

THE PACIFIC SOLUTION MARK II

Prime Minister Julia Gillard has used a report by a hand-picked "Expert Panel" to announce the re-opening of offshore detention for asylum seekers on Manus Island and Nauru. These are the same locations used under John Howard's Pacific Solution.

Labor closed the Pacific Solution on coming to power in 2007, but has now moved to embrace Howard's anti-refugee policy. Labor's adoption of the policies of the Coalition saw Tony Abbott agree to pass the legislation, ensuring it became law. Labor has also said it supports "in principle" all the other recommendations of the "Expert Panel".

What's wrong with the Pacific Solution?

John Howard held 1637 asylum seekers in the Pacific Solution for up to five years. Former UN Human Rights Commission Secretary, John Pace, visited Nauru in 2001 for Amnesty International and reported: "Conditions are harsh, with the heat and humidity consistently in the upper thirties and health facilities are basic. Medical staff does its best, but is nowhere near providing the essential psychological care that these people need, and need more with every day that passes."¹

After just over a year, the head psychiatrist on Nauru, Dr Martin Dormaar, quit, labelling the camp "a psychiatrist's nightmare"²

Tropical disease is rife. About one in six people living on Manus Island contract malaria each year.³ Nauru does not have reliable water or electricity supplies. When refugee advocate Phil Glendenning visited Nauru in 2010, water, "was off between 9:00am and 5:00pm... [people] were unable to flush toilets in those hours".⁴

The purpose of dumping people in such remote locations is to deny them proper legal support, medical services and contact with the Australian public. Nauru is 3000 kilometres from the Australian mainland, while Manus Island lies 300 kilometres north of the main island of Papua New Guinea.

The last detainee on Manus Island, Aladdin Sisalem, who was left in the detention centre on his own for ten months, described how, "One day, or two days, or even, after two years, you end up having a breakdown or a trauma, post-traumatic stress and other psychological issues. You have to live with it for the rest of your life."

How is Gillard's version different?

In some ways Labor's revived Pacific Solution is worse than Howard's. Gillard says that to provide a "deterrent"



Asylum seekers on Nauru under Howard's Pacific Solution

refugees must get "no advantage" from arriving in Australia by boat. Therefore the government wants to force them to spend as long on Nauru and Manus Island as those who wait in camps for resettlement in countries like Indonesia and Malaysia. Gillard has said that asylum seekers could be made to wait for "up to four or five years".

But the idea there is an orderly "queue" in refugee camps overseas is a myth. Some people wait decades for resettlement. If everyone currently in Malaysia joined a queue the wait would be longer than ten years—and is increasing every year as more people arrive annually than gain resettlement. As the Refugee Council puts it, the global refugee system does not resemble a queue so much as a ticket in a lottery.

The new legislation also removes the status of the Immigration Minister as the guardian of children and unaccompanied minors sent offshore—meaning they can be detained indefinitely and forcibly deported.

How much will this cost?

While Immigration Minister Chris Bowen says final costs are "unknown" the Expert Panel estimated reopening Nauru would cost \$1.4 billion and Manus Island \$0.9 billion.⁵ Based on the estimates of accommodating 2100 people between the two facilities this amounts to over \$1 million per asylum seeker. Under Howard the Pacific Solution cost more than \$500,000 per person.⁶

Why is the government doing this?

The government's real goal is to "stop the boats", and compete with Tony Abbott about who can best keep out refugees. Gillard outlined this aim before the 2010 election when she announced her now failed plan for an offshore processing centre in East Timor. This desire is driven by xenophobia and electoral expediency, not

any real “problem” with the number of boat arrivals, which continue to be tiny. Even this year’s “record” number of less than 8500 is only 4.5 per cent of our annual immigration intake.

But more recently the government has claimed a humanitarian motive. Julia Gillard says, “our aim here is to stop people risking their lives at sea”, citing such tragedies as the Christmas Island shipwreck in 2010 and the boat sinkings in June. But almost all these deaths were caused by the appalling response of Australia’s search and rescue services, who have been told to prioritise stopping boats, not saving lives. Tony Kevin, author of *Reluctant Rescuers*, has written that the “rescue response is ad hoc and unpredictable... we act when we choose to”. As a result, “Hundreds of people have died when they could and should have been saved”.⁷ Rescue services did nothing for 36 hours in June after learning a boat was in trouble. As a result 90 people drowned.

In addition Australian government “deterrence” policies have made the trip less safe. These include detention in Indonesia of anyone caught trying to get a boat, criminalisation of people smuggling and the sinking or burning of boats that arrive, which means only old, unsafe vessels make the trip.

Is there an alternative?

Government policy is driving asylum seekers onto boats because they have no realistic chance of resettlement once they get to Indonesia and Malaysia. Many refugees wait years: 80 Tamils from a boat stopped and held at the Indonesian port of Merak at Australia’s request who were promised resettlement by the Rudd government in 2009 are still waiting.

At the end of May there were about 5500 refugees and asylum seekers registered with the UNHCR in Indonesia.⁸ Yet Australia accepted an average of only 60 people a year from Indonesia between 2001 and 2009. The most up to date figures for last year show Australia accepted just 97.⁹ The government has now agreed to increase the overall refugee intake, as recommended by the Expert Panel, from 13,750 to 20,000 a year. But without guaranteed resettlement for those found to be refugees in Indonesia, many will still have little option but to risk getting on a boat. The Expert Panel suggested immediately accepting 3200 refugees from Indonesia to clear the backlog of recognised refugees there. But the government has set aside just 400 places.

These steps could reduce the number of refugees that must risk taking a boat. But there will always be some that have no option but to take this risk—such as the asylum seekers that catch boats directly from Sri Lanka. When they come they should be welcomed.

What else did the Expert Panel recommend?

■ The Malaysia Solution

The Panel also backed Gillard’s proposed Malaysia people swap deal, that would see 800 asylum seekers dumped in Malaysia where they will live in limbo, without rights to work, education or genuine protection.

While it proposes “strengthening safeguards

and accountability” before a Malaysia deal could be implemented, it encourages the government to, “immediately pursue amendments to the Arrangement it negotiated with Malaysia in 2011”.

■ Turning back the boats

While the Panel points out this is not currently possible, due to the need for consent of the country to which asylum are to be returned, it praises it as “an effective disincentive” to refugees and says it may become possible if circumstances change through the negotiation of a regional agreement.

Turning back boats is a dangerous practice that undermines the right of asylum seekers to claim asylum at all. Five asylum seekers died during two attempts to turn back the boats under John Howard. Hundreds of others had to be rescued when boats foundered in the process of being turned back.

■ Excising the whole of Australia from the migration zone
John Howard excised territories such as Christmas Island and Ashmore Reef, but the report’s recommendation would mean that any boat arrivals that manage to make it to the mainland could be processed offshore too.

■ New restrictions on family reunion

The Panel has recommended that family reunion through the Special Humanitarian Program be abolished, and instead moved to the general Family Migration Program. It suggests increasing the Family Migration program by 4000 places, which would speed up family reunion. But there will now be an upfront fee of \$2000 for applications. Unaccompanied minors would lose the right to family re-union for their parents. This is designed to stop them coming on boats but will instead force whole families to risk boat journeys as they have no other way to get here. These changes are intended to be retrospectively applied to those who arrived by “irregular maritime voyages”.

Notes: 1. John Pace *Report of mission to the republic of Nauru 8 to 13 November 2001* for Amnesty International Secretariat in London
2. “Nauru camps ‘psychiatrist’s nightmare’: doctor” *7.30 report* May 15, 2003
3. According to the most recent figures from 2009, Eoin Blackwell, “Malaria on Manus ‘endemic’: report” *Sydney Morning Herald online* August 18, 2012
4. Michael Vincent, “Refugee advocate says Nauru solution disastrous” ABC News online June 13, 2011
5. Report of the Expert Panel on asylum seekers, August 2012, p143-4
6. Kazimierz Bem et al., *A price to high: the cost of Australia’s response to asylum seekers*, August 2007
7. Tony Kevin, “How authorities decide to rescue asylum seekers ... or not”, *Crikey* July 13, 2012
8. Figures from the UNHCR Indonesia website <http://www.unhcr.or.id/en/who-we-help/refugees> and www.unhcr.or.id/en/who-we-help/asylum-seeker
9. Senate Estimates hearing, Legal and Constitutional Committee, May 21, 2012.

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