

Refugees feared drowned in Indian Ocean

Australian immigration crackdown claims new victims

Regina Lohr
22 July 1999

Fourteen refugees from Sri Lanka are missing, believed drowned, in the Indian Ocean about 80 kilometres from the Australian territory of Christmas Island, after their vessel, an overcrowded Indonesian fishing boat, sank on Monday. The boat had been drifting since last Thursday when its engine broke down.

A Darwin couple on board a catamaran rescued five refugees wearing life jackets on Monday night. They also reported seeing one body floating by. Apparently, the boat did not have enough life rafts for all its passengers. Rough seas, strong winds and rain prevailed across the area, initially hampering search and rescue efforts.

Only a limited sea and air search was conducted on Monday and Tuesday, involving a handful of small planes and two passing ships. The search was called off on Wednesday, less than 48 hours after the boat sank. The scale of the search and the lack of publicity surrounding it were in marked contrast to the search for the bodies of John Kennedy and his wife and sister-in-law off Martha's Vineyard, Massachusetts.

As for the five surviving refugees, they were transported to Christmas Island, where they were locked up in the Australian Federal Police watchhouse. From there they will be flown to the Port Hedland Detention Centre on the remote north-western coast of Australia, to join some 800 other prisoners facing deportation.

Christmas Island is more than 1,500 km off Australia's north-west coast and 500 km from the Indonesian capital, Jakarta. Since May more than 60 refugees have landed on the island from Indonesian fishing boats, making a desperate bid to enter Australia illegally. They have come from India, Iraq, Iran and Afghanistan, as well as Sri Lanka.

The Administrator of Christmas Island, Bill Taylor, a former senior intelligence officer, said: "If anything, it enforces the need to make the international community aware of the ridiculous dangers faced by people attempting to cross the Indian Ocean on flimsy craft to come to Australia."

But refugees only have to undertake such hazardous voyages because the Australian government, like other governments around the world, is increasingly shutting its national borders to poor and working class immigrants, and going to ever-greater lengths to hunt down, detain and deport unwanted refugees.

On June 28, the Howard government announced plans to boost spending on policing Australia's borders by \$124 million over the

next four years, with the stated aim of detecting and deterring so-called boat people and other "unlawful" immigrants.

The measures are based on recommendations made by Prime Minister Howard's Coastal Surveillance Taskforce, which was set up in response to an increase in unwanted refugees arriving by boat this year. The measures also flow from the Heggen Inquiry, which was established specifically to investigate the circumstances surrounding the arrival of two refugee boats on the east coast of Australia. Sections of both the Heggen report and the Taskforce report have been withheld, citing operational and intelligence matters.

The measures that were announced include:

- * \$85 million for aircraft to patrol Australia's 37,000 km coastline, including two new Dash 8 aircraft, and a night-capable helicopter to patrol the Torres Strait between Australia and Papua New Guinea.

- * The establishment of a National Surveillance Centre at Coastwatch's Canberra headquarters with electronic links to state government agencies and military establishments. The cost over four years will be \$20 million.

- * A new position of Director-General of Coastwatch is to be established, reporting directly to the CEO of the Australian Customs Service, to be filled by a senior Defence Force officer.

- * \$9 million to be spent on posting immigration officials in seven key Asian (Shanghai, Guangzhou, New Delhi, Colombo), African (Nairobi, Pretoria) and Middle Eastern (Ankara) cities, to detect and deter illegal immigration by boat and to strengthen information gathering.

- * \$5 million to station five additional airline liaison officers at airports in transit cities, including Kuala Lumpur, Bangkok, Denpasar, Singapore and Dubai.

- * Bilateral agreements with source and transit countries for cooperation on "people smuggling" issues and to provide for the return of illegal arrivals.

- * The establishment of a high-level Information Oversight Committee, chaired by the Office of National Assessments (ONA), to coordinate information and intelligence on so-called people smuggling.

- * \$500,000 to be spent in Indonesia and Papua New Guinea, working with their governments, to remove people attempting to enter Australia via those countries.

* New laws to strengthen maritime investigatory powers.

* Increased penalties on airlines that bring passengers into Australia without proper documentation—up from \$2,000 to \$3,000.

In seeking to justify the increased penalties, Immigration and Multicultural Affairs Minister, Philip Ruddock, referred to other countries, including the UK, Canada and the US, which levied penalties of between \$3,000 and \$5,000. In others words, there is a global crackdown.

In addition, the Senate passed legislation on June 30, creating a new offence of “knowingly organising the illegal entry of groups of five or more people”. It includes a maximum 20-year prison sentence and a fine of up to \$220,000. The penalty for individual instances will be increased from two years jail to ten years and a fine of \$110,000.

The purpose of these measures is to turn Australia into a fortress against unwanted immigrants. Those seeking entry outside the small, increasingly business-focussed, annual immigration quotas and the extremely restricted, token official refugee program, will be forced further out to sea to attempt to evade detection.

Under the official immigration policy, only those who meet the immediate profit requirements of business are welcome. In capitalist society, people are considered as either resources or liabilities. The sick, disabled, unemployed, elderly and asylum seekers belong to the second category.

The language used in the government's media releases give a glimpse of how big business and its representatives in government view the refugees. They are described as “human cargo”. Their plight is calculated in strictly financial terms. “Preventing an intended arrival is certainly worth the investment,” said Ruddock in one release. “Every person we stop from illegally coming to Australia saves the government up to \$50,000.” This is the language of corporate Australia, seeking to dehumanise asylum seekers.

A quick glance at the countries where the new immigration officers are to be stationed, reveals the enormous problems facing the people living there. Shanghai and Guangzhou are in China, where market “reform” policies are causing skyrocketing unemployment and destitution, as state-owned industries are shut and agricultural subsidies are removed. New Delhi is the capital of India, where the grinding poverty of hundreds of millions of people is hardly newsworthy. In Colombo, the Sri Lankan government has been waging a racist war against the Tamil minority in the north and east of the island for almost two decades. Nairobi and Pretoria are located on a continent that has been bled white by the international banks and is now ravaged by famine and civil wars. According to a recent report by the United Nations Food and Agriculture Organisation, 17 countries in sub-Saharan Africa face exceptional food shortages.

Is it surprising that people from these parts of the world should seek to escape by any means possible, hoping to find a better future elsewhere?

The purpose of the national borders is to function as a sort of tap, to be turned on or off, depending upon the labour requirements of industry. The question of human rights never really enters the equation. The admission of a few thousand people on refugee or

humanitarian grounds each year serves merely as window dressing.

The Howard government is also doing all it can to extinguish the democratic and legal rights of asylum seekers once they land on Australian shores. It is campaigning for the passage of two Bills. One would hinder detained refugees in seeking access to legal advice and assistance on how to apply for visa or refugee status. The other Bill would prevent rejected applicants from appealing to the courts.

The *Migration Legislation Amendment Bill (No 2) 1998* would effectively ensure that neither the Minister nor his department would have any obligation to provide visa application forms or information on the right to apply for refugee status, unless a refugee makes a request in quite specific terms.

Additionally, where a detainee has not made a formal written complaint to the Human Rights and Equal Opportunity Commission or the Federal Ombudsman, or asked for a lawyer, the Bill removes the rights of the detainee to receive communications from these groups.

The Law Council of Australia, the legal profession's peak body, has pointed out that these provisions fly in the face of UN rules.

Fabian Dixon, the president of the Law Council said: “In some cases cultural sensitivities may make a detainee reluctant to ask for legal or other assistance, and as many detainees speak no English and have no knowledge of our legal system, the requirement that detainees formally articulate a refugee claim will severely impede their access to justice, and may breach Australia's international obligations under the United Nations Convention Relating to Status of Refugees.”

The other Bill, the *Migration Legislation Amendment (Judicial Review) Bill 1998* aims to severely limit the judicial review of administrative decisions relating to immigration and refugees. There would be no right of appeal to the Federal Court or High Court from the government's Refugee Review Tribunals. The Law Council has also urged the Senate to reject this Bill.

“Access to the Courts for the vindication of legal rights is a basic human right and a central pillar of the rule of law. It should be remembered that an incorrect decision in a refugee matter may have serious, or even tragic consequences for a genuine refugee applicant, on their return to their country of origin.”

Having said that, the Law Council has advanced its own suggestion for limiting the right of appeal to the courts. It has proposed that refugees must seek special leave, or establish a prime facie case, in the Federal Court before being given appeal rights. This would still strip refugees of their basic right to challenge their imprisonment and deportation.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact