

“Turning Back Boats” and The Human Rights of Refugees to Australia

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Global Research, July 25, 2015

Much writing has been spent on the wonders of how the supposedly progressive side of politics has bedded down all too intimately with the conservative, Right side of the aisle. The conservatives - or let us call them reactionary Tories - have been insinuating themselves into the party manifestoes of the left for years.

It was Britain's Tony Blair who demonstrated how Margaret Thatcher's hemlock had become his blood. Under the slogan of "modernisation" and various workshopped banalities, New Labour moved into the highest form of technocracy imaginable. The technocrat, by definition, prides pragmatic resolution over principle. Any process will do as long as it has the reassuring falseness of working.

Labour parties, more generally, have become technocratic constellations. Principles have become subordinate to focus groups and party polling concerned about reactionary shifts in the electorate. The emphasis here is not to dictate the agenda, but to have it dictated to you. Party strategists break out into a hot sweat when the latest poll registers drop. Sentiment can be calculated and pitched to.

The Australian conservatives have had less trouble than their Labor counterparts in formulating brutal policies indifferent to international law. Theirs is an insular world, where patriotic insensibility comes first. There is even a question to ask whether Australian conservatism genuinely exists, being, as it were, an extremist collective of contradictory free marketeers, climate change deniers and border purists. The one thing that can be said about them: They are convinced by what they are doing.

It all began on September 3, 2001, when the conservative Howard government introduced a policy of "turning back boats" with Operation Relex, involving the interception and boarding of Suspected Illegal Entry Vessels (SIEVs). In bureaucrat-land, such speak entails boats carrying people without a visa (Kaldor Centre, Aug 4).[1]

The navy was directed to expel such vessels to the edge of Indonesian territorial waters, a wonderfully perverse state of affairs that should put pay to the nonsense that such a measure saves lives. It simply relocates the problem, literally expelling it from the scope of Australian responsibility. The Abbott government's version of this, called "Operation Sovereign Borders" re-applies the Howard formula with the additional context of "where it is safe to do so".

Genteel legalists have wondered whether such conduct flies in the face of international law. It is hard to see how it does not. The focus here is not rescue, strongly emphasised by the UN Convention on the Law of the Sea, not to mention the Convention for the Safety of Life at Sea and the International Convention on Maritime Search and Rescue. Placing refugees on

life boats and towing them back into international waters engenders, rather than minimises, risk.

Bill Shorten's Australian Labor Party lacks the foaming, mad dog conviction of his opponent. Having taken a strong stance against the "turn back the boats" policy in 2013, Shorten has, just like those boats laden with asylum seekers, altered course. The teeth of those in the left wing of the party is chattering - with fear.

Richard Marles, the individual assigned the oxymoronic task of "modernising" the immigration platform, has given the impression that the new ALP recipe will not only embed the LNP boat policy, but do so in a manner that is humanitarian. Shorten's own description at the ALP Party conference was that Marles, "will deliver immigration policies that are safe and humane." The delegates duly booed.

The display by Shorten and Marles has been an advance admission of defeat and a morbid exploitation of dead asylum seekers to trigger consciences in the Australian electorate. Shorten has swallowed the Coalition mantra of salvation: "Labor wants to defeat the people smugglers and we want to prevent drownings at sea" (7.30 Report, Jul 22). This has also entailed an admission that Labor stumbled when in office. "Despite best intentions," wrote Marles in the *Herald Sun*, "a terrible loss of life took place under Labor's watch." The ALP suicide note is being penned as this goes to press.

Shorten's 2013 leadership rival and member of the left faction, Anthony Albanese, was seething. The party technocrats had done it again, guileless in aping the conservative agenda on refugees. "I think that it is absolutely critical, critical that we always remember our need for compassion and not to appeal to the darker side." [2] But even those on the progressive wing have decided to fall for the humanitarian canard of boat repulsions, ignoring the obvious fact that an intercepted vessel should be brought back to Australian waters. The Coalition front benchers were pleased as punch. Voters were being sold a cheap imitation with Shorten singing Abbott's scratchy, coarse tune. The barely credible Immigration Minister, Peter Dutton, trotted out his limited array of weasel words though he did have a point: "If I thought it was genuine, I would welcome it" (Today Show, Jul 23). Former Immigration Minister, Scott Morrison, took a similar line, suggesting that Labor disunity was a boon for people smuggling enthusiasts. The Coalition, on the other hand, were the true captains of the border protection industry. "The people smuggler's know it." [3] And how.

Central to the entire farce has been the looming role of "people smugglers". Both major parties have argued till the return of the proverbial cow that their "business model" needs to be broken. The traffickers are the retained bogeymen in the debate, the handy straw men of the immigration argument. Never mind that there seems to be willingness on the part of government officials to actually pay them to take their human cargo elsewhere. This, of course, is not encouragement of that very same reviled model at all.

The refusal to adopt a policy that aligns with safe processing of asylum seeker and immigrants who undertake the naval route has corrupted the Australian political process. Nor is there genuine will to negotiate and establish a regional program of processing claims and protecting asylum seekers. The police-state secrecy that attends the entire discussion about vessel interceptions, the darkly hilarious press conferences where ministers and officials refuse to disclose "on sea" operations, speak of the camel whose nose is fast

coming into the tent of democracy. In good time, the tent may well collapse.

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Notes

[1] <http://www.kaldorcentre.unsw.edu.au/publication/%E2%80%98turning-back-boats%E2%80%99>

[2] <http://www.smh.com.au/federal-politics/political-news/labor-national-conference-bill--shortens-opening-speech-marred-by-booing-20150724-gijkhv.html>

[3] <http://www.skynews.com.au/news/top-stories/2015/07/23/shorten-will-fight-for-boats--policy.html>

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