

Interview with Tony Kevin

Retired diplomat points to Australian culpability for refugee deaths

Mike Head
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In a newly self-published book, *Reluctant Rescuers*, former senior Australian diplomat Tony Kevin has scrutinised the official response to four refugee boat disasters between 2009 and 2011, in which more than 400 asylum seekers perished. Last month, just after the book was released, another 100 refugees drowned in the waters between Indonesia and Australia.

Previously, Kevin conducted his own investigation into the 2001 sinking of a boat, known only as SIEV X (Suspected Irregular Entry Vessel X), in which 353 asylum seekers died on a voyage to Australia (published as *A Certain Maritime Incident: the sinking of SIEV X*, Scribe Publications 2004, reprinted 2006 and 2008).

A former ambassador to Poland and Cambodia, Kevin has devoted much of the past decade to meticulously probing the tragic losses of life of innocent men, women and children trying to reach Australia. His latest book can be downloaded from the Reluctant Rescuers web site.

Tony Kevin recently spoke to the WSWWS about his findings, the response to his book and the political questions raised by the Australian government's refusal to take responsibility for the rescue of the passengers aboard refugee boats in distress.

The interview began with the latest tragedy, on June 21. Australian authorities had received distress signals from the stricken vessel at least 41 hours before it sank, leaving ample time to rescue the passengers. However, the Australian Maritime Safety Agency instructed the boat to return to Indonesia, and no rescue action was taken until the boat had capsized (see: "At least four dead in latest Australian refugee disaster").

Mike Head: What conclusions can be drawn from the latest refugee boat disaster last month?

Tony Kevin: There have been five major loss of life incidents since SIEV X in 2001. All have been since 2009. Together that adds up to more than 400, possibly 500, people. That's a very significant loss of life. It represents huge tragedies for a great number of bereaved people in Australia and overseas. This is not a small matter.

What is the cause of these tragedies? The conventional understanding of the public is that these voyages are always dangerous, and secondly that people smugglers are responsible for sending people out on dangerous boats.

The reality is that most boats arrive here safely. Something over 25,000 people have come to Australia by irregular boat arrivals since 1998. Of those, 97 percent have arrived safely.

So that raises the question. Is it really logical to blame people smugglers for the losses of life, and is it logical to say that these are always dangerous voyages? The answer is different. These five incidents happened because of lapses in Australia's boat detection and arrival arrangements. In each of these five cases, something went wrong with the way in which Australia detects and intercepts boats.

To put it bluntly, in each of these cases we can see elements of official Australian negligence, which is a very different answer to the conventional one of blaming people smugglers. Obviously, my answer is not welcome or popular because it sheets the responsibility back to Australian authorities.

MH: In your book you raise the question of systemic refusal to take responsibility for the safety of refugee voyages. On page 80 of your book you quote the coroner's report on the December 2010 shipwreck at Christmas Island, in which about 50 asylum seekers died. In its closing submission to the coroner, the Australian government stated: "There is no domestic or international expectation or obligation that Border Protection Command or other Australian assets will be postured for the purpose of saving SIEVs that may place themselves in dangerous situations."

TK: I believe that assertion is profoundly wrong. When a country relies on sophisticated intelligence gathering methods to detect incoming boats, that of itself creates an obligation to save life, especially when that intelligence creates a knowledge that something has gone wrong with the voyage. Yet, the coroner actually accepted the doctrine that Australia has no such responsibility for safety and rescue.

MH: But isn't the source of that doctrine the government itself? Isn't this the doctrine of the Labor government, just like its predecessors, rather than something that has been created by the maritime authorities themselves?

KT: We don't know the answer to that. I try in the early chapters to trace the administrative history of the doctrine. [Former Department of Defence secretary] Ric Smith's report on national security [commissioned by the Labor government in 2007] is at the root of all this, because it defines refugee boat arrivals as a major national security threat.

When you define people trying to find refuge in that way, it triggers a bureaucratic mindset, if you like. In the end, they are not actually regarded as people. They are regarded as an abstract security threat, that may or may not materialise. If they sink, well, the authorities think "that's good" because that particular security threat has not materialised.

It's a profound de-humanisation of the normal rescue at sea response. It's absolutely clear that asylum seeker boats are treated differently when they issue distress calls.

There is another aspect. With the improvement in mobile phone technology, asylum seekers have access to sophisticated mobile phones that can send messages from anywhere at sea, and can also indicate latitude and longitude. So their location can be precisely traced. Everybody on these boats wants to let the Australian authorities know that they are coming. They are not trying to come into the country surreptitiously, and the first thing they do is to call the numbers of the Australian police and the Australian Maritime Safety Authority (AMSA), and say "we are in distress." So AMSA immediately knows that there is a boat in distress at this location. There is no argument about that—we know that is the case.

In my book, I go through the four incidents that are known, including the December 2010 shipwreck at Christmas Island and the foundering of the Barokah in December 2011, and I diagnose exactly what questions are raised by those four events about the inadequacy of the Australian response. Now, there is a fifth one, the boat that sank on June 21, two days after Australia began receiving distress calls from that boat.

Both in time-honoured international morality and in international law, and the rescue at sea conventions, Australia is bound, as a signatory to those conventions, to use its resources, whatever they are, to strive to rescue at sea any boat that sends a distress call. That is irrespective of what the boat is.

In the case of asylum seekers, we have a different response. First of all, we delay. We go through all sorts of bureaucratic processes, deciding whether Australian intelligence would be compromised by reporting the incident. This happened very clearly in the 2009 boat, where the response was delayed for four hours.

Then, we try to bump the problem to Indonesia. We say, look it's close to Indonesia, in the full knowledge that the Indonesian search and rescue agency, BASARNAS, has neither the capacity, the technical resources or the willingness to go searching out into international waters for boats that have left Indonesia for good.

A third thing we do—and we did this amazingly on the boat that sank on June 21, drowning 90 people—we actually tell the people who sent the distress call: go back to where you came from. This is the Australian Maritime Safety Authority, not even the Border Protection Command, that sends the message to a boat in distress 40 nautical miles out to sea: go back to Indonesia. That is utterly outrageous.

MH: Why does this happen, and where is the political responsibility for it?

TK: We don't know. I don't know if cabinet has sat down and discussed a set of responses to asylum seeker boats. I don't know if the pernicious doctrines of border protection originate within the department, or at a higher level. What I do know is that when something goes wrong, there is a profoundly dishonest response. There is an attempt to disguise the truth, conceal key facts and basically blur everything. It took some enormous efforts by some public-spirited Senators, while the Coalition government was trying to protect secrets over SIEV X. Now the roles are reversed. The current government Senators are trying to resist efforts to get to the truth. Also, you have the Greens Senators trying to get to the

truth. In that sense—and you might not agree with me—the system is working and Senators are trying to uncover the truth, but it is very hard to do.

As I try to promote this book, I am having great difficulty in trying to get people to see my framework, even though it is completely logical. The culture has become one of saying that refugees are making a life-style choice in trying to come to Australia, and we should not be coming to their rescue in the same way that we do for yachts and merchant shipping.

MH: Why has it been so difficult to get this book published?

TK: When I put forward this concept about six months ago, I was told by a series of commercial and academic publishers that it wasn't a viable commercial proposition. I asked why, and I was told enough people just aren't interested in this proposition. So I said, I would try to prove them wrong, and self-publish.

MH: What has been the response among ordinary people to your book?

TK: Well, I have only just started my book promotion. I have had two events so far, one in Canberra and one in Melbourne. Both attracted small numbers, because there hasn't been any journalistic or media pickup of the themes of the book, but from those people who came, the response has been good.

I have also done a submission to the [Labor government's] expert panel on refugee policy. I tried there to summarise my contention that it is essential to quarantine safety at sea procedures from the political debate about asylum seekers. Mariners and members of the armed forces should not have to think about the politics of the refugee debate when they get a distress call.

MH: Why do you say that this issue must be quarantined from the political debate? Isn't this very central to the entire issue of asylum seekers?

TK: I'm glad you asked that question, because this goes to the heart of the problem. Everyone is politicising the deaths at sea, including the good guys. Everyone is playing politics with the deaths—those who want to see a more humane policy just as much as those who want them kept out of Australia as undesirables.

What I am saying is that safety of lives at sea should simply be the response of the Good Samaritan. Safety of life at sea is a natural human response. If that response is perverted by politics, something is wrong. When we have a sophisticated intelligence operation, when we see those blips on the radar screens, when we hear those distress phone calls, we have an ethical obligation to respond, no matter who they are.

MH: The SIEV X was certainly used politically, and there is evidence that it may have been used consciously, and even set up, to deter refugees. Is there any evidence in the latest tragedies, all of which have occurred since 2009, that more than just organisational lapses are involved? That there may have been political involvement?

TK: I don't want to speculate on those things. I can only assemble the facts, and there is no evidence of that, so I don't want to speculate on that.



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