

## RUDD'S PNG 'SOLUTION'

■ The Regional Resettlement Arrangement (RRA) goes further than the Pacific Solution introduced by Julia Gillard in August 2012, by allowing Australia to send asylum seekers to PNG for processing, and resettlement. It is resettlement that is the significant element of the agreement. In this way Australia is completely violating the human rights of boat arrivals, rejecting its obligations of protection to refugees while simultaneously leaning on its poor neighbour, PNG, to accept anyone Australia sends there.

■ The Labor government has stated that it will not allow any asylum seekers arriving by boat after 19 July, 2013 to be resettled in Australia –although this is not written into the agreement. This echoes what John Howard said when he started the Pacific Solution in 2001. But the RRA itself only says that anyone arriving after 19 July is “liable” to be sent – so whether or not people are sent is not set in stone. It depends on a political decision of the government. The RRA is for one year – and is reviewable after that.

■ PNG is a signatory to the Refugee Convention, but has seven so-called “reservations” (including not being committed to allow refugees the right to work, public education, housing and freedom of movement). The RRA says that PNG will “take steps to withdraw” those reservations with respect to asylum seekers sent from Australia.

■ There is limited capacity to hold more asylum seekers on Manus Island. After moving all existing asylum seekers off and expanding the number of tents, the government can perhaps send 600 at most in the short term. The Manus Island construction contractor has told The Australian that no expansion is possible before January. The Manus Island governor says it will take two years to build a permanent detention centre there. This means that, despite the announcement, new boat arrivals are likely to be kept in detention in Australia.

■ A UNHCR report in July condemned the conditions in detention on Manus Island, saying, “asylum seekers reported issues with the heat, privacy, hygiene and access to medical services.” A number of former workers have broken confidentiality agreements to speak out about the appalling conditions and lack of medical supplies in the detention centre.

■ The holes in the RRA also mean that it is not certain everyone will be resettled in PNG. PNG Prime Minister O’Neil has said that PNG is not committed to resettling “failed” asylum seekers. This potentially



could include stateless asylum seekers.

■ The RRA is undoubtedly illegal under international law. Asylum seeker boats intercepted by Australia are Australia’s responsibility. The fact that asylum seekers will be partially processed in Australia before they are sent to Manus Island also makes them Australia’s responsibility. The Refugee Convention refers to obligations by the signatory states to provide protection and resettlement, and nowhere considers the “outsourcing” of these obligations to third countries that are far less able to provide durable solutions. It also says the asylum seekers must not be discriminated against on the basis of their method of arrival in the signatory state.

■ There is the possibility of a legal challenge in Australia. The High Court decision that struck down Gillard’s Malaysia Solution in 2011 said that a “third country” must be able to guarantee certain freedoms and rights, which PNG cannot do. A legal challenge is also being considered in PNG itself.

■ But overwhelmingly, the RRA is a political, not a legal, agreement between Australia and PNG. Australia has arrogantly used its money (Australia is promising an unspecified amount of money for roads, naval bases and universities) and regional power to force PNG to agree to an arrangement that violates fundamental human rights. That makes it susceptible to political pressure. In 2001, John Howard also said that no refugees from Nauru would ever set foot in Australia. But the majority of refugees from Nauru did come to Australia, because of protests in Nauru and Australia. This can be won again.

■ This won’t be settled by the election - both main political parties are committed to off shore processing and the PNG “solution”. But a concerted campaign, up to and most importantly, beyond the election can make sure that Rudd’s PNG “solution” is unworkable.