

# Australian government defies parliament to pursue Malaysian refugee scheme

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Prime Minister Julia Gillard yesterday vowed to push ahead with a proposed refugee-swapping deal with the Malaysian government despite the plan being condemned by both houses of the Australian parliament. Just after an unprecedented vote by the House of Representatives to denounce the policy, Gillard defiantly stated that her government had the executive power to pursue the scheme to “finality”.

Yesterday’s events in parliament highlighted the tenuous existence of the minority Labor government, its dependence on the Greens and independents for survival, and the reactionary character of its refugee policy. Labor, which holds only 72 seats in the 150-member lower house, suffered three parliamentary defeats during the course of the day, two on the refugee scheme and one on live cattle exports to Indonesia.

A motion by Greens MP Adam Bandt condemning the Malaysian proposal and calling on the government to immediately abandon it passed the House by 70 votes to 68, with the support of the Liberal-National Party opposition and two Independents, Andrew Wilkie and Bob Katter. The vote followed a similar resolution in the Senate last month.

Parliamentary historians said it was the first time in Australian history that both parliamentary chambers had condemned a government policy. Nevertheless, the motion has no legally binding effect, leaving the government free to deport 800 asylum seekers to Malaysia, a country with a notorious record of abusing the basic rights of refugees. In return, Malaysia plans to send 4,000 refugees to Australia over four years.

Gillard bluntly asserted the government’s right to make decisions “in the national interest” regardless of parliamentary votes. “[A]nybody who knows anything about the Westminster system and the way in which government works in this country also knows that it

falls to executive government to make important policy choices and decisions on behalf of the nation—and I have,” she insisted.

As well as defying parliament, the government is riding roughshod over public opinion. According to a Galaxy poll conducted on June 1 and 2 by the Murdoch media, 66 percent of respondents were either opposed or strongly opposed to the Malaysian deal. Another 21 percent said they were “just in favour”, while only 5 percent were “strongly in favour”.

The duplicity of the Greens was displayed when Bandt, having postured as a defender of the human rights of asylum seekers, immediately voted with the government to defeat a censure motion by Coalition opposition leader Tony Abbott. The censure resolution passed by 71 votes to 70, but failed because parliamentary standing orders required an absolute majority of 76. Despite the government’s avowed intention to ignore his resolution, Bandt sided with the government, and later emphasised that the Greens’ support for the government remained firm.

The Greens subsequently introduced a bill to amend the Migration Act to require governments to win parliamentary approval to send asylum seekers to a third country, but the amendment is unlikely to be backed by the Coalition because it would cut across its own policy of expelling refugees to the Pacific island of Nauru.

In defending her decision to defy the parliamentary resolution, Gillard declared that the Coalition’s Nauru proposal was “weaker” than the government’s Malaysian scheme and would not stop refugees seeking asylum in Australia. She criticised the previous Howard government’s removal of refugees to Nauru on the basis that the majority of those sent there were ultimately allowed into Australia. “I am determined

that we send a tougher message than that, a stronger message than that, and we will,” she stated.

The government is also fighting a High Court challenge by a Kurdish woman and her son, who are among the 274 people, including 47 children, currently being detained indefinitely on Christmas Island, an Australian outpost in the Indian Ocean, until they can be deported to Malaysia or another country.

The pair, who cannot be named for legal reasons, were transported to Christmas Island on May 16 after making the journey to Australia to be reunited with their husband and father, who arrived by boat 18 months ago. He has been accepted as a refugee but is being held in Melbourne’s Maribyrnong detention centre awaiting security vetting. Lawyers representing the family have criticised their separation as a violation of both Australian law and international human rights conventions.

Gillard and Immigration Minister Chris Bowen have not only pledged to finalise the Malaysian plan—Bowen last week foreshadowed its expansion beyond the initial 800 refugees. “If the agreement works [the Malaysian government] would be happy to look at extending it further,” Bowen stated.

According to media reports, the Malaysian government has resisted aspects of the proposed agreement, which would see refugees confined in an Australian-funded detention centre for six weeks before being released to wait for processing by the United Nations High Commissioner for Refugees (UNHCR). Asylum seekers would then be issued with green identity tags, supposedly to protect them from the persecution suffered by other refugees in Malaysia. The Kuala Lumpur government, which has not signed the international Refugee Convention, has refused to guarantee that, as required by the Convention, refugees would not be deported to face persecution in their country of origin.

Deportation to Malaysia would amount to a life sentence of punishment, waiting indefinitely for another country to grant asylum. Some 90,000 refugees in Malaysia live in desperate squalor, barred from accessing public health care, education and social security. Not able to work legally, they often face exploitation from employers. Those arrested for breaching their terms of residence can be thrown into detention or caned.

As Gillard’s remarks in parliament demonstrate, the Labor government is consciously utilising these conditions to prevent refugees from trying to exercise their basic legal and democratic right to seek protection. Against international law—which maintains that a country cannot discriminate against refugees arriving by boat—Labor is seeking to make it literally impossible for those travelling by boat to gain refuge.

Two weeks ago, Immigration Minister Bowen affirmed that children, including unaccompanied minors, would not be spared under the deal. As a result, the UNHCR temporarily retracted its initial support for the agreement, forcing the government to send officials to the organisation’s Geneva headquarters for negotiations.

Along with the Greens, several Labor MPs have sought to distance themselves from the deal, while emphasising their loyalty to the government. Melissa Parke, a former UN lawyer, said she would not support the removal of children unless it were sanctioned by the UNHCR. Once negotiations resumed with the UNHCR, Parke dropped her criticism and said she would reserve judgment until the final agreement was released.

Earlier in the week, some media reports predicted a “revolt” by Labor’s Left faction in the parliamentary party room but there has been not a word of opposition. The entire caucus is committed to the Labor Party’s underlying policy of “border protection” and the mandatory detention of asylum seekers.

The manoeuvres of the Greens are equally damning. Clearly, they fear being irreparably tarnished by their complicity in the government’s anti-refugee policy, which is repugnant to many of those who voted Green in recent elections under the illusion that the party offered a humane alternative. In reality, the Greens fully subscribe to the reactionary nationalist “border protection” regime and remain determined to prop up the Labor government at all costs.



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