Australian government defies PNG refugee ruling

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The Australian government is blatantly flouting last week's ruling by Papua New Guinea's Supreme Court to end the illegal detention of more than 900 refugees in an Australian-controlled prison camp on PNG's remote Manus Island.

At Australia's insistence, the detainees remain incarcerated inside the Manus facility, despite PNG's highest court ordering both the Australian and PNG governments to immediately stop violating the PNG constitution's ban on the unlawful deprivation of personal liberty.

Despite Australia being directly responsible for the incarceration of the detainees since 2012, Prime Minister Malcolm Turnbull's Liberal-National Coalition government has flatly refused to allow any of the detainees to enter Australia, or even be resettled in New Zealand.

The government's defiance of the unanimous court ruling underscores the readiness of Australia's political establishment to abrogate fundamental democratic and legal rights, by incarcerating innocent and desperate people indefinitely.

With an extraordinary "double dissolution" election of all members of both houses of Australia's parliament set to be called for July 2, the government's belligerent response also signals yet another drive to scapegoat refugees as a diversion from the worsening economic and social conditions being imposed on the working class in Australia.

The opposition Labor Party leader, Bill Shorten, demonstrated the underlying bipartisan character of this policy, describing Labor as being on a "unity ticket" with the Coalition on ensuring the detainees were not brought to Australia.

As part of his government's increasing efforts to drum up nationalism and jingoism, Turnbull adopted the slogan: "A strong Australia is a secure Australia." He insinuated that the refugees represented a threat to Australia's "strong borders," declaring last Friday: "We can't afford to let the empathy that we feel for the desperate circumstances that many people find themselves in to cloud our judgment. Our national security has to come first."

The reality is that the vast majority of the asylum seekers, like the hundreds of thousands trying to enter Europe, are fleeing the devastating wars launched by the US and its allies, notably Australia, across the Middle East since 2001 in pursuit of domination over the strategic region's oil and other resources. Over the past two weeks, in the lead-up to the election, Turnbull has reinforced his government's commitment to US-led militarism, unveiling multi-billion dollar contracts to build new warship and submarines in Australia.

Australian Immigration Minister Peter Dutton claimed: "The supreme court in PNG didn't order for the regional processing centre to be closed." That is a straight lie. The judges ordered: "Both the Australian and PNG governments shall forthwith take all necessary steps to cease and prevent the continued unconstitutional and illegal detention of the asylum seekers or transferees at the relocation centre on Manus Island."

That court order is being directly violated. Not only have the external gates of the Manus detention centre, located inside a PNG naval base, stayed shut. Detainees inside the Manus facility told journalists that internal gates between different sections of the facility were locked again last Friday, after being temporarily opened the previous night. They were also again banned from using mobile phones to contact the outside world.

The Turnbull government is using the threat of withdrawing aid from the impoverished former

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Australian colony as a means of compelling the PNG government to disobey or thwart the court's directive. According to the *Australian*, aid worth $300 million promised to PNG in return for hosting the detention camp will "loom large" as Australian officials head to PNG this week to insist that the detainees must stay in PNG.

More than half the detainees already have been classified as refugees under international law, meaning that they have fled persecution for fear of their lives. But the Australian government is demanding that they either remain stranded in PNG or return to the countries they escaped. This demand clearly violates the international Refugees Convention, which prohibits "refoulement" or removal, back to face persecution.

The handful of UN-recognised refugees who have been permitted to leave the detention centre to "settle" in PNG are living in such poverty that most have tried to return to the facility. The only alternative offered by the Australian government is "resettlement" in Cambodia, where conditions are even worse.

Turnbull rejected an offer from New Zealand to take 150 refugees a year from Manus or Australia's other "offshore" detention camp on Nauru, claiming that would give "people smugglers" a "marketing opportunity." This only underscores the government's intent to block people from seeking asylum. "People smugglers"—often Indonesian fishermen—have been involved in refugee voyages only because of the measures taken by successive Australian governments, Coalition and Labor, to prevent any safe passage, including the use of naval vessels to repel boats.

Turnbull made it clear that the Coalition will try to constantly whip up anti-refugee sentiment during the election campaign. "You cannot trust them," he said of Labor, accusing it, and the Greens, of not being "safe on borders."

The truth is that Labor and the Greens are equally committed to the reactionary "border protection" framework. The previous minority Labor government, which was kept in office by the Greens, reopened the notorious Nauru and Manus camps in 2012. It did so amid rising unemployment and deepening austerity measures as the impact of the 2008 global financial crisis began to strike Australia. Labor reversed its 2007 election pledge to close the sites, whose brutality and abuses became a significant factor in the landslide defeat of the Howard Coalition government that originally established the camps in 2001.

Labor prevailed upon Nauru and PNG to reopen the facilities, for the explicit purpose of punishing asylum seekers in order to deter others from trying to reach Australia. Labor imposed a "no advantage test"—refugees would be detained for the same length of time that other asylum seekers were forced to wait in refugee camps in Africa or the Middle East. That effectively meant indefinite detention.

In February this year, Australia's High Court dismissed a challenge to the constitutional validity of this "offshore" detention, and upheld legislation pushed through parliament last year, with Labor's support, to retrospectively legalise the incarceration camps. The ruling demonstrated the lack of protection of even the most basic democratic rights under the Australian Constitution, including the right not to be detained without trial.

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