

Australian Labor government “excises” entire country to bar refugees

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Prime Minister Julia Gillard’s Labor government is today putting extraordinary legislation before parliament that will excise the entire territory of Australia from the country’s migration zone.

The measure is aimed at stripping the basic legal right of persecuted people to claim asylum and at denying asylum seekers any possibility of accessing the courts to challenge their deportation and indefinite detention in offshore Pacific camps. Many hundreds of asylum seekers are already being forced to live in crowded tents on the tiny, far-flung and extremely hot Pacific Island of Nauru, while others will shortly be sent to suffer under similar conditions on Papua New Guinea’s Manus Island.

Under the new legislation, non-citizens who arrive without a valid visa will be barred from applying for a visa, including a refugee protection visa. The minister will have an unfettered, unenforceable, discretion to “lift the bar” in individual cases. Excising the entire country means that those without visas—including, but not restricted to, asylum seekers—will have no means whatsoever of applying to stay. Australia will effectively become a legal black hole for refugees, undocumented workers, and anyone else without recognised legal status.

The changes to the Migration Act are in blatant contravention of both domestic and international laws governing the treatment of asylum seekers, including the 1951 Refugee Convention. They establish a sweeping precedent that could be used to justify the blanket removal of the most basic legal and democratic rights of other vulnerable sections of the population, and of the working class as a whole.

The Labor Party’s new anti-refugee regime has gone far beyond anything enacted under the Liberal Party government, led by former Prime Minister John Howard from 1996-2007.

In September 2001, the Howard government passed the Migration Amendment (Excision from Migration Zone) Bill, which removed many of Australia’s sparsely populated

northern islands from its migration zone, including the Christmas, Cocos, and Ashmore Islands. Passed with the Labor Party’s support, the excision legislation was widely condemned by refugee and international law experts for illegally preventing asylum seekers arriving in these territories from applying for refugee status. In the years it was enacted, the government steadily expanded the list of islands expunged from the migration zone. In 2006, however, Howard was forced to shelve a plan to excise the entire mainland, after confronting opposition from so-called moderates within his own Liberal caucus and from others within his coalition National Party partner.

By that time, Howard’s brutal treatment of refugees had attracted widespread horror and revulsion among ordinary working people. Seeking to appeal to these sentiments, the Labor Party opposed the 2006 excision proposal.

Chris Bowen, then a Labor MP, and now the government’s immigration minister, denounced the Howard government in an August 2006 speech. Describing the proposed legislation as “hypocritical and illogical” and a “stain on our national character”, Bowen noted that it “contravenes that convention [the 1951 Refugee Convention] because it treats people differently in Australia depending on what part of the world they have come from and how they arrive.”

The immigration minister now demands the adoption of precisely such a policy, on the basis that it was one of the recommendations of a government-appointed so-called expert panel on refugees. In August, the panel, headed by former Air Chief Marshal Angus Houston, proposed a series of illegal and antidemocratic measures to “deter” refugee boat arrivals, including the national excision and the revival and extension of the former Howard government’s “Pacific Solution”. Gillard’s response was to immediately declare the government’s in principle agreement with every recommendation.

Labor’s policy u-turn has been promoted under the banner of “humanitarianism”—that creating a necessary “disincentive” to refugees arriving by boat in order to “save lives”. This is a

complete fraud. Gillard's own policies have created the situation where countless desperate refugees are unable to claim asylum through regular channels and are being forced to undertake dangerous naval voyages to seek safety for themselves and their families. Many hundreds have died in the process. Her government is now using these disasters to justify even more draconian and punitive measures.

The twisted logic behind "humanitarian" imperialism—that aggressive warfare and civilian bombings, in Kosovo, Libya, and Syria for example, are justified on the basis of a "responsibility to protect" civilian lives—is now being used as the pretext for denying the most fundamental rights to those men, women and children fleeing violence and persecution.

Interviewed on ABC Radio, Bowen declared: "If I have a choice between saving somebody's life and being entirely consistent with something I said in 2006, well, I'll go for saving the life, thanks very much." He later spoke about a recent spate of suicide attempts and self harm incidents among asylum seekers detained on Nauru, who face the prospect of detention on the island for five years or longer, even if they are found to meet the strict official refugee criteria. Asked if "we just have to get used to" such incidents, Bowen replied, "this is all necessary in order to avoid—not one or two people, you know, drowning at sea—but to avoid mass tragedies like we've seen."

The "humanitarian" rationale for Labor's lurch to the right has provided the vehicle for an entire layer of erstwhile liberal political commentators, academics, and journalists to "rethink" their past opposition to the Howard government's anti-asylum seeker measures. Academic and self-described public intellectual, Robert Manne, once among the most prominent critics of the "Pacific Solution", has lamented his earlier support for the Rudd government's modifications to Howard's refugee regime, declaring that "for all Australians with an interest in the wellbeing of asylum seekers", refugee deaths at sea, "demand policy re-evaluation, ideological self-scrutiny and an open-minded search for some plausible exit from the current political and ideological stalemate." Anticipating the key recommendations of the Houston report, Manne insisted that not only was off-shore processing on remote and barren islands now necessary, but that, in order to establish a sufficient "deterrent", refugees might need to be detained there for several years.

Labor's so-called Left faction supports the new excision regime. In a caucus meeting yesterday, Left faction leader Senator Doug Cameron remained silent as Bowen announced the legislation. Cameron later declared that the issue was resolved after the Houston report was delivered: "That's when the fight was, and that's when the fight was lost." Far from any

"fight" within the Labor Caucus, the sole calculation of the "Left" has been to provide Gillard with unstinting support while maintaining a cynical public show of "concern" for the refugees whose lives are being destroyed.

The Greens' role is no less duplicitous. While denouncing the new excision policy, along with the revival of the Pacific Solution, they have maintained their support for Labor in parliament, including the government's annual budgets and its funding provisions for the entire anti-refugee regime, now estimated at around \$1.7 billion annually. Without the Greens' de facto coalition arrangement with Gillard, her government would fall.

The Greens, like every faction of the existing parliamentary setup, support the underlying premise of "border protection"—that immigration controls, policed by the state, are entirely legitimate. In other words, they reject the basic democratic right of every human being to live and work in whichever part of the world they wish, with full citizenship rights.

The political shift to the right of the privileged social layer represented by Manne, the Labor "Left" and the Greens, is an expression of the deepening social polarisation within Australian society. The support of the upper-middle classes, including their "liberal" "intelligentsia", for blatantly illegal measures against asylum seekers, is an expression of their hostility and contempt for the working class and the most vulnerable layers of society. In response to the worsening global economic crisis, the Labor government is stepping up its pro-business economic restructuring measures aimed at driving down workers' living standards, while strengthening its constituency among the more affluent sections of the middle class through fraudulent "humanitarian" rhetoric on the one hand, and reactionary feminist identity politics on the other. (See: "The Australian Labor government and the 'sexism' debate")



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