

Re the Manus and Nauru detainees.

I would like Mr Shorten to make two statements:

(1) That by a certain date in the not too distant future the people detained in PNG and Nauru will no longer be in those places (unless they freely choose to stay), but in some country where they can make a living and live safely with their human rights respected; if no third country settlement can be found by that date, the remaining former detainees will come to Australia.

This would give the Australian government a limited time to make one last effort to find third-country settlement, but it would immediately remove the uncertainty that drives detainees to depression and suicide.

(Technically offshore detention ended long ago, <http://www.naurugov.nr/government-information-office/media-release/no-more-detention-for-nauru-asylum-seekers.aspx>. Nauru detainees can roam the island, PNG detainees can live anywhere they like in PNG. But in reality they are still in detention without any end in sight.)

The second statement is this:

(2) That a Labor government will exit the 1951 Convention and negotiate a new agreement on refugees, asylum-seekers and migrants with Indonesia and other countries in our region.

(On exiting the Convention see <http://www.unhcr.org/4d934f5f9.pdf>, art.45.)

Many of the contortions of Australian policy under Howard and since seem to be an attempt to evade the 1951 convention while pretending to observe it. It would be better to exit from it and deal with the problems in an honest way. Regional solutions are needed, and the fact that Australia has signed up to the 1951 Convention while important countries in the region have not is an obstacle to cooperation. Australia should get together with its neighbours and work out a common approach (cf. https://en.wikipedia.org/wiki/Comprehensive_Plan_of_Action).

A new regional agreement must secure the right to work, which according to the UN Declaration is a human right, art. 23(1), <http://www.un.org/en/universal-declaration-human-rights/>. Denial of this right compels displaced people to move on, <https://www.amnesty.org/en/documents/ASA28/010/2010/en/>. It is obviously better for refugees/migrants to work for their living than to depend on handouts.

People in refugee camps feel insecure because their support may be cut off; that is one reason why they move. A World Food Program announcement that food would run out triggered the 2015 stampede to Europe (https://en.wikipedia.org/wiki/Death_of_Alan_Kurdi). See <https://www.wfp.org/news/news-release/wfp-forced-make-deeper-cuts-food-assistance-syrian-refugees-due-lack-funding>

These two statements would be “captain’s calls”, but so were Ms Gillard’s decision to reopen Nauru and Mr Rudd’s decree that certain detainees would never come to Australia.

Both statements are in line with recent statements by Mr Dutton, which might make it somewhat more difficult for the Government to run a scare campaign. Dutton does not believe that there are any other countries likely to provide settlement for the Manus-Nauru detainees, and he thinks Australia should withdraw from the 1951 Convention.

“We continue to talk to third countries, but let me tell you, there are very few prospects, if any, on the horizon” <https://www.reuters.com/article/us-australia-asylum/australia-says-hundreds-likely-to-languish-in-pacific-camps-idUSKBN1I80LP>

“I think there is a need for like-minded countries to look at whether a convention designed decades ago is relevant today.” <https://www.theguardian.com/world/2018/apr/07/peter-dutton-says-like-minded-countries-should-rethink-un-refugee-convention>

However, Mr Shorten and other Labor MPs have consistently **rejected** the suggestion to set an end-date to offshore detention. I have gathered some of these statements on a webpage, <http://members.iinet.net.au/~akilcull@home.com.au/Detention.html> (together with a justificatory statement by Mr Turnbull and my critique). The Labor leaders’ statements include an interview with Mr Shorten on Radio National, 31 July 2018, and a statement by Mr Albanese, 10 July. In these statements it is taken as beyond question that none of these people will ever come to Australia. Therefore no date can be given, because no one can say how long it will take to find third-country settlements (though according to Mr Marles on 29 April, “there are enormous opportunities to find arrangements with third countries ... It wouldn’t require much wit”—it would be easy but we can’t say how long it might take). Please read the webpage and be reminded of what the Party’s spokespersons have been saying, always following the same script. They need to say something very different.

Labor’s leaders deplore indefinite detention. (Shorten: “I do not believe that indefinite detention should be the case.”) “Indefinite” detention means detention without an end date. Someone sentenced for a serious crime to ten years with a non-parole of eight knows when at the latest their detention will end. Australia’s offshore detainees—who have never been accused or convicted of any crime and are not a danger to anyone—don’t know when or whether their detention will end. Not having a known end is what indefinite means. Politicians whose position clearly implies indefinite detention can’t deplore indefinite detention. “Never, ever will they come here”, plus “We can’t say when they will go elsewhere”, equals indefinite detention.

Mr Shorten should announce an end date, setting a deadline for finding third country settlement, acknowledging that if settlements can’t be found by that date, then the remaining detainees must, after all, come to Australia.

Political considerations

Would this be political suicide? Imagine a voter who, at present, intends to vote Labor, but if Labor brought the remaining detainees here would switch to LNP or PHON. This voter agrees with Labor’s position on a range of other issues (so at present intends to vote Labor), and currently believes that on this issue Labor will never change, but, if it did, would switch

to the other side. Keeping the detainees out matters to that voter more than the other issues put together—“Labor is better on ... W,X,Y, but if they add Z (they never will!), I’ll vote PHON and preference LNP over Labor”. How many such voters would there be? I would say: very few. Anyone who feels so strongly against bringing the detainees here won’t feel confident that Labor won’t change and will already be voting Coalition.

On the other hand, there is another set of voters, those who currently intend to vote LNP but would switch to Labor if Labor adopted a humane policy on refugees. It is hard to estimate how many of them there may be. In the poll mentioned below, almost a quarter of LNP respondents favoured “bring them here”.

And there is a third set of voters, Greens voters and disillusioned Labor voters who will not give a preference to Labor as long as it holds its present position on the Manus and Nauru detainees. In the Senate election voters no longer have to express a whole range of preferences. Labor Senate candidates will not get Greens preferences. Disillusioned Labor voters may cast an informal vote. In elections for the House of Representatives votes without preferences are informal, but in all but a few seats (those in which Greens candidates have a chance) Greens voters will vote informal rather than vote for either of the major parties. Mr Beazley looked like a winner before Tampa but lost because there was a spike in informal voting—many people who usually voted Labor could not bring themselves to vote Labor in that election because of Beazley’s capitulation on this matter. See Nicholas Stuart, <http://members.iinet.net.au/~akilcull@homemail.com.au/NicStuartInformalVoting.html>.

Public opinion polls don’t generally give information about what would cause voters to switch, they merely provide a picture of how they would vote if an election were held today; but a few polls do give information about what voters think (though still not about what might make them switch). In a Morgan Poll on 17-19 Feb. 2017 the sample was asked: “**Do you think asylum-seekers on Manus Island and Nauru should be brought here to Australia or not?**”

<http://www.roymorgan.com/findings/7159-asylum-seekers-nauru-manus-island-february-2017-201702222052>

Sixty-eight percent of Labor voters answered Yes. Thus the Labor leadership’s position was out-of-step with the views of two thirds of Labor voters.

Some relevant polls taken at the time of the last election:

<http://www.abc.net.au/news/2016-06-09/election-2016-vote-compass-asylum-seekers-immigration/7493064>

<https://www.theguardian.com/australia-news/2016/jun/29/majority-of-australians-say-refugees-who-arrive-by-boat-should-be-let-in-poll-finds>

On 3 May 2018 a Sky News ReachTel poll found that “Half of all Australian voters support a 90-day limit on holding asylum seekers in offshore detention on Manus Island and Nauru. Just 30 per cent of people were against the idea.... Support and disapproval levels for the 90-day limit were the same across Coalition and Labor voters”.

<http://www.dailymail.co.uk/wires/aap/article-5684929/Voters-limits-offshore-detention.html>

Though the electoral costs either way are probably not high, the Labor leaders’ present position does carry **heavy longer-term political costs**. The fact that Labor Parliamentarians are so much out of step with the views of Labor party members and Labor voters on a

humanitarian issue of major importance makes the Parliamentary Labor party's claim to stand for humane values (fairness, equality, human rights, compassion, generosity, etc.) sound hypocritical. The result of the Labor-LNP "unity ticket" on Manus-Nauru will be increased contempt for politicians, disillusionment with politics, further hollowing-out of political parties, and loss of faith in democracy. Both of the major political parties refuse in this area to implement values many ethically concerned Australians support, and a vote for a minor party can have no effect.

The fate of the Manus and Nauru detainees will, and should, be a major topic at the Party's National Conference. Whatever the outcome at the Conference, the Government will be able to run a scare campaign. If Mr Shorten sticks to his present position, and perhaps even defeats opponents (perhaps with the support of some big union), that will not be enough to convince voters who say "Never" that a future Labor government won't eventually bring the detainees here. The spectacle of division at the Conference will make them think that sooner or later Labor's position will change. Those who say "Never" to the refugees will never vote Labor.

Best wishes,

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