Some encouraging developments got lost in the coverage of Labor’s national conference, writes Arja Keski-Nummi.

Tactical response: Labor leader Bill Shorten (centre) and shadow immigration minister Richard Marles at the 2015 ALP national conference in Melbourne last month. Tracey Nearmy/AAP Image

There’s more to Labor’s new policy on refugees and asylum seekers than we learnt from most media reports Labor’s national conference. With the focus on factional battles and the most contentious of the proposed changes, key elements of what could be a viable policy were largely overlooked.

As always in such a highly charged area of public policy, the devil is in the detail. Labor gets it about right by focusing on the need for international engagement and for regional and bilateral responses to population displacement. But it retains offshore processing centres and regional resettlement, and leaves open the option of boat turnbacks, hardening the shift in asylum seeker and refugee policy that begun when it was last in office.

It will be several weeks before we see the final, endorsed platform. If we add the conference amendments to the draft platform, though, it’s clear that Labor has crafted a policy strong on border protection but much more mixed in its other responses to asylum seekers. Detention, for instance, will be a last resort, and community processing will be the norm. The refugee status determination system will be improved, the Refugee Review Tribunal will be re-established and oversight of the offshore processing centres will be strengthened. While these are all welcome policy aspirations, Labor’s record of implementation has not been as strong. If it wants to avoid another policy mess in government, it should start working on implementation plans right now.

On the most controversial policies – offshore processing, regional resettlement and boat turnbacks – Labor passed up an opportunity. Beyond the deaths-at-sea argument and the proposed introduction of independent oversight of offshore centres, it failed to articulate why these stringent measures should be important planks in the party’s platform.

For this reason, parts of the new policy read more like a tactical and political response than a comprehensive approach. The policy is tactical because it gives a little to people opposed to offshore processing and boat turnbacks – an increase in resettlement program numbers, abolition of temporary protection visas, the reinstatement of the Refugee Review Tribunal, incorporation of critical Refugee Convention obligations into domestic law, and more funding for the UN High Commissioner for Refugees – in exchange for a reluctant acceptance of the offshore processing arrangements and boat turnbacks.

The fact is that turning back boats is an ethically contentious policy. While the argument about deaths at sea is compelling, the reality is that any on-water operation, including transfers to lifeboats or navy vessels, is risky. Nor is the policy sustainable long-term, in terms of both its cost and the deployment of vessels. It is a last-resort policy, reflecting the failure of our regional engagement strategies.

Australia’s approach in the region has been selfish – it is all about us and our domestic problems – and we haven’t recognised the regional issues and how we can help deal with them. The most recent example of this is Australia’s refusal to assist in the search and rescue of boats carrying displaced Rohingya from Myanmar in the
Andaman Sea, an effort in which even the United States became involved.

Labor must strengthen its policies on regional and international engagement. It needs to set the controversial elements of its policy in that context, and to make clear they will only be pursued for so long as it takes to get the regional architecture right. Once we have an agreed regional approach to displacement and asylum, with genuine burden-sharing and people treated with dignity and humanity, the harsher elements of the policy should be lifted.

A regional response needs to involve more than simply increasing funding to the High Commissioner for Refugees or a statement that Labor will work on a regional cooperation framework. It should spell out the regional partnerships and bilateral arrangements needed to support displaced people. These could include:

• partnerships with regional governments and international agencies and NGOs to create alternative protection arrangements, which could include access to a fair and transparent assessment of claims, security of stay, and access to education, work, health services and shelter
• agreements that allow for transfer of asylum seekers to regional processing centres
• readmission agreements in certain circumstances
• alternative migration pathways, such as orderly departure arrangements, that ease the pressures on regional asylum systems working with regional governments and international agencies to develop a complementary regional protection system that would support early resolution of refugee and asylum claims, and a system of burden-sharing to find durable solutions for refugees and other displaced people
• a new displaced person program (replacing the scheme axed in this year’s federal budget) that would involve government and non-government organisations in enabling displaced people to stay safely in a country of displacement rather than using people smugglers
• responding to the region’s concerns about trafficking.

It is only in this context that an enlarged humanitarian resettlement program and hard-nosed policies such as turnbacks and offshore processing make sense. But if such cooperation is to be sustainable it won’t easily be achieved in a single electoral cycle and should ideally be bipartisan. If Labor is serious about regional engagement then it needs to be working now on how this will happen.

As with any response to a complex issue – especially an issue involving desperate and vulnerable people – this is a curate’s egg of a policy. Labor should use this chance to move away from the language of military operations, singularly inappropriate for dealing with asylum issues, and acknowledge that it confronts very difficult choices concerning vulnerable human beings.