

Australian government reinstates anti-refugee “Pacific Solution”

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The Australian Labor government is today working with the opposition Liberal-National coalition to pass legislation through the parliament that reinstates the former Howard government’s so-called “Pacific Solution”.

Refugees will again be illegally deported to the South Pacific states of Nauru and Papua New Guinea, where they will be detained indefinitely, potentially for decades. The new measures openly flout international law and mark a new benchmark in the Australian ruling elite’s contempt for basic democratic rights. The Labor Party previously opposed the “Pacific Solution” and in the 2007 election campaign attempted to appeal to the widespread public hostility to the maltreatment of refugees.

Prime Minister Julia Gillard yesterday announced the policy shift following the release of a report by a so-called “expert panel” on asylum seeker policy headed by former Air Chief Marshal Angus Houston. She appointed the panel in June after the government failed to get legislation through the Senate that would have allowed the government to deport refugees to Malaysia, Nauru, and other countries in South East Asia and the South Pacific.

Angus Houston, together with former Department of Foreign Affairs chief Michael L’Estrange and refugee trauma worker Paris Aristotle, spent six weeks preparing the 162-page report, which issued 22 recommendations. The central conclusion was that even greater “disincentives”, i.e., punishments, were needed to deter asylum seekers from travelling to Australia by sea.

The specific measures proposed to go further than any of the policies enacted under the previous Howard Coalition government. Whereas former Prime Minister John Howard unlawfully excised several territorial islands in the waters between Australia and Indonesia from the country’s migration zone, the Houston report effectively demands that all of Australia be deemed an excised zone. This is to ensure

that refugees are able to be deported overseas just as easily if they land on the mainland as if they land in the currently excised islands.

The Houston report also urged offshore asylum processing—in Papua New Guinea’s Manus Island, Nauru and Malaysia, once revised mechanisms are in place—with refugees detained for significantly longer periods than they were under the Howard government. Houston insisted that a necessary “disincentive” is to only allow refugees, even once they are officially given such status, to come to Australia after being detained overseas for a period “comparable to what would have been made available had their claims been assessed through regional processing arrangements”, i.e., had they never made the journey to Australia and remained languishing in refugee camps in Africa or Asia.

Civil liberties and refugees lawyer Julian Burnside noted in response to this proposal: “How do you determine when a person would otherwise have been resettled? Do you measure the average time in an African camp? Do you look at the average time the same person would have spent in Malaysia or Indonesia? That will throw up a different answer ... The average time for resettlement can range from 5 years to 40 years.”

The previous government’s “Pacific Solution” triggered numerous mental health breakdowns, self-harm incidents, and suicides among traumatised refugees who were dumped in isolated and appalling conditions in Nauru and PNG. Unlike the Labor government now, however, Howard never proposed to arbitrarily detain men, women and children after their refugee status had been approved, in order to deter others from joining them.

The Houston report also recommended that after refugees are finally permitted to reside in Australia, those who initially arrived by boat should not be given the same

opportunity as other refugees to bring their family to Australia, under the family reunion program. This deliberate separation of parents from their children, men and women from their spouses, is another “disincentive” to what the report deemed “irregular maritime arrivals”.

The central thrust of the Houston report is to block refugees from being able to exercise even the limited rights identified by the Refugee Convention, to apply for asylum and not to be *refouled*, i.e., returned to where they are at risk of political, ethnic or religious persecution. The various measures outlining discriminatory treatment of those who arrive in Australia by boat rather than another mode of transportation are in blatant violation of the Refugee Convention.

Gillard and the entire Labor caucus, including the so-called left faction, immediately endorsed the Houston report in its entirety.

The prime minister again declared that the measures were necessary as a humanitarian response to the growing number of boat sinkings and asylum seeker drownings. “I would say to those people who were motivated by humanitarian concerns, now very, very squarely in front of us we’ve got another humanitarian concern. And that humanitarian concern is more people are trying to reach Australia by boat and more people are drowning as they do it ... It requires us to do things that are really hard.”

The entire political and media establishment has cynically attempted to exploit the genuinely felt sympathy among ordinary people for the victims of these incidents to justify an ever more draconian “border protection” regime. Erstwhile “left” liberal intellectuals and academics such as Robert Manne have enthusiastically added their voices to the drumbeat.

In a press conference yesterday, Gillard dismissed a journalist’s question about the likelihood of psychological damage being inflicted on those detained in Nauru and PNG. “First and foremost I’d say stay where you are, don’t move: message number one,” she declared. “Don’t get yourself to Nauru in these circumstances.” After explaining that refugees could agree to be deported to their country of origin instead of waiting indefinitely to be permitted into Australia, Gillard continued: “I am not trying to shy away from the toughness of this policy, but if I can put a rhetorical question ... what’s the mental health trauma for that person who lost six of their relatives when a boat went down at sea?”

The extended press conference that Gillard held with her immigration minister Chris Bowen was notable for the absence of a single question from the Canberra press corps about the legality of what was being proposed. The sole reference to the law was made by Gillard, when she ridiculed “lawyers’ games about wording with legislation”.

The entire affair underscores the absence of any constituency for the defence of democratic rights within the Australian ruling elite.

The Greens welcomed the Houston report’s recommendation that Australia’s annual humanitarian intake be immediately raised to 20,000 places and boosted to 27,000 within five years. This is the sole “incentive” proposed for refugees to apply for asylum through regular channels outside Australia. The Greens insisted they could not support the report’s other recommendations or any form of offshore processing. However, as ABC Radio reported this morning, the Greens’ deputy leader Adam Bandt “says the Greens outrage at the proposals won’t affect their support for the Labor government.” Bandt explained: “More times than not we agree and manage to get things through both the House and the Senate, but this will be one of those rare instances where look we’re just not prepared to go back to the John Howard approach to dealing with refugees.”

The Greens bear political responsibility for all of the Labor government’s policies. Moreover, while disagreeing with aspects of the major parties’ measures targeting asylum seekers, the Greens accept the basic antidemocratic framework underlying the entire “border protection” debate—that the state has the right to forcibly restrict the ability of people to enter and reside in Australia. Asylum seeker deaths at sea can be immediately halted only by recognising the basic democratic right of refugees to live and work in any country of their choosing, with full citizenship rights, and by providing them with safe passage from their country of origin.



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