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Liberty Victoria Statement on Report of Expert Panel on Asylum Seekers and Government Response

14 August 2012

A strategic chasm lies at the heart of the Expert Panel's report on asylum-seekers.

By deciding to ship asylum-seekers elsewhere, Australia is repudiating its responsibilities under the International Refugee Convention. That is, we are refusing to determine whether people who arrive here irregularly are nevertheless genuine refugees fleeing persecution in their own countries and therefore entitled to protection.

At the same time we are asking our regional neighbours, including Malaysia and others, to assume the burden of housing, looking after and processing the claims of the people that we refuse to accept. And we are demanding that they do so on terms and conditions that closely resemble those under the very Refugee Convention that we refuse to comply with.

How can we expect our most important regional partners, Malaysia, Indonesia and Thailand, to agree to take on new and heavy responsibilities to thousands of desperate people seeking asylum when the starting point for negotiations is that we won't? No self-respecting nation will agree to this - unless buckets of money are thrown at it.

So, what will we be left with? Offshore processing in poverty-stricken client states like PNG and Nauru, pending the outcome of patronizing, protracted and indeterminate negotiations with Malaysia and other similarly sovereign nations. That is, with the Pacific Solution and all its attendant dangers and damage.

Any sensible resolution of this problem has to start with a system of regional-cooperation in which Australia plays its fair part. Only when the regional building blocks for processing asylum claims equitably are in place can we embark on the cross-country burden-sharing that is now so critical if the refugee problem is to be justly addressed.

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