Without more resettlement places, interception in Indonesia is pointless, argues Peter Mares in this overview of recent trends in refugee movement.

Above: Sri Lankan refugees waiting aboard the Oceanic Viking in late October. AP Photo/ Wong Maye-E

IN APRIL, when I was invited to deliver a lecture on refugee policy, I was initially reluctant. I felt that I had moved on from my work in this area, having written Borderline (first published in 2001 before the arrival of the Tampa, then in a revised post-Tampa edition in 2002) and many articles, essays, speeches and book chapters in the following years. I also thought, what more is there to say? Hardly any boats were arriving at the time and the Rudd government’s policies, while far from perfect, were a huge improvement on what went before. The issue had all but gone away.

I suggested various alternative topics but Elliott Forsyth, convenor of the Nellie Watson Lecture committee, was gently insistent that I stick to refugees. He obviously knew something that I didn’t. Or, being older and wiser, he simply realised that refugee issues never “go away.” Within a fortnight of my receiving his invitation, four boats carrying around 200 people made it to Australian waters, including a vessel that burst into flames after being intercepted near Ashmore Reef. Five asylum seekers died in that incident, others were terribly injured, and seven months later we still don’t know how and why the fire started. Since then boats have continued to arrive in Australian waters; thirty-eight so far this year carrying almost 2000 asylum seekers between them.

So here I am, speaking about Australia’s place in the global refugee crisis, amidst what can now be termed “the fifth wave” of unauthorised boat arrivals – though in a global context it would probably be more accurate to call it “the fifth ripple.”

The first wave – or ripple – involved refugees fleeing communism after the end of the Vietnam War. Tens of thousands of people set out in leaky boats and ended up in squalid camps in Thailand, Malaysia, Singapore, Indonesia, the Philippines and Hong Kong. Only a few sailed as far as Australia. As Nancy Viviani comments in her book, The Indochinese in Australia, it is surprising how sensitive Australian politicians and bureaucrats are to fears of a mass influx of boat arrivals, given that “the greatest exodus in the history of Southeast Asia simply did not result in such an influx in Australia.”

The first Vietnamese to arrive, steering a decrepit wooden boat into Darwin harbour on 26 April 1976, were twenty-five year old Lam Binh, his seventeen year old brother and three friends. Six other members of Binh’s family had also been among the passengers when their fishing boat snuck out of a port in southwest Vietnam, but they had succumbed to violent attacks of seasickness and left the vessel to stay at a refugee camp in Thailand. Binh did not like the look of the camp, so he and his four remaining passengers continued their journey. For two months they were shunted from one Southeast Asian port to another, being supplied with fuel, food and water on condition that they kept moving on. As Bruce Grant recounts the story, Binh navigated the final sixteen-day crossing from Timor with the guidance of a page torn from a school atlas. He arrived in Darwin with US$100 in cash and with fuel, food
and water to last just four more days.

Over the next six years around 2000 Vietnamese boat-people followed in Lam Binh’s wake. The Liberal prime minister of the day, Malcolm Fraser, and his immigration minister, Michael Mackellar, displayed considerable good sense in responding to the first boat arrivals. They successfully undercut the attraction of sailing south in a leaky boat by holding out to refugees holed up in camps in Southeast Asia the prospect of organised resettlement. Less than a decade after the scrapping of the White Australia policy, Australia was offering a permanent home to around 15,000 Vietnamese refugees every year.

By comparison, the Labor Party’s response was alarmist. Shortly before the 1977 election, Bob Hawke (the party president) called for Australia to stop accepting refugees who simply landed on its doorstep. He received backing for the comments from the opposition leader, Gough Whitlam. Whitlam may have swept away the last remnants of the White Australia policy, but he had little sympathy for refugees from Indochina.

Arrivals petered out again in 1981 and boat people did not reappear on Australia’s horizon until the end of the decade. In November 1989 a vessel codenamed “Pender Bay” arrived in Broome with twenty-six people on board. There were two further boats in 1990 and eight more in 1991. By the end of 1992, fifteen boats had arrived, bringing a total of 654 people to Australia. This was the “second wave” (or ripple). Like those who preceded them in the late 1970s, many of these new arrivals were from Vietnam, although they had come to Australia indirectly, after spending a long time in camps in Indonesia or elsewhere. Others were Chinese nationals or Cambodians.

Boat people had once again become the focus of public anxiety, and after 1989 almost all of them were detained on arrival. In 1991 the Labor federal government established the first remote detention centre at Port Hedland in Western Australia. The detention policy had bipartisan support in parliament, but its legal underpinnings were shaky and refugee lawyers challenged the locking up of fifteen Cambodians who had been held for more than two years. Less than forty-eight hours before a Federal Court judge was to hear an application for the Cambodians’ release, the government rushed amendments through parliament to legally reinforce and formalise the policy of mandatory and indefinite detention.

There was a relative lull in 1993 before the third wave of asylum seekers arrived in 1994 and 1995; this time many were Sino-Vietnamese who had fled Vietnam after the brief but bitter China–Vietnam border war of 1979. For more than a decade they had been living in Southern China, originally resettled there under the mandate of the United Nations High Commissioner for Refugees. But development pressures in southern China made life difficult for them, and some travelled to Australia to seek an alternative place of refuge. This prompted the Labor government to negotiate a deal with Beijing to send them straight back, without first hearing their claims, on the basis that China was a “safe third country.” It was a rather bizarre situation: Australia would consider and sometimes recognise asylum applications from Chinese citizens who claimed persecution by Beijing’s communist government— but it would not even look at a claims by the Sino-Vietnamese because they were deemed to be “safe” in China (even though they lived there with fewer entitlements than Chinese citizens).

That third wave of unauthorised boat arrivals blends into the fourth wave. During the second half of the 1990s, boats came in varying numbers every year – but what slowly began to change was the nationality of the passengers. Rather than displaced people from east and southeast Asia, asylum seekers were increasingly coming from the west of Asia – from Iraq, Iran and Afghanistan – and using Indonesia as a staging post. This wave really gained momentum in the last quarter of 1999. That year, eighty-six boats arrived carrying 3721 people, with 1245 of those asylum seekers arriving in the November alone.

The fourth wave continued through until 2001. Arrival numbers went up and down, but the trend was for smuggling operations from Indonesia to become more ambitious and more dangerous, involving fewer, larger boats carrying more passengers. (In 2001, forty-three boats arrived, carrying 5516 asylum seekers in total.) At the end of August 2001, in the lead up to a federal election, the Howard government acted decisively to prevent the Tampa from landing rescued asylum seekers on Christmas Island. The Pacific solution was implemented and the fourth wave...
ebbed away.

Now we have a fifth wave, or ripple, and the events are as distressing as they were in 2001. On 1 November, twelve asylum seekers lost their lives when their boat sank near Cocos Islands as they were attempting to cross the Indian Ocean to reach Australian territory from Sri Lanka. As I write this, seventy-eight asylum seekers remain aboard an Australian customs vessel, Oceanic Viking, in Indonesian waters, refusing to disembark more three weeks after being rescued from an unseaworthy boat. Another 255 asylum seekers are refusing to disembark from a fishing vessel tied up at the Indonesian port of Merak. The federal government is under attack from the opposition for being too weak on border protection and from refugee advocates and the Greens (and a handful of Labor and Coalition backbenchers) for being too tough.

As I said, so far in 2009, thirty-eight boats carrying close to 2000 people have arrived without authorisation in Australian waters. Twenty-seven asylum seekers have just been flown to Christmas Island after being rescued from the boat that sank in the Indian Ocean, bringing the number of asylum seekers currently held there to more than 1100. The government has announced that the detention centre is to be almost doubled in size to a capacity of 2000 people.

DESPITE these distressing and difficult events, Australia does not have refugee “crisis” or a border protection “crisis.” The word crisis is much overused and a few comparisons help put the Australian situation in perspective.

According to the UNHCR, the number of people forcibly uprooted by conflict and persecution worldwide stood at forty-two million at the start of this year. This includes sixteen million refugees and asylum seekers outside their homelands and twenty-six million people displaced within their own countries. As the High Commissioner António Guterres pointed out in releasing his agency’s annual report, the “overwhelming burden of displacement is borne by developing countries... Eighty percent of refugees are in the developing world. Generosity and wealth are not proportional to each other.”

When the fourth ripple of boat arrivals peaked in Australia in the last three months of 1999 there was a great sense of panic. Newspaper headlines were replete with words like invasion, armada, flood and tsunami. The immigration minister, Philip Ruddock talked of “a national emergency” and “an assault on our borders.” Around this same time Tanzania received 50,000 refugees from Burundi, and 25,000 people crossed from East to West Timor in a single day. Twenty years earlier, in the first eight months of 1979, 531 boats had arrived in Hong Kong carrying 46,000 refugees from Vietnam.

For the thirty years since the Soviet Union invaded Afghanistan, Pakistan has provided refuge to millions of displaced Afghans. Pakistan hosts more refugees and asylum seekers than other country in the world – nearly 1.8 million according to the UNHCR. After Pakistan, come Syria (1.1 million, mostly Iraqis) and Iran (just under a million Iraqis and Afghans). These UNHCR figures leave out 4.6 million Palestinian refugees who are registered with a different UN body, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and counted separately.

Another way of considering how unequally the refugee burden is shared is to look at how many refugees a country hosts in relation to its economic capacity. Pakistan again tops the charts, hosting 733 refugees per US dollar of gross domestic product per capita (at purchasing power parity). It is followed by the Democratic Republic of the Congo (496 refugees per dollar of per capita GDP) and Tanzania (262). The first developed country on the list is Germany, in twenty-sixth place, with sixteen refugees for each dollar of per-capita GDP.

Forty-four per cent of refugees and asylum-seekers worldwide are children below the age of 18. Of the sixteen million refugees and asylum seekers outside their home country only 88,800 (or around 0.5 per cent) were permanently resettled in developed countries during 2008 (two thirds of them in the United States and around 15 per cent of them in Australia).
There were more than 800,000 new applications for asylum or refugee status last year. More than a quarter of those applications (207,000 in total) were lodged in a single country, South Africa, an increase of 400 per cent on the previous twelve months. Most of the claims were made by Zimbabweans, but South Africa, having ratified the Refugee Convention in 2006, is now emerging as a new destination of hope for sub-Saharan refugees generally. There were almost 50,000 applications for refugee status in the United States in 2008, 35,000 in France and more than thirty thousand each in Canada, Britain and Italy. In Australia, there were fewer than 5000 refugee claims lodged in 2008, and less than 3 per cent of those asylum seekers had arrived in the country without authorisation by boat. Most flew into Australia and cleared immigration on valid visas as tourists or students.

No doubt the number of asylum applications lodged by boat people will be significantly higher in 2009, but the fundamental truth about Australia’s role in the global refugee crisis is that we are merely a bit player. Surrounded by ocean and relatively remote from the world’s major sites of conflict and oppression, we are protected from major flows of the world’s distressed and displaced by geography. It really is more accurate to talk about “ripples” rather than “waves.”

Unfortunately that doesn’t make it any easier to deal with the policy challenges thrown up by a relatively small number of unauthorised boat arrivals.

In recent weeks we’ve had to endure a sterile political debate about whether the recent increase in boat numbers is the result of pull factors or push factors. The primary pull factor – in the view of the federal opposition – is the government’s “new softened policies in relation to border protection.” Shadow immigration minister Sharman Stone says the Rudd government has “unravelled” the “very important immigration strategies” put in place by the Howard government and is “failing to deal with the numbers pouring on down… through the people smugglers’ routes.” In short the government has “lost control of our borders” and “put our immigration controls into the hands of people smugglers.”

The Coalition is reluctant to say which bits of the old regime it would restore, however. Would it bring back temporary protection visas? Would it return to a policy of locking up children? Would it send asylum seekers off to be detained in an aid-dependent foreign country and slow decision making down so that families spent longer behind the wire?

The government – and many refugee advocates – seek to convince us that the fifth ripple has nothing to do with Australia presenting a more humane face to the world or with policy changes like the scrapping temporary protection visas and the closure of offshore processing centres in the Pacific. They maintain that it is entirely the result of push factors beyond Australia’s control. They point to the defeat of the Tamil Tiger insurgency in Sri Lanka’s civil war, and the internment of hundreds of thousands of Tamils in government run camps that constitutes the first phase of “the peace.” They also point out that asylum applications have been increasing around the world, as documented by the UNHCR.

The appropriate response to this unproductive debate about push and pull factors is to point out that the blindingly obvious: that these competing views about the cause of increased boat arrivals are not mutually exclusive. Push factors and pull factors can and do operate at the same time. Events in Sri Lanka are relevant, but so too are the changes introduced by Labor, even if those changes are only vaguely understood at the most basic level: that Mr Rudd is “kinder” to refugees that Mr Howard was.

Geographer Khalid Koser, a leading international expert on forced migration, reminds us that we need to distinguish between the reasons people might flee one country and the reasons they might seek to enter another. As he says “just because you’ve chosen to come to Australia because you think you can make some money here, doesn’t necessarily mean that you didn’t leave your country because you were desperate and fleeing persecution.” Rather, it shows that some refugees have the entrepreneurial spirit to think, “I’m in a desperate situation, I’m fleeing conflict, rather than just go through Pakistan and live in a miserable camp, I’m going to try to get further afield and do some work and earn some money.”
If Australia presents a compassionate face to the world, if we present ourselves as a peaceful, democratic, tolerant, harmonious, economically successful nation that upholds the universal values of human rights, then why are we so surprised when desperate people around the world take us at our word and seek our compassion? Why are we surprised that they are also seeking a chance to get a job to earn some money and educate their kids?

THE FEDERAL opposition’s claim that the Rudd government has gone soft on border protection can distract us from some notable continuities with the practices of the Howard government. Mandatory detention remains the default position for adult asylum seekers who reach Australian territory without a valid entry visa. What Labor has done is make processing of claims far more efficient.

The Rudd government came into government with a commitment to limit the time taken to process a refugee application from an asylum seeker in detention to a maximum of ninety days. While it is now struggling to meet this objective because of the sharp increase in arrivals, processing has been much quicker than in the past. This means that asylum seekers with strong claims can anticipate that they will be released from detention quickly – and that makes detention less of a deterrent (if it ever worked as a deterrent in the first place). So why continue with detention at all (beyond initial health, security and identity checks)? The only plausible justification is so that it prevents people from disappearing into the community and ensures that they are available for removal from Australia if their claims fail.

Let us accept that justification as valid for a moment. If the aim is, nevertheless, to have swift and efficient processing, then a second question arises: why continue with detention on Christmas Island, which is a horrendously expensive and difficult place to operate? There is the huge cost of flying public servants, lawyers and guards in and out of the island, of paying staff extra allowances for working in a remote location and of supplying the detention centre with food and equipment. According to research by Oxfam, based on departmental figures from 2007, it costs $1830 per detainee per day to keep someone on Christmas Island, compared to $238 per detainee per day at Villawood detention centre in Sydney. That is an extra cost of $1600 per day per person. With a detainee population on Christmas Island of 1000 people that equates to more than $11 million a week in extra costs.

Immigration Minister Chris Evans disputes Oxfam’s calculation but doesn’t deny that it is very expensive to hold asylum seekers on Christmas Island. He says that there is “a range of good economic reasons as well as policy reasons to do the processing there.” His good economic reason appears to be that because the detention centre already exists, and represents a fixed investment of $400 million in public money, it would be wasteful not to use it. In his article on Christmas Island in the September edition of the Monthly, David Marr reckoned a jail of similar size could be built in New South Wales for roughly a tenth of that sum. So if we accept that asylum seekers are likely to continue to arrive by boat for the foreseeable future then investing in a mainland detention centre probably makes much better economic sense in the long term (or even in the short to medium term).

In policy terms the only advantage of processing asylum claims on Christmas Island is that it remains excised from the migration zone. In practice this means that asylum seekers do not have access to the Australian court system if they want to appeal against negative decisions. Reducing the rights of asylum seekers at law makes life easier for the government but the administrative advantage should not be overplayed: even on the mainland asylum seekers’ appeal rights are very tightly constrained by legislation.

In my view detention and processing on Christmas Island is not driven primarily by policy or economic considerations – but by symbolic ones. On Christmas Island the asylum seekers are in a place that both is and is not part of Australia. They are still a long way from the mainland, their boats have not reached us, and so we feel safe. As David Marr says, detention on Christmas Island is not about sending a message to the smugglers or their passengers – it’s about sending the message to the Australian public “that only the chosen will reach Australia… that the boats are under control.”

Unfortunately for the government this message is no longer getting through. The boats are not under control, of course, as conservative critics are quick to point out. Former treasurer Peter Costello, for example, wrote recently in
the *Age* that the only way to prevent asylum seekers coming to Australia by boat “is to make it clear that the sea route is no short cut to residence in Australia.”

I think Mr Costello is right. This which might sound surprising given all I have said so far – and coming from a critic of Howard-era policies towards asylum seekers – but history supports his view. For years federal governments, Labor and Coalition, have tried all possible means to deter boat arrivals. Australia has locked up asylum seekers and their children for months and years at a time in desolate desert camps, billed them for the costs of their lengthy detention and then issued those eventually recognised as refugees with temporary visas, undermining their hopes of building a new life in this land with any confidence in the future. None of these measures stopped the boats.

When indefinite outback detention and temporary visas failed to deter boat arrivals, the Howard government used its influence with mendicant Pacific neighbours to have asylum seekers detained and processed on foreign soil. The cost to the Australian taxpayer and to the health of asylum seekers (and those who worked in the camps) was enormous. Eventually most of those asylum seekers were recognised as refugees and resettled in Australia anyway.

So Mr Costello might equally have written that the only way to prevent asylum seekers coming to Australia by boat is to make it clear that the sea route “is no short cut” and not even a *very long cut* to residence in Australia.”

After 2001 there was a long pause in boat arrivals, but in my view the effective deterrent was not lengthy detention on Nauru: it was the policy of turning back boats by force. In late 2001, in the weeks after the *Tampa*, the Royal Australian Navy returned four boats to Indonesia carrying more than 500 asylum seekers in total. Very few boats arrived in Australian waters in the following months and years, until twelve months after the election of the Rudd government.

Of course a range of factors probably contributed to stopping the boats at this time, including the “offshore” processing regime set up under the Pacific solution, the glimmer of hope offered by the overthrow of the Taliban in Afghanistan, increased cooperation with Indonesia to break smuggling rackets, and the deterrent effect of the SIEV X sinking (in which 353 lives were lost). But the Howard government’s success in returning vessels to Indonesia trumped all other measures by indicating to asylum seekers that the people smugglers could not deliver on their promises and that money spent on getting to Australia would be wasted.

Perhaps that is what Mr Costello has in mind when he refers to stopping the sea trade: turning back the boats. If so, he should recommend that Australia withdraw from the Refugee Convention, since such actions would contravene our international obligations. He should acknowledge that a naval blockade might result in further loss of life at sea as smugglers advise asylum seekers to render vessels too unseaworthy to be towed back. He should acknowledge that this would tarnish Australia’s international reputation and involve the Royal Australian Navy in a highly politicised task that has nothing to do with military defence. It would commit RAN sailors to dangerous, distressing work that can leave lasting psychological scars, and of course, it would do nothing to resolve the very real dilemmas of the asylum seekers themselves. In short, forcing boats back to Indonesia is unconscionable – the risks are too great.

As the immigration minister Chris Evans confirmed to me in an interview last year, the Australian navy is no longer in the business of forced return. “The reality was, as you know, that the response to that by the people smugglers was to drill a hole in the bottom of the boat, so the effective tactic of trying to return boats by towing them was thwarted,” he says “Defence haven’t been applying that policy for some time. If they find people in Australian waters, they take them on board and take them to Christmas Island for processing.” Peter Costello says there is “no easy or soft solution” to boat arrivals. Chris Evans knows that there is no “easy and tough” solution either.

Mr Costello also wrote that we should “insist” that all claims for refugee status are made “offshore, with humanitarian visas granted to those who have observed the rules and waited for lawful entry.” Here he is reviving Philip Ruddock’s famous queue. But the idea that refugees can simply “turn up” at an Australian diplomatic mission and claim asylum is risible. In the later years of Indonesia’s occupation of East Timor, for example, East Timorese were not even
allowed inside the gates of Australia’s Jakarta embassy compound for fear that they would cause Canberra diplomatic embarrassment by doing exactly that – seeking asylum. They had to fill out visa application forms on the footpath. As Mr Costello surely knows, Australia screens all visa applicants for “risk factors” including the “risk” that they will seek refugee status after entering the country. Nor is it easy to “go to the UNHCR” to seek their assistance to come to Australia. As I’ve said, there were sixteen million refugees and asylum seekers worldwide in 2008 and Australia’s annual humanitarian program is capped at 13,750.

Nevertheless I agree with Mr. Costello that if asylum seekers are taken to Christmas Island and “are successful in their claims to enter the country,” the number of boats arrivals will increase. People smugglers run a business and that business will expand where there are opportunities to increase profits.

This does not necessarily make people smugglers “the scum of the earth,” as Kevin Rudd would have it, or “the vilest form of human life.” Nor of course are they all like Oskar Schindler, or the nuns from The Sound of Music. The prime minister is right when he says that people smugglers “trade on the tragedy of others.”

Again I turn to the work of geographer Khalid Koser, who has researched people smuggling in places like Pakistan and Eastern Europe. He says that the “majority of smugglers probably are fairly unscrupulous businessmen who frankly don’t give a damn about the lives of the people they’re moving, it’s simply… about making money.” He says we need to start looking at smuggling as a business, an industry, rather than as some kind of demonic body.

“These aren’t sort of James Bondesque baddies with three nipples who stroke white cats in Bosnia or wherever it may be,” he says. “These are travel agents who close the gate at five o’clock and do a bit of dealing under the counter. These are Customs officials who want to make a bit of extra money, and so take a few bribes… [I]n many cases smuggling’s a sort of network of people who’ve got legitimate jobs and they’re trying to make a bit of money on the side.”

And Khalid Koser is convinced from his research that asylum seekers “often don’t have any idea where they’re going… it’s smugglers who run the entire thing, smugglers choose destinations, smugglers decide when the boat’s going to leave, how many people will be on the boat and so on.” He concludes that the Rudd government is right to target those businesses, to focus on the people smugglers, even if it’s doing so for the wrong reasons.

The alternative would be for Rudd to simply stand by as boats arrive. But if the maritime smuggling route from Indonesia to Australia goes unchallenged, then the trade will increase. More boats will sink and more people will die. Around 90 per cent of the asylum seekers who reach our shores by boat are found to be refugees, but if the route grows unchecked then the mix of passengers arriving will change to include more people with weaker claims. Over time there will be a political backlash against boat arrivals that could tear at the social fabric of Australian society.

SO WHAT are our options? If we start from a true commitment to international social justice, the consistent approach would be to argue for no border controls at all – anywhere – and to allow people to travel where they choose, whether for political or economic reasons. I am not a practising Christian, nor am I well versed in theology, but I suspect that this might be the same conclusion reached if one were to base one’s policy recommendations on the teachings of Jesus Christ. It is also the position you might come to from as a committed communist: international solidarity with the world’s poor and toiling masses must surely lead to the conclusion that borders are instruments of capitalist oppression. Ironically one can reach the same policy position from the standpoint of radical libertarianism: if the rights of the individual trump all else, as the libertarians argue, and if there is no such thing as society, then each individual should be free to move wherever he or she chooses. Equally a no-borders view is consistent with the philosophy of free market economics: if human progress and liberty are best served by the free market, then borders should be open to flows of people as well as goods and finance, since labour is a key unit of production.

Such philosophical debates are amusing, but they don’t really assist us much to address the concrete issue as it confronts us in Australia today. Despite the rapid advance of globalisation, in this era when governments have given up many of their tools to restrict the international movement of money and goods, sovereignty is expressed more
than ever in controlling the flow of people across borders. The primary organisational system in the world today remains the nation state, and in liberal democracies like Australia it is the citizens of those bounded territories who elect governments and shape policies. This makes the call for open borders a political impossibility. The citizens of an individual state have the power, through their elected representatives, to determine who comes into their country and the circumstances under which they come – though this power is not absolute. It is, or at least it should be, constrained by international agreements freely entered into – the Refugee Convention and the Universal Declaration of Human Rights, for example – and by common decency.

This brings us back to the primary conundrum. As a peaceful, prosperous, democratic country that has promised to honour the Refugee Convention and protect fundamental rights, Australia will be targeted as a destination by people smugglers, because if they bring people here then they can deliver on their side of the contract; they can provide their boat people clients with the outcome that they seek – a safe place to live and work.

We can describe, in theoretical terms, the type of policy response needed to address this issue: it should be idealistic, but politically feasible; practical but also morally acceptable; it should discourage further boat arrivals yet be in accordance with our international legal obligations. In Kevin Rudd’s words, it should be “tough, hardline, humane, fair.”

Unfortunately idealism, morality and practical politics make for uncomfortable, often contradictory bedfellows. It is difficult to be hardline and humane at the same time. There is no easy and soft solution, no easy and tough solution – we’ll just have to muddle through. The best way forward that I can see, is for Australia improve its cooperation with Indonesia and other countries in Southeast Asia with the aim of disrupting smuggling networks and intercepting asylum seekers before they embark on a boat journey. But Australia is going to have to do more than send buckets of money to Jakarta and leave the Indonesian government to manage the human fallout.

It is now obvious that the federal government made a tactical mistake in asking Indonesia to take the seventy-eight asylum seekers rescued by the Oceanic Viking. Regardless of which country’s “maritime rescue zone” their disabled boat was in, it would have made more sense to take the asylum seekers straight to Christmas Island, using a practical gesture of burden sharing as a way of fostering long term cooperation with Jakarta. (Remember that the Indonesian navy had already intervened at Australia’s request to tow the boat carrying 255 asylum seekers back to port in Merak.) Taking the Oceanic Viking asylum seekers straight to Christmas Island would have given the opposition ammunition for some shrill attacks on the government, but the news cycle would have soon moved on. Instead, Canberra’s insistence that the seventy-eight asylum seekers remain Jakarta’s responsibility has guaranteed weeks of negative headlines and was perceived by Indonesian officials as a sign that Australia’s cooperation only runs one way. Indonesia remembers “Pulau Galang,” the detention island where Indochinese boat people were held from 1979 to 1996. It does not wish to be left once more to look after the world’s unwanted. Nor should any asylum seekers be condemned to live again in such circumstances.

Unfortunately, as the lawyer and human rights activist Jessie Taylor has documented in her report Behind Australian Doors, there is evidence of asylum seekers in Indonesia being abused in detention, of substandard accommodation, of inadequate access to the UNHCR, of long delays in processing and even longer delays in resettlement. Successful cooperation with Indonesia requires a massive boost in UNHCR resources so that asylum cases can be processed swiftly, and it must ensure that there are resettlement places for those found to be refugees.

According to information provided to me by the UNHCR, there are 1683 asylum-seekers registered with its Indonesia office awaiting decisions on their applications for refugee status. The cases the UNHCR have considered so far this year have included Afghans, 87 per cent of whom were recognised as refugees, Iraqis, 91 per cent of whom recognised as refugees, asylum seekers from Myanmar or Burma (mainly Rohingyas), all of whom were recognised as refugees, Sri Lankans (probably mostly Tamils), 96 per cent of whom were recognised as refugees, and Somalis, of whom 69 per cent were recognised as refugees.

As of the end of October there were 564 recognised refugees in Indonesia in need of a “durable solution,” which in
this case is UNHCR-speak for permanent resettlement in a third country like Australia. Last year, the UNHCR managed to resettle eighty-two refugees. In other words, at current rates, a refugee could be waiting in Indonesia for up to seven years before he or she is resettled.

What does this tell us? It shows that if more resettlement places are not made available, then interception in Indonesia is pointless since those assessed as refugees will still engage smugglers to attempt the crossing to Australia. Australia helped the UNHCR resettle thirty-five refugees from Indonesia last year; we could obviously take more. Even if we increased the size of our annual humanitarian program by 50 per cent it will still be smaller than it was in the early 1980s, when we resettled 22,000 people in a single year.

Improved cooperation with Indonesia could reduce boat numbers and orderly resettlement would help take the political sting out of the issue. Such a policy may even save lives, but it will not stop all the boats. When boats do come, the federal government should calmly explain to the public why such arrivals are likely to continue and provide reassurance that they can be managed in a humane and reasonable manner to reduce fear and anxiety. Bipartisan support from the opposition would help too.