

Australian government cuts deal with Kabul to repatriate Afghan asylum seekers

Jake Skeers
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After months of backroom negotiations and a \$A10 million inducement, the Australian government has stitched up a deal with Afghanistan's Karzai regime to deport Afghan asylum seekers currently imprisoned in Australian-controlled detention camps. The deal is the first between the Karzai regime and a western country and was signed against the advice of refugee and aid organisations.

Australian Immigration Minister Philip Ruddock and Afghan Minister for Refugees Affairs and Repatriation Enayatullah Nazari signed the Memorandum of Understanding (MOU) in Kabul on May 16. Ruddock announced that the "MOU represents a mutual understanding between Australia and Afghanistan for the voluntary return, with dignity and safety, of Afghan refugees and asylum seekers who volunteer to return home."

A week later, Ruddock unveiled a package to be "offered" to Afghan asylum seekers designed to induce them into returning to Afghanistan. In contradistinction to the wording of the MOU, there was nothing "voluntary" or "dignified" about it. Likewise, Ruddock's claim that the deal will secure the safety of asylum seekers flown back to Afghanistan lacked any factual basis.

The Howard government has been working toward an arrangement with Karzai since the US-led military intervention toppled the Taliban regime late last year. In December, the government denied temporary visas to 160 Afghans who had previously been judged as legitimate refugees under the refugee convention by Australian immigration officials. From that point on, the government handed all Afghan refugee claims to a special management unit in Canberra.

In late January, as US forces were dropping bombs in Afghanistan, Prime Minister John Howard raised with Karzai, during a meeting in New York, the possibility of deporting Afghan asylum seekers. Karzai, eager for diplomatic support and desperate for foreign capital, agreed to send a delegation to Australia for further discussions. But following the delegation's visit, the Afghan regime continued to argue that the Australian government should

offer permanent or, at the very least, temporary residence to Afghan asylum seekers held in Australian detention centres.

In early April, immigration officials rejected applications from 280 Afghans in Australia's offshore camps. The government took this as a cue to step up the pressure on Karzai. On May 14, budget papers revealed a lump sum of \$10 million or more, depending on negotiations, had been earmarked for the Afghan government. "The actual amount of assistance provided will depend on negotiations with the Afghan interim authority as to the number and timing of people being repatriated," the papers said.

Immediately after the budget, Ruddock left for Kabul to stitch up a deal. He discussed "people smuggling" and "border protection" with Karzai and several of his ministers. Ruddock also met with local representatives of the International Organisation for Migration and the UN High Commissioner for Refugees (UNHCR).

As soon as the MOU was signed, the Howard government announced an offer of \$2,000 plus counselling and job training to each of the 754 Afghans in the Australian-financed detention centre in Nauru, the 260 in mainland detention centres and a small number on Christmas Island if they agreed to fly back to Afghanistan. The refugees were given 28 days to accept.

Before the offer was even presented, the government budgeted \$5 million. Capped at \$10,000 per family, the package is only for asylum seekers who have been refused refugee status. For those who have not yet had their claims judged, the 28 days begin after a negative determination. Any Afghans who want to accept the offer before their status is determined must withdraw their refugee application.

Notwithstanding Ruddock's claim that the package is "voluntary", the only other option is continued incarceration. "There may be people who say they don't want to accept the offer," he said. "I understand that. They may think that, if they wait, in some way we will allow them to stay, and that won't be happening." An Immigration spokesperson said earlier that the government would begin forced deportations "at some point in the future".

According to Hassan Varasi, a former detainee in the notorious Woomera Detention Centre who has friends still in detention, this message is being conveyed even more forcibly inside the camps. “The government is saying it is an offer on the outside but inside they push the detainees and tell them they have no choice to stay,” he told the *Sydney Morning Herald*. “They told them they have to go—with money or without.”

A repatriation deal would have been finalised even earlier if there had not been opposition from refugee groups and the UNHCR. In March, Médecins Sans Frontières released a statement, addressed to the Australian government, arguing that “in many circumstances, conditions are in fact worsening rather than improving since the fall of the Taliban.” It continued: “Our medical and logistical teams can testify to the fact that the humanitarian needs of returnees are not being met. The war is not over; fighting between rival warlords threatens to descend into a civil war; unexploded weapons still contaminate large parts of the country; 50 percent of Afghanistan is inaccessible to aid organisations; the drought is entering its fourth year and the food crisis has reached alarming proportions.”

The UNHCR has continually warned the Howard government about repatriating Afghans and initially objected to the current MOU. Erika Feller, head of the UNHCR’s international protection department, said the deal was “antagonistic to returnees”. “To bring people back precipitously can only contribute to the growing destabilisation of a country which is very fragile.”

Subsequently, the UNHCR did an about turn, accommodating itself to the new deal. A UNHCR spokesman told ABC Radio it was “hard to criticise”, but said he hoped Australia would “hold back” on repatriation. The UNHCR’s hesitancy to criticise arises from the fact that it has itself already repatriated tens of thousands of Afghans from impoverished Pakistani and Iranian refugee camps this year.

Nevertheless, the Australian government is well aware of the conditions that returning refugees will face. Its current advice to Australian citizens, for example, is to “defer all travel to Afghanistan until further notice”.

The Department of Foreign Affairs and Trade website goes on to inform its readers: “the international coalition has been conducting a military campaign in Afghanistan since 7 October 2001. The campaign continues, although on a reduced scale. The security situation remains very uncertain outside Kabul and overland travel outside the city carries significant danger. Warlords control many areas and travel in these areas can be very dangerous. There is also danger that some Taliban and Al Qaeda fighters may remain in parts of the country thereby creating a significant security risk.”

In several recent cases, the Australian government’s own Refugee Review Tribunal has overturned Immigration Departmental decisions to deny protection visas to Afghan asylum seekers. One such decision noted: “The traditional enemies of the Hazaras, the Pashtun majority, as well as political opponents in the United Front, are vying for positions of power and control ... the Hazaras have traditionally held low status in Afghanistan and in the past decade they have been targeted by both sides of the political spectrum, the Pashtun-dominated Taliban and the United Front... The Tribunal is not satisfied that security measures are in place to protect the Hazaras.”

Despite overwhelming evidence to the contrary, in announcing the new package Ruddock cynically declared: “The Afghan interim government has emphasised the stability and safety that has been brought to the region, paving the way for Afghan nationals to return”.

Refugee groups in Australia have publicly opposed the arrangement. Hassan Ghulan of the Hazara Ethnic Society told ABC’s *Lateline* that it was a continuing attempt to deny asylum seekers their rights. “This itself, again, is not a cure. It’s an additional denial of their rights and also makes them very unhappy that they have sold their right for \$2,000,” he said. “They are returning to a country which is totally destroyed. There are facts and figures from international organisations that 85 percent of the infrastructure of Afghanistan has been destroyed.”

In what amounts to a further indictment of the inhuman conditions in Australian detention centres, it appears that several Afghans have decided to accept the offer, despite the terrible conditions in Afghanistan. Leaked videos have documented Hazara refugees being locked in isolation cells and treated brutally by detention guards. Those who agree to return will remain in detention until they leave the country.

The Opposition Labor Party, which has enthusiastically supported every one of the Coalition government’s anti-refugee measures, has embraced the package, suggesting only that the 28-day deadline for accepting the offer be extended.



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