than 10 times as many have headed for European countries. The latter seem to be making less noise about it, even though they are already hosting millions of refugees, including asylum seekers from the Middle East and North Africa. We have not been singled out as a special refugee target, as some are suggesting.

The Rudd government's policies on refugees are, it seems, not all that different from those of its predecessor. Happily we have abandoned the Pacific solution, an inhumane treatment, constituting a clear and unacceptable violation of Australia's human rights obligations, as well as our responsibilities under the 1951 refugee convention. We were in fact incarcerating people who were not criminals; they were merely exercising a basic refugee human right in the face of 'well-founded fears to flee his country and seek refuge in another'.

It is not a matter of going soft on asylum seekers, but of responding compassionately to an understanding of the reasons for their flight. Of course we must act to end these dangerous voyages, in mostly unseaworthy craft, which add danger and misery to an already suffering people the root of whose problems lies in Afghanistan.

Our *betes-noires* are now the people smugglers, but we must not forget that they are merely an extension of those 'immigration consultants' who in the past have been doing a brisk and legal business. Also it is hard to believe that they have been able to operate without the knowledge of Indonesian police and other authorities, who are happy to consign the refugee problem to the well-heeled citizens of the Great South Land – as has happened in the past. What is serious, of

course, is that these people have been crowded into vessels that are in poor state because their owners do not expect them back.

As for the refugees, do let us show compassion to people from a country that has been suffering conflict for several decades. As for the expected flood, my guess is that this latest tragedy, along with that earlier SIEV catastrophe, will continue to restrain most from heading in this direction.

On the whole, though, we do have a moral obligation to help a people facing the kind of despair we have never had to endure.

** James Dunn AM is a former Australian diplomat, UN human rights expert and a member of CLA. His articles first appear in the Illawarra Mercury newspaper, then on CLA's website a few days later.*

CLA Civil Liberties Australia A04043
Box 7438
FISHER ACT 2611
Australia
Email: secretary@cla.asn.au
Web: www.cla.asn.au