

# Australia-Sri Lanka deal for joint crackdown on Tamil asylum seekers

Richard Phillips  
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Australian foreign minister Stephen Smith and his Sri Lankan counterpart Rohitha Bogollagama signed a statement in Colombo on Monday agreeing to launch a joint crackdown aimed at preventing Sri Lankan Tamils from fleeing the island and seeking asylum in Australia.

Australian governments have previously reached understandings with various countries, including most recently Indonesia, to detain refugees heading to Australia aboard boats and thus prevent them from reaching Australian territory and claiming refugee status. However, in signing a joint statement with Colombo—that is, with the regime responsible for the oppression of Tamils—the Australian Labor government is legitimising its police state measures and nullifying the basic right of all people to seek asylum under international law.

Smith flew to Colombo amid a continuing political crisis over the Rudd government's so-called "Indonesian solution". For four weeks, 78 Tamil asylum seekers rescued by Australian customs ship, the *Oceanic Viking*, have refused to disembark in Indonesia and insisted on being taken to Australia. With opposition in Indonesia mounting to being used as "a dumping ground" for refugees, the agreement with Sri Lanka is aimed at blocking Tamil refugees at the source.

Even under the narrow definitions of the 1951 International Refugee Convention, the entire Tamil minority would qualify as having a well-founded fear of ethnic persecution. For decades, successive Sri Lankan governments institutionalised anti-Tamil discrimination, provoking a civil war in 1983, which was brought to a brutal conclusion by the current president Mahinda Rajapakse in May with the defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE).

The Rajapakse regime is currently incarcerating 250,000 Tamil civilians in squalid army-run detention camps in open

breach of their constitutional and legal rights. Those who have been released face what amounts to a permanent military occupation. The army is being expanded, not demobilised, and the country's draconian state of emergency remains in place. Government critics, particularly Tamils, face the real danger of arbitrary detention without trial as well as murder at the hands of pro-government death squads.

The Rudd government is now a direct accomplice to these crimes. As part of the deal with the Rajapakse regime, the Australian government has boosted its aid to Sri Lanka since May to \$49 million. The joint statement cynically claims that Canberra and Colombo want to help resettle displaced Tamil civilians "to their homes in conditions of dignity, peace and freedom" and to "rehabilitate" the war-torn northern and eastern provinces of Sri Lanka.

In fact, the limited number of civilians who have been released from the detention camps have returned to their villages without any aid or assistance. Many are forced to live in makeshift shelters as their homes were destroyed. While few basic services have been rebuilt, the police and military have been boosted to maintain constant, tight supervision of the returnees.

The chief purpose of the statement is summed up in the clause pledging joint action to "combat people smuggling, the financing of terrorism and related organisational activities" and includes cooperation in policing, technology and intelligence-sharing. In other words, in return for Colombo blocking the departure of fleeing refugees by boat, Canberra will assist in cracking down on "terrorism"—that is, on anyone suspected of being a LTTE member.

Modelling itself on the US wars in Afghanistan and Iraq, the Rajapakse regime waged its bloody anti-Tamil war on the bogus claim that it was "fighting terrorism". It justified its indiscriminate bombardment of LTTE-held territory that

claimed more than 7,000 civilian lives between January and May with the claim that the LTTE was using them as “human shields”. The pretext for detaining a quarter of a million Tamil civilians is that the military must weed out the “terrorists”. Tens of thousands of Tamil youth have been sent to undisclosed “rehabilitation centres” which are notorious for the use of torture.

According to the Sri Lankan press, Australian officials also discussed Sri Lanka’s upcoming Prisons Reform Act and promised that Canberra would provide funds for “capacity building” and the training of judges, prosecutors and prison officials. This means the Labor government will be training those directly responsible for the state repression of Tamils in Sri Lanka.

Labor has already launched a multi-media advertising campaign in Sri Lanka and last year provided funds for the installation of CCTV cameras at Colombo Airport. At least 29 Tamils had been detained at the airport this month with the help of the Australian cameras. Some of those detained have “disappeared”.

At the same time the Rudd government has maintained a deafening silence about the war crimes committed by the Rajapakse government and the military during the civil war and the continuing abuse of democratic rights. Asked by a reporter this week about Labor’s silence on these issues, an unnamed Australian official said that the Rudd government preferred a more “constructive” approach.

The joint statement gave an immediate boost for the Sri Lankan government. President Rajapakse hailed the agreement, saying it would ensure that “there will be no room for criminals to damage the good image of Sri Lanka by false accusations of migrants being subjected to various types of harassment.”

Other Sri Lankan officials flatly declared that Tamil asylum seekers had no legitimate claim for refugee status because there was no racist oppression in Sri Lanka. They also demanded that the Australian government legislate to ban the LTTE.

Palitha Kohona, Sri Lanka’s UN representative, told the ABC television’s “Lateline” program that Tamil asylum seekers “were not refugees” and that their attempts to enter Australia were “illegal”. He called for Tamil asylum-seekers to be repatriated to Sri Lanka, saying: “If that happens, it is quite likely that others will not make this journey again because they will know that they will be returned to where

they belong.”

In fact, Kohona’s comments turn the 1951 International Refugee Convention on its head. Under that convention, anyone has the right to seek asylum regardless of how they fled or how they arrived. Moreover, anyone who has “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” should be granted refugee status.

What is illegal under the 1951 International Refugee Convention is to return refugees to their place of persecution as Kohona is advocating. To date, the Rudd government has rejected this course of action. But its agreement with the Rajapakse government to ensure that no one flees from Sri Lanka in the first place certainly flouts the spirit, if not the letter, of international law.

Prior to its election in November 2007, the Labor Party told voters that, in contrast to the Howard Liberal-National government, it had “compassionate” refugee policies. These claims were always bogus—historically Labor has always played the main role in formulating Australia’s xenophobic immigration policies. But in recent weeks the Rudd government has surpassed the conservative Coalition in its ruthless determination to block asylum seekers and its callous indifference to their plight.

Upholding his so-called “border protection” policy, Prime Minister Rudd declared this week: “We will not be changed in response to any protests, any threats, any threats of harm, any threats of self harm.” His government’s determination to go to any lengths to prevent refugees reaching Australian shores is a measure of the social and economic crisis building up at home. As in the past, Labor is responding by vilifying refugees, particularly from Asia, to divert attention from its own policies that are responsible for worsening unemployment and the deterioration of living standards.



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