

Australia mounts military operation to expel Tampa refugees

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Over the past few days the Howard government has embarked on a complex and expensive military operation to expel the 433 refugees who were trapped aboard the Norwegian cargo ship, the *Tampa*, from Australian territorial waters. In doing so, the government has ridden roughshod over the refugees' democratic and legal rights to apply for asylum in Australia.

Having failed in its earlier efforts to prevent the *Tampa* from entering Australian territory and to enact legislation allowing it to physically remove the ship, the government was nevertheless determined to score a political victory by not permitting the refugees to set foot on Australian soil.

For more than six hours on Monday, the Australian navy undertook an extraordinary exercise to shift the asylum seekers onto the troop carrier *Manoora*. Rather than allow the refugees to come ashore safely on the Australian-controlled Christmas Island, just a few kilometres away, the government insisted that they be ferried between ships in SAS inflatable rafts. Eight people at a time, women and children included, were obliged to clamber up and down long rope ladders and onto barges before jumping into the rafts.

While the government claimed success in its objective of removing the *Tampa* refugees, it was anxious to avoid publicity for the operation itself. A media blackout was maintained throughout, with no journalists permitted to witness the transfer.

Moreover, untrained military personnel were used to operate barges commandeered from the island's port—increasing the danger of the exercise—in order to prevent any person from Christmas Island making contact with the refugees. Over the previous week, the island's residents had overwhelmingly called for the asylum seekers to be brought ashore. As the *Tampa* and

Manoora departed from the island, its residents ignited fireworks in a display of solidarity with the Norwegian vessel's crew and the refugees.

Late last week, facing mounting condemnation at home and abroad for its inhumanity, the government frantically scoured the Asia-Pacific region for countries it could bully or bribe into accepting the people aboard the *Tampa*. Indonesia's president Megawati Sukarnoputri continued to refuse to answer Howard's phone call and the proposal of devastated East Timor as a staging post was subjected to international ridicule. Finally, the government recruited two impoverished Pacific states, both former Australian colonies—Papua New Guinea and Nauru. To secure their participation, the government has agreed to pay all their costs, which will total tens of millions of dollars.

After nearly two weeks at sea in the most primitive conditions—first clinging to an overcrowded and sinking Indonesian fishing boat, then detained by heavily-armed SAS troops on the *Tampa*—the refugees from Afghanistan, Iraq and Sri Lanka will spend at least another week aboard a military transport ship, sailing to Papua New Guinea.

Once there, depending on the outcome of a legal challenge to the government's actions in the Federal Court, the refugees will be offloaded onto Australian military aircraft and flown to either New Zealand, whose government has agreed to consider refugee applications from 150 members of family groups, or the remote Pacific island of Nauru—one of the smallest, least populated and poorest countries in the world.

On Nauru, the traumatised refugees will find a landscape resembling moon craters. Australian phosphate mining over the past decades has stripped the island bare. Less than 12,000 people remain, and they face fresh water shortages and electricity blackouts

of up to 12 hours a day due to the government's failure to pay diesel fuel bills. It seems that the Australian government will bankroll the Nauru government to house the refugees in tents or other temporary accommodation for several months while UN officials determine their asylum applications.

The immediate purpose of the past week's \$20 million military operation in the Indian Ocean was to deny the refugees their rights under international and Australian law to obtain legal advice and apply for asylum once within Australian territory. There was no doubt that the people aboard the *Tampa* formally declared their wish to apply for refugee status under the 1951 International Refugee Convention.

In a letter handed to the Norwegian ambassador and subsequently conveyed to Canberra by the Norwegian government, the *Tampa* refugees issued an appeal to the Howard government and people of Australia to recognise their rights.

"We hope you do not forget that we are also from the same miserable and oppressed refugees and now turning around Christmas Island inside Australian boundaries waiting permit to enter your country," the letter stated. "We do not know why we have not been regarded as refugees and deprived from rights of refugees according to International Convention (1951). We request from Australian authorities and people first not to deprive us from the rights that all refugees enjoy in your country."

The Howard government proceeded to remove them despite two legal challenges being heard simultaneously in the Federal Court. Acting on behalf of civil liberties and human rights organisations, one set of lawyers sought a writ of *habeas corpus* to end the illegal military detention of the refugees without trial. Another legal team charged the government with conspiring to breach the Constitution by blocking the asylum seekers from obtaining legal advice.

Leading government ministers, including Howard, Immigration Minister Philip Ruddock and Attorney General Darryl Williams, vilified the lawyers for bringing the legal actions and indicated that the government could, if necessary, appeal all the way to the High Court—a process that could take months. The lawyers then agreed to lift a court injunction against the removal of the refugees from territorial waters, in return for a government undertaking to ship them back

to Australia if it lost the case.

Howard and his ministers have continued to denounce the Labor Party for opposing the Border Protection Bill, which the government attempted to push through parliament last week, declaring that the legislation would have blocked the court case. The legislation would have empowered government and military officers to arbitrarily remove refugee vessels from coastal waters and prohibited legal challenges to their actions.

This week the government intends to proceed with further legislation to cut off all appeals to the courts by asylum seekers denied refugee status. Its measures will also override the Refugee Convention by narrowing its definition of refugees—a definition that already excludes the vast majority of people fleeing oppression, hunger, war and civil war.



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