



ACADEMY OF THE SOCIAL SCIENCES IN AUSTRALIA

# Dialogue

Volume 21

1/2002

## Contents

---

- 1 **President's Column**  
*Leon Mann*
- 3 **Refugees: where to now?**
- 3 **White Australia to Tampa: the politics of fear**  
*Don McMaster*
- 10 **The Pacific Solution**  
*James Jupp*
- 16 **Refugees, Race and Gender: the multiple discrimination  
against refugee women**  
*Eileen Pittaway & Linda Bartolomei*
- 28 **Refugee Policy: is there a way out of this mess?**  
*Chris Sidoti*
- 42 **Academy News**
- 56 **Books**
-

## About the Academy

The Academy of the Social Sciences in Australia was established in 1971. Previously, some of the functions were carried out through the Social Science Research Council of Australia, established in 1942. Elected to the Academy for distinguished contributions to the social sciences, the 361 Fellows of the Academy offer expertise in the fields of *accounting, anthropology, demography, economics, economic history, education, geography, history, law, linguistics, philosophy, political science, psychology, social medicine, sociology and statistics.*

The Academy's objectives are:

- to promote excellence in and encourage the advancement of the social sciences in Australia;
- to act as a coordinating group for the promotion of research and teaching in the social sciences;
- to foster excellence in research and to subsidise the publication of studies in the social sciences;
- to encourage and assist in the formation of other national associations or institutions for the promotion of the social sciences or any branch of them;
- to promote international scholarly cooperation and to act as an Australian national member of international organisations concerned with the social sciences;
- to act as consultant and adviser in regard to the social sciences; and,
- to comment where appropriate on national needs and priorities in the area of the social sciences.

These objectives are fulfilled through a program of activities, research projects, independent advice to government and the community, publication and cooperation with fellow institutions both within Australia and internationally.

**WEB SITE:** [www.assa.edu.au](http://www.assa.edu.au)

The **Secretariat is connected to e-mail**. The general address for all Academy matters is: [ASSA.Secretariat@anu.edu.au](mailto:ASSA.Secretariat@anu.edu.au). Individual staff may be reached at the following addresses:

Dr John M Beaton, Executive Director: [j.beaton@anu.edu.au](mailto:j.beaton@anu.edu.au)

Dr John Robertson, Research Director: [john.robertson@anu.edu.au](mailto:john.robertson@anu.edu.au)

Mrs Pam Shepherd, Executive Assistant: at the general address

Ms Sue Rider, Project Officer: [Sue.Rider@anu.edu.au](mailto:Sue.Rider@anu.edu.au)

Mark Pinoli, Project Officer: [assa.admin@anu.edu.au](mailto:assa.admin@anu.edu.au)

Ms Jennifer Fernance, Finance Officer: [assa.accounts@anu.edu.au](mailto:assa.accounts@anu.edu.au)

Dr Peg Job, **Dialogue Editor**: [pegs.books@braidwood.net.au](mailto:pegs.books@braidwood.net.au)

*DIALOGUE, the newsletter of the ACADEMY OF THE SOCIAL SCIENCES IN AUSTRALIA (ISSN 1441-8460) is published three times a year. Copyright by the Academy of the Social Sciences in Australia but material may be reproduced with permission. The views expressed in Dialogue are not necessarily those of the Academy. Enquiries: ASSA, GPO Box 1956 Canberra 2601 Tel 02 6249 1788 Fax 02 6247 4335 Email [ASSA.Secretariat@anu.edu.au](mailto:ASSA.Secretariat@anu.edu.au).*

## President's column

### After the Federal Election and meeting the new Minister



There is at present a deep sense of malaise in the political and intellectual life of the nation. Perhaps the bitter, bruising national election of November 2001, fought mainly in terms of personalities, anxieties and prejudices rather than a policy debate in the core areas of health, environment, education, welfare, economy, and employment, has left the country tired and dispirited. The continual revelations of failure of government, public service and defence force leadership in regard to the 'Children Overboard' scandal together with the Governor General's difficulties in regard to his leadership credibility have created a moral vacuum at the centre of the

Australian community and made many people cynical and disillusioned. There is a sense among many in the higher education and research community that the vision and promise contained in the Prime Minister's Backing Australia's Ability program and in Labor's Agenda for the Knowledge Nation may have been intended more for election year fanfare than as serious long term solutions for Australia's declining position in science, technology, innovation, education and training. The report produced by last year's Senate Enquiry into Higher Education gathers dust in the archives. It is easy to feel despondent.

In this arid political and intellectual environment, critical analysis and opposing viewpoints are discouraged. Scholars, writers and public intellectuals who take positions contrary to the dominant or preferred line are dismissed as the 'chattering classes', the 'chardonnay set', and the 'café latte set'. The ranks of critics of the present state of affairs (many of whom are in the Academy) dwindle as their opinions are met with stony silence, rebuff and even ridicule.

One can only hope that the malaise is a passing phase because Australia as a small, geographically isolated country is in urgent need of fresh, creative ideas about its future across many areas: its people, politics, society, and culture, its population and natural environment, its education and training, its science, technology and innovation. Above all, we need wider reflection on who we are and where we should be heading as a nation.

It is crucial in this climate that the Academy, as an independent source of knowledge and new ideas, maintains and reinforces the objective listed in its charter 'to comment on national needs and priorities in the area of the social sciences'. As a modest contribution towards that objective, this issue of *Dialogue* has the theme 'Refugees: where to now?'.  
\*\*\*\*\*

Members of the Academy's Executive Standing Committee (Professors Sue Richardson and Gavin Jones, Dr John Beaton and myself – see photo overleaf) had a very cordial and productive meeting on 21 February with Dr Brendan Nelson, the new Minister for Education, Science and Training. In our meeting with the Minister we canvassed several topics, two of which relate directly to finding ways to stimulate innovative thinking on key issues of vital importance for building Australia's education, research and knowledge capability. We proposed the establishment of a **Minister's Summer Thinktank** to help develop ideas, options and scenarios on five or six key issues that

are on (or should be considered for) the Minister's education, science and training agenda. The key issues we suggested as potential Thinktank topics included science, technology and society; education, training and employment; promotion of knowledge and innovation; organisational and inter-agency design for research collaboration; and prevention of an underclass in growth-dominated economies. The Thinktank, meeting in Canberra, would take the form of a residential week-long program of panel discussions involving 35-40 leading scholars and opinion leaders from all sectors (including leading overseas thinkers) to brainstorm and map out alternatives and solutions, and identify future issues and opportunities. The Minister's Thinktank would be an opportunity to produce deeper analysis of key issues and provide an independent yet integrated set of alternatives to assist government in shaping new policy initiatives and solutions. We purposely recommended a Summer Thinktank to ensure that the participants were committed and gave their full attention, free from the distractions of their regular work.



*The Minister, Dr Brendan Nelson, with Dr John Beaton, Professor Leon Mann (President), & Professor Sue Richardson & Gavin Jones.*

A second suggestion raised with the Minister was the idea of a form of **Academy ExpertiseNetwork** comprising a 'spider-web' of social science scholars available to provide independent, expert advice to the Minister and his Department on specific topics. The Academy ExpertiseNetwork could be deployed to provide background briefings to the Minister and others to help define pertinent questions and enrich thinking on policy issues.

Other topics discussed with the Minister included social science involvement in national research priority setting and soliciting the Minister's support for a mentoring program to be added to the newly established ASSA Indigenous Postgraduate Research Students Workshop program.

The Executive Standing Committee had a good exchange of ideas and views with the Minister and he encouraged the Committee to further develop and submit to him the proposals for each of the three programs.

## **Leon Mann**

## **Refugees: where to now?**

### ***White Australia to Tampa: the Politics of Fear***

#### **Don McMaster**

At the beginning of 2001 Australia celebrated the centenary of Federation, a milestone in nation and identity building, and an event to acknowledge, celebrate and reflect upon. By the end of 2001 and after a series of events in which asylum seekers were refused the right to seek sanctuary on Australian soil this reflection resonates with the rhetoric, fears and insecurity that existed in Australia at the time of Federation.

The fears that existed at Federation were of invasion from the 'hordes from the north' and were directed at Chinese migrants. This culminated in the 'White Australia' policy, which as part of the *Immigration Restriction Act 1901* was the first act passed by the new Commonwealth Government in 1901, and set the tone for national identity and nation building in Australia. In celebrating the centenary of Federation in 2001 Australia also commemorated the notorious 'White Australia' policy.

Understanding Australia's evolving policy towards asylum seekers, particularly the dramatic policy shift of late 2001, requires a brief look at Australia's history as an immigrant and refugee receiving country. Apart from the Indigenous peoples, all Australians have a recent immigrant history.<sup>1</sup> Australia was settled and colonised by the British and British subjects could emigrate to Australia under assisted passage schemes, which between 1831 and 1982 were the most significant in attracting immigrants to Australia. Only rarely were assisted passages extended to non-British persons, signaling a policy of preference for Anglo-Saxon/ Celtic people.

The first recorded refugees to arrive in Australia were Germans who had left their homeland to escape religious persecution, and who settled in South Australia in 1838. It was not until 1848 that the first arrival of significant numbers of Asians occurred when Chinese arrived in Australia, both as indentured and free labour to work on the goldfields. By 1861 the population of Chinese had grown to 55,000 residing in Chinese quarters on the New South Wales, Victorian and Queensland goldfields. The Chinese and European migrants remained separate and antagonism grew between them, erupting into riots between 1857 and 1877.<sup>2</sup>

These riots occurred in an atmosphere of extreme economic competition and racial hostility. Concern about an enormous influx of Chinese grew, characterised by fear that white people would be 'swamped' by the 'hordes' from the north. The growing number of Chinese migrants prompted both cultural and economic insecurity among the British and their Australian-born descendents. During this era the white colonists, wanting to keep Chinese immigration in check, came to believe that the only feasible policy was one of exclusion.<sup>3</sup>

Thus the 'White Australia' policy was born, initially focused on culling Chinese immigration, but later expanded to include immigrants from 'all peoples whose presence was, in the opinion of Australians, injurious to the general welfare'. Immigrants from India and Japan who had begun to arrive in the Australian colonies during this time as well as the Melanesians and Kanakas (who were used as cheap labour in Queensland) were included in the new category for exclusion.<sup>4</sup>

The collective national desire to remain British in political principles and institutions, and more importantly to remain white, was the underlying ideology of the 'White Australia' policy. It was a racist policy set to specifically exclude groups of people

commonly grouped together as Asian and coloured. This policy was not finally dismantled until 1973, when the Whitlam Labor government abandoned it.<sup>5</sup>

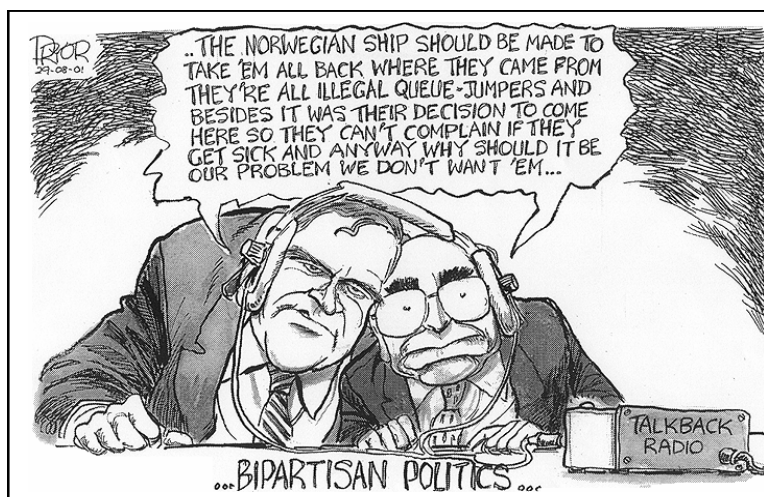
During the 1950s Australia instigated the Colombo Plan to counteract the ill feeling in Asia about the 'White Australia' policy.<sup>6</sup> The Australian government saw the temporary admission of Asian students as a means of building goodwill towards Asia. There was an easing on Asian immigration during the 1960s and early 1970s. However it was the Vietnam War that became a benchmark in Australian foreign policy. Until this time refugee policy had been part of immigration policy, and the large refugee movement produced by this war became the catalyst for Australia's first separate refugee policy.

During the time of the Whitlam Labor government, the shift in immigration policies was based on commitment to the avoidance of discrimination on any ground of race, colour of skin, or nationality. Cultural pluralism became the ideology that underpinned national identity. This included the preservation of ethnic traditions and languages. Multiculturalism was a term employed to describe the ever-increasing diversity of Australian society, made possible by the ethnic diversity of immigrants and the broad variety of cultures they brought with them.<sup>7</sup>

Multiculturalism was seen by many in Australia and overseas as an outstanding success. Others<sup>8</sup> saw multiculturalism and especially the increased Asian immigration as a threat to social cohesion and the 'British way of life'. Such criticism of multiculturalism and immigration came to the fore recently with the rise of Pauline Hanson and the One Nation Party. Racism may be part of all societies but the attitudes towards and rhetoric about asylum seekers since late 2001 resonates uncomfortably with that directed towards the Chinese over a hundred years ago.

Since the *Tampa* episode, asylum seekers have become newsworthy, and, because of the November 2001 federal election, politicised. Unfortunately they have also been demonised,

and once again posited as the 'other' - to be feared and used as scapegoats for the internal problems produced by processes such as globalisation and the now well-used term of 'border control' (which is another manifestation of the fear of invasion from the 'hordes from the north').



#### **Australia's treatment of refugees/ asylum seekers**

There has been a detention clause in Australia's immigration policy since it was introduced in 1901. However detention was not generally used until 1989 when it was activated for the Cambodian asylum seekers. 'Boat people', as they were labeled, had

arrived since 1976 when the first wave of Vietnamese asylum seekers arrived on northern Australian shores. They were generally well received, were not detained and were settled, and as history has shown, became valuable citizens.

The detention provision in the immigration policy was invoked in 1989 in response to concern over asylum seekers arriving by boat. Under the *Migration Act 1958* unlawful non-citizens who seek to enter or remain in Australia without a valid visa or entry permit, can be

detained, and in some circumstances must be detained, while their claims to enter or remain in Australia are determined. . .and, if their claim is unsuccessful. . .they must be removed from Australia as soon as practicable.<sup>9</sup>

This practice is consistent with fundamental legal principles of national sovereignty, accepted in Australian and International law, where the State designates which non-citizens are admitted and also the conditions under which they may be removed. This is also consistent with Australia's universal visa system, which both facilitates and controls the movement of people into Australia.<sup>10</sup> However, the mandatory detention component of Australia's immigration policy means that the policy is one of the most severe in western liberal-democracies.

In Australia, detention for all unauthorised arrivals is mandatory until the determination process is resolved; this process can be prolonged, resulting in detention periods of up to five years for some applicants. Since 1992 detention, for all practicable purposes, has been unreviewable by the courts, a highly political and contentious situation. Asylum seekers represent less than 0.01 per cent of all arrivals in Australia and yet they have created major headlines and controversy, out of all proportion to their actual numbers.<sup>11</sup>

While immigration policy incorporates refugee policy, they are in fact two distinct policies. Refugee policy is subordinate to immigration policy, in that immigration control overrides the obligations and objectives of refugee protection. The governmental administrative system for refugee policy, relying heavily on ministerial discretion, has opened up avenues for discriminatory processes to be utilised against Australia's 'other'. In the detention of asylum seekers the universal aims of non-discriminatory protection for refugees have become lost in a quagmire of governmental administrative processes which results in a targeted group coming under discriminatory policies.

The numbers in the first wave of Vietnamese asylum seekers were small and the Fraser government introduced procedures to make the arrival and settlement of the Vietnamese most humane.<sup>12</sup> There was an ideological bent to these arrivals, they were escaping a so-called communist regime, but to give Malcolm Fraser and the then Immigration Minister Ian MacKellar their dues, the asylum seekers were treated humanely and within Australian human rights obligations.

The second wave of asylum seekers who arrived in 1989 - the Cambodians - were not treated so humanely; they were incarcerated in detention centres - some up to five years; a major violation of human rights.<sup>13</sup> Federal and High Court challenges were mounted in the ensuing years with a struggle developing between the government and the judiciary with the government maintaining power and implementing what has been seen as a control mentality,<sup>14</sup> fearful they would lose control over the issue of refugee determination. Asylum seekers were unfortunately caught in the middle of this power struggle and control mentality. Detention centres already existed at Villawood (Sydney) and in Melbourne but two new centres were introduced at Port Hedland and at the Curtin Air Force base in Western Australia where asylum seekers

were placed in isolation, away from community support and legal advice - a strategy by the government to keep the issue from the public.

In 1994 the third wave of asylum seekers arrived. They were mainly Chinese nationals who created media headlines such as 'boat people flood feared', 'refugee crisis' and 'invasion'.<sup>15</sup> This third wave brought harsh new legislation, tightening the government control and isolating detainees further by making access to legal avenues much harder. It also brought renewed claims of human rights violations and highly publicised protests when detainees took to the roof of Port Hedland Detention Centre.<sup>16</sup>

The Australian public has been conditioned to fear the arrival of asylum seekers, (especially 'boat people') perpetuating Australia's strain of racism. The Port Hedland protests, during the 1990s, brought to the attention of the Australian public the inhumane treatment of a specific group of people and the validity of the detention policy came under question. The protests and breakouts at Woomera Detention

The Howard government has hardened its resolve and control over asylum seekers. In 2001 the government introduced a bill to allow strip searches of refugees, to increase prison terms for those who flee detention and to further restrict visitor access to detention centers . . .

Centre and the *Tampa* fiasco have done the same. However while some may question the detention and refugee policies there is still a large proportion of the Australian public who see asylum seekers as invaders and a threat to national 'purity' and security.

The fourth wave of arrivals, from Iraq, Afghanistan, Iran, Sri Lanka and Pakistan, came in 1999 in the form of people smuggling.

This insidious process highlights the desperation and the extreme methods that asylum seekers need to take to escape persecution, discrimination, trauma and torture. They are still being detained and as Woomera Detention Centre testifies, in no better manner than previous asylum seekers.

The Howard government has hardened its resolve and control over asylum seekers. In 2001 the government introduced a bill to allow strip searches of refugees, to increase prison terms for those who flee detention and to further restrict visitor access to detention centers (which are much harder to access than ordinary prisons)<sup>17</sup> as well as The Border Protection Bill and the Migration Amendment Bills 1 and 2. The latter Bills attempt to excise from Australia's migration zone certain territories such as Christmas Island and Ashmore Reef. The Border Protection Bill and the Migration Amendment Bills authorise the expulsion of asylum seekers from Australian territory with the Migration Amendment Bill 2 allowing removal of an individual to a country that the Immigration Minister deems appropriate. This allowed the government to instigate the 'Pacific Solution' of interning asylum seekers on neighbouring Pacific Islands - at a cost to Australia.

The Border Control Bill also allows the Australian Navy to intercept boats before they land on Australian soil. This permits asylum seekers on detained ships to be then either taken outside Australia or brought into the migration zone.<sup>18</sup> The *Tampa* incident illustrated that such detention may be lengthy, potentially involving people being detained in poor conditions during protracted negotiations with other States and international institutions. This situation, because of its indeterminacy, may breach article 9 of the *International Covenant on Civil and Political Rights*.

With what they perceive as a mandate in their treatment of asylum seekers after the November 2001 election, the Howard Government is strengthened in its resolve to

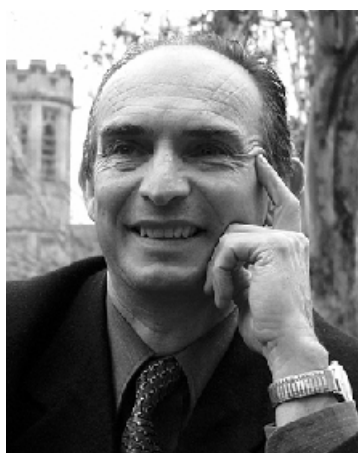


maintain the draconian and inhumane detention system, regardless of criticisms from organisations such as the United Nations, Amnesty International and the Human Rights and Equal Opportunity Commission. It was predicted that the government would spend over \$200 million on locating, removing and detaining asylum seekers this year.<sup>19</sup> However with the latest system of interdiction by naval boats and transfer (or dumping) of asylum seekers to poorer Pacific Islands this figure could easily double or treble.

On the other hand Australia will only contribute around \$14 million to the UNHCR refugee fund, (not including the money proposed for the Afghanistan relief).<sup>20</sup> The money spent on detention centres and the use of the Navy in the interdiction of boats, could be better spent with the UNHCR alleviating some of the root causes that contribute to the displacement of asylum seekers. Until those causes are addressed, people will continue to flee life-threatening situations. These people are desperate: they seek asylum for their very existence and will continue to do so until conditions are safe within their own homelands.

There is a need to let asylum seekers know that only certified refugees will remain in Australia; there is a need for orderly programs with quotas; and, there is a need to stop people smugglers. However, there is also a requirement that Australia uphold the human rights treaties it has ratified and its obligation to provide asylum for those in need. Dialogue and cooperation with countries that the asylum seekers traverse (such as Indonesia and Malaysia) as well as the UNHCR is essential, yet the present political situation ostracises Australia from these avenues. The root causes of people movement are major and complex issues that will not be resolved quickly. But leadership is needed to move from the stubborn obstructionist and militarist policies Australia has at present, to more proactive bi- and multilateral responses that address these issues.

Australia's management of asylum seekers is abysmal and is not respected in the International community.<sup>21</sup> We are failing those we detain as well as ourselves as a nation; our treatment of asylum seekers is not the mark of a civilised society. While Australia celebrated its achievements at the centenary of Federation, it could not celebrate its treatment of asylum seekers. In comparing the treatment of Chinese at the time of Federation with the treatment of asylum seekers 100 years later it appears that attitudes to strangers have scarcely changed. As Chris Sidoti has affirmed: 'as a people we are better than this'.<sup>22</sup>



*Dr Don McMaster is Visiting Research Fellow in the Politics Department at the University of Adelaide, and author of Asylum Seekers. Australia's Response to Refugees, MUP, 2001.*

This article is an edited version of a paper presented at the 'Nation/States Conference' held by the Adelaide Research Centre for Humanities and Social Sciences at the University of Adelaide, 13-16 December 2001. Photo courtesy of the University of Adelaide.

- <sup>1</sup> Freeman, G and Jupp, J (eds) (1992). *Nations of Immigrants: Australia, the United States, and International Migration*, Oxford University Press: Oxford, especially preface.
- <sup>2</sup> For details of these riots refer to Yarwood, AT and Knowling, MJ (1982). *Race Relations in Australia: A History*, Methuen: Australia: 165-187; Chung-Ming, Y (1983). *Awakening Conscience: Racism in Australia*, Lung Men Press, Hong Kong: 46; Markus, A (1979), *Fear and Hatred: Purifying Australia and California 1850-1901*, Hale and Iremonger, Sydney: 14-34; and, Buggy, T and Cates, J (1982). *Race Relations in Colonial Australia: An Enquiry Approach*, Nelson, Melbourne: Chapters 4 and 5.
- <sup>3</sup> Hawkins, F (1989). *Critical Years in Immigration: Canada and Australia Compared*, New South Wales University Press, Sydney: 11.
- <sup>4</sup> Yarwood, AT and Knowling, MJ (1982). *op cit*: 225-255; and, Evans, R, Saunders, K and Cronin, K (1975). *Race Relations in Colonial Queensland: A History of Exclusion, Exploitation, and Extermination*, University of Queensland Press, Brisbane for accounts of Chinese and other coloured migrants, including the indentured Kanakas, during this time.
- <sup>5</sup> Yarwood and Knowling (1982) *op cit*: 235-237; Rivett, K (ed) (1975). *Australia and the Non-White Migrant*, Melbourne University Press, Melbourne, Preface. Also refer to Rivett, K (ed) (1962). *Immigration: Control or Colour Bar?*, Melbourne University Press, Melbourne, for a background to the White Australia policy and a proposal for change. Associations for Immigration Reform were organised in mainland states during the 1960s; refer to Hawkins (1989) *op cit*: 310, note 24; and to Jupp, J and Kabala, M (eds) (1993). *The Politics of Australian Immigration*, AGPS, Canberra: 198.
- <sup>6</sup> Markus (1994) *op cit*: 169.
- <sup>7</sup> Lack and Templeton, (1995) *op cit*: 219. Also refer to Kukathas, C. (ed) (1993). *Multicultural Citizens: the Philosophy and Politics of Identity*, The Centre for Independent Studies, Sydney; and Foster, L and Stockley, D (1984). *Multiculturalism: The Changing Australian Paradigm*, Multilingual Matters, 16, especially chapter 3 'The emergence of the concept of multiculturalism: 1972-1982.'
- <sup>8</sup> Refer to Berry, J *et al* (1977). *Multiculturalism and Ethnic Attitudes in Canada*, Canadian Government Printers, Ottawa; and Standing Committee on Multiculturalism, (1987). *Multiculturalism: Building the Canadian Mosaic*, Queens Printer for Canada, Ottawa.
- <sup>9</sup> Refer to sections 88, 89 and Div 4B of the *Migration Act*; and also Joint Standing Committee on Migration, *Asylum, Border Control and Detention*, AGPS, Canberra, February 1994, Foreword; and Department of Immigration and Multicultural Affairs, *Fact Sheet 82. Immigration Detention*, <http://www.immi.gov.au/facts/82detain.htm>, p. 1, 1 August 1998.
- <sup>10</sup> Richardson, D (1993). 'The Detention Provisions in the Migration Act', *Migration Monitor*, 29-30, June: 13; and also Joint Standing Committee on Migration (1994) *op cit*: 11.
- <sup>11</sup> Federal Race Discrimination Commissioner (1997). *Face the Facts: Some Questions and Answers about Immigration, Refugees and Indigenous Affairs*: 17. The United Nations Human Rights Committee found and adopted, in April 1997, that Australia had violated the rights of a boat person under the International Covenant for Civil and Political Rights by detaining him arbitrarily for more than four years, cited in Audit Report 32, (1997-98). *The Management of Boat People*. [http://www.anao.gov.au/rptsfull\\_98audrp32/contents.html](http://www.anao.gov.au/rptsfull_98audrp32/contents.html): 3; also HREOC Report (1998). *op cit*: v. International Human Rights standards permit detention only where necessary and requires that the individual be able to challenge the lawfulness of his or her detention in the courts. Children and other vulnerable people should be detained only in exceptional circumstances.
- <sup>12</sup> The Hon MJR MacKellar, Minister for Immigration and Ethnic Affairs (1977). 'Refugee Policy and Mechanisms,' Ministerial statement, *Parliamentary Debates*, 24 May.
- <sup>13</sup> 'Boat People appear to be Cambodians', *The Advertiser*, 1 December 1989, p. 16. Commonly referred to as Cambodians by the media and government, the first group from the *Pender Bay* who arrived at Broome consisted of 10 Vietnamese, 9 Cambodians and 8 Chinese and were aged from 3 to 84 years. The second boat, codenamed the *Beagle*, also

- landed at Broome and consisted of 92 Cambodians, 34 Chinese and 9 Vietnamese, comprising 92 adults, 27 children and 16 babies. Department of Immigration and Multicultural Affairs (1998). *Fact Sheet 81. Boat Arrivals since 1989*, <http://www.immi.gov.au/facts/81boats.htm>. August: 1.
- <sup>14</sup> Crock, M (ed) (1993). *Protection or Punishment*, The Federation Press, Sydney: 32.
- <sup>15</sup> *The Age*, 6 January 1995: 1; *The Weekend Australian*, 24-25 December 1994: 1; *The Advertiser*, 29 December 1994; *The Sydney Morning Herald*, 23 November 1994: 5.
- <sup>16</sup> Natalie O'Brien, 'Boat people protesters denied food', *The Australian*, 3 July 1995: 3 and 'Boat people protesters get treatment for exhaustion', *The Australian*, 4 July 1995: 5; and Colleen Egan, 'Security 'provoked' refugee violence', *The Australian*, 10 July 1995: 2. The deportation of the third wave of Sino-Vietnamese boat people caused another controversy with Bolkus being accused of 'grossly underestimating' the cost to Australia of resettling the 700 or so boat people to China. An agreement was made between the Australian and Chinese governments that repatriation costs of \$500,000 were to be paid by the Federal Government to China as part of the Memorandum of Understanding signed in January 1995 that enabled the return of people verified to have settled as refugees more than 10 years previously under the United Nations program. The figure of \$500,000 was queried by the opposition party's spokesperson Senator Short, who estimated the resettlement cost to be \$1 million and total costs of repatriating the boat people in the range of \$10 to 15 million. A group of 118 Sino-Vietnamese boat people had their appeal for refugee status rejected by the Federal Court in February 1996 and were deported; Maria Ceresa, 'Bolkus accused of fudging boat people costs', *The Australian*, 11 April 1996: 7; Maria Ceresa, 'Reassured boat people deported', *The Australian*, 9 June 1996: 7; and Penelope Green, 'Court rules in favour of deporting boat people', *The Australian*, 29 February 1996: 2.
- <sup>17</sup> *Migration Legislation Amendment (Immigration Detainees) Act 2001*. The strip search provisions were rejected but reintroduced on 27 June 2001 in the form of the Migration Legislation Amendment (Immigration Detainees) Bill (no.2) 2001.
- <sup>18</sup> HREOC (2001). *Human rights and International Law Implications of Migration Bills*, Briefing Paper, 21 September, [www.humanrights.gov.au/human\\_rights/asylum/migration\\_bills.html](http://www.humanrights.gov.au/human_rights/asylum/migration_bills.html).
- <sup>19</sup> RCOA Media release, 20 June 2001.
- <sup>20</sup> *Ibid.*
- <sup>21</sup> Refer to Seth Mydans, 'Which Australian Candidate has the harder heart?', *The New York Times*, 9 November 2001; Kathy Marks, 'Shame on Australia!', *The Independent*, [www.independent.co.uk](http://www.independent.co.uk), 11 November 2001; Norwegian Refugee Council, Media Release, 30 August 2001; 'Australia Migrants land in troubled camp', *The New York Times*, 2 December 2001.
- <sup>22</sup> Chris Sidoti in Don McMaster (2001). *Asylum Seekers: Australia's Response to Refugees*, Melbourne University Press, Melbourne: vii.

*Future Seekers: Refugees and the Law in Australia*

by Mary Crock and Ben Saul.

ISBN 1862874034, Paperback, rrp \$24.95,

Publishing late March 2002.

For orders or information contact The Federation Press, tel 02 9552 2200,  
fax 02 9552 1681, email [info@federationpress.com.au](mailto:info@federationpress.com.au).

This book will be reviewed in the next issue of *Dialogue*.

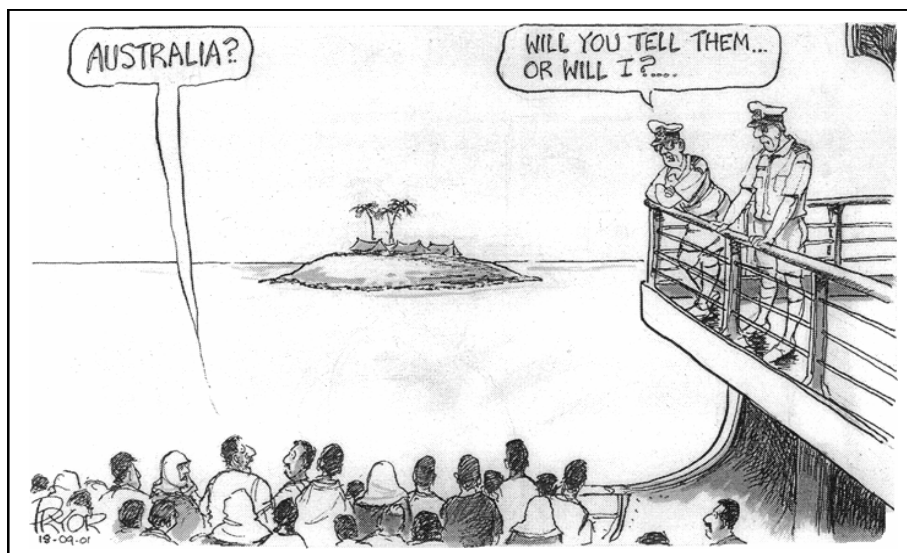
## The Pacific Solution

**James Jupp**

Australia's 'Pacific Solution' to the problem of undocumented asylum seekers is novel and unique.

It involves agreements with two Pacific states, Nauru and Papua New Guinea, to accommodate asylum seekers removed from Australian waters by the Australian Navy; the excision of offshore islands and reefs (Christmas, Cocos and Ashmore) from Australian territory for the purposes of immigration; and the passage of legislation restricting the rights of those undocumented asylum seekers removed from Australian territory or deemed not to have entered it, or entering after the legislation.

These departures from previous policy were a response to the *Tampa* crisis of August and the terrorist attack on New York on 11 September, which occurred within two weeks. They were also very influential in shifting electoral opinion before the federal election of 10 November 2001. The 'solution' was not merely devised to deal with the specific *Tampa* crisis, which involved removing 433 mainly Afghan asylum seekers rescued by the Norwegian container ship. But neither was it seriously considered by the relevant departments as part of an ongoing review of asylum seeker strategy, nor were the consequences of the new policies thought through with any care. The political imperative was dominant. Responsibility for the changes rested within the prime minister's office and department in collaboration with the then minister for defence, Peter Reith. However justification of the policy, once the election was over, rested with the minister for immigration, Philip Ruddock. The policy was justified during and after the election by a series of accusations against asylum seekers now known to be false.



### Previous policy

Before considering the 'problem' which the new policy purported to 'solve', it is useful to consider what previous policies were in place. Australia is a signatory to the United

Nations Convention on Refugees of 1951 and the Protocol of 1967, which extended its scope beyond Europe and the consequences of the Second World War. These international instruments (described elsewhere in *Dialogue*) govern the behaviour of Australia towards those seeking to escape from what they genuinely fear to be persecution as members of a social group or holders of particular opinions. As the years since 1951 have seen a multitude of situations where such persecution is likely, the numbers seeking asylum have not diminished, as they did in the 1950s, but have escalated.

The United Nations High Commissioner for Refugees (UNHCR) has a degree of responsibility for over 21 million people living outside their country of nationality and unable or unwilling to return. The Australian government in recent months has used this massive figure to argue that 'we cannot take them all'. This is both puerile and dishonest as not even the UNHCR believes that most of these are suitable for 'third country' settlement. The great majority are currently a product of the Afghan civil wars, the Middle East crises or the collapse of civil society in Africa. UNHCR preference is for safe return to the homeland. Less than one million are seen as candidates for permanent settlement elsewhere and only one hundred thousand are actually resettled each year, mainly in the United States. Nobody expects Australia to take all of these. Indeed Australia normally takes only four thousand a year under its refugee program in collaboration with the UNHCR. This figure has not changed at all under the Howard government, which has declared its intention of not changing the total in the future.

What, then, has been Australia's policy towards refugees as defined by the Convention to which it subscribes? Australia maintains a humanitarian program as part of its overall planned immigration intake. In the past this intake has been for permanent settlement. Some 600 000 have been admitted since 1951 on a humanitarian basis. It is on this substantial figure that the government rests its claim of majority have been refugees from communism or, more recently, from collapsed former communist societies like Yugoslavia. However, Australia now has understandings with two of the few remaining communist ruled societies, China and Vietnam, which severely restrict the chances of asylum being granted to their subjects.

The humanitarian program has two components. The refugee component consists of those judged to be refugees within the terms of the Convention and Protocol. The special humanitarian component consists of those from conditions of crisis who have Australian sponsors, usually relatives or organisations. This provision has been heavily used to secure permanent residence of Christians and Jews. A third category, special assistance, was used for crisis situations (mainly in former Yugoslavia) and was abolished by the Howard government. Ideally all those coming on humanitarian visas are selected overseas by Australian officials and are eligible for settlement services and general welfare services without charge or restriction. However, only refugees are eligible for full fare support.

#### **What is the problem?**

A solution must be applied to a problem. Prior to the election of the Howard government in 1996 the humanitarian program had faced several crises but had dealt with most of them within a framework of relative generosity and permanent settlement. Indeed, Australia is still one of only ten states to have a planned humanitarian intake providing permanent settlement and the prospect of citizenship after a relatively short period. The other states include the USA, Canada and the Scandinavian states. On a

per capita basis Australia is second only to Canada for the numbers it takes - a figure constantly quoted by the government as evidence of our generosity. This disguises the fact that our total intake is only four thousand and that many other states - including many very poor societies - take in far more displaced persons without having a planned and regulated intake.

A typical problem faced by any refugee program is a sudden escalation in numbers caused by a civil war, revolution or dictatorship. In the past Australia was able to deal with such crises, including those in Hungary (1956), Czechoslovakia (1968), Vietnam (1975) and China (1989). However, following the last of these, when more than 20,000 students were eventually given permanent residence in response to the Tienanmen Square repression, policy became more restrictive. A ten year wrangle left the status of refugees from East Timor in suspension, with the Department of Immigration claiming that they should seek refuge in Portugal while the Department of Foreign Affairs recognised Indonesian control. An unexpected upsurge of undocumented arrivals by boat from Indochina prompted the introduction of mandatory detention for all such arrivals and the opening of a large detention centre at Port Hedland in 1991.

Mandatory detention became a controversial issue almost at once and has remained so until the present. Introduced under Labor and extended under the Coalition, criticism has not come from the two major political parties. The major parliamentary inquiry of 1994 expressed concern at delays but did not recommend ending the system. Neither side of politics has done so since. However interests ranging from the Refugee Council of Australia to the Catholic Church have become increasingly concerned about aspects of the policy, especially as the numbers being detained have increased from a few hundred in the early 1990s to several thousand by the end of the century. The main developments since 1996 have been the opening of a new centre at Woomera by the Howard government and the privatisation of centre control to the American Wackenhut prison corporation. At the end of 2001 there were about 3,500 in detention, of whom 1,500 were interned outside Australian territory. This compares with a formal prison population of about 25,000.

Mandatory detention created problems which became increasingly relevant as numbers arriving by boat without visas increased - from an annual average of one thousand in the 1990s to almost 4000 by the end of the century in a sudden surge which did not occur until 1997. These problems are essentially:

- Inflexibility which does not allow discretion when dealing with women, children and others who may need special treatment for trauma;
- Increasing revelation of abuses and insensitivity in handling those detained despite restrictions on media access;
- Violent reactions by detainees unsure of their future;
- Cost and inconvenience in extending legal advice and processing for those in remote locations (the majority);
- No provision for the release of those who fail to qualify as refugees and who appeal to the courts or cannot be deported;
- The increasing expense of what was originally seen as a cost effective measure;
- Human rights issues under several United Nations conventions endorsed by Australia; and

- Bottlenecks caused by the need to build more detention centres as numbers increase without provision for early release or probation for those in the existing centres.

The official justifications for mandatory detention of undocumented asylum seekers are that failure to detain until a case is closed would lead to absconding; that the integrity of the humanitarian program must be maintained by not allowing others to 'jump the queue'; that as boat arrivals are now organised by criminals these should be discouraged by making known the penalties; that liberalising the system would 'open the floodgates'; that detainees are free at any time to leave by departing from Australia; and that conditions in the centres are regularly monitored by Departmental officers. Early concerns at the delays in processing applications have been met with the answer that 90 per cent of claims are completed within fifteen weeks.

Seeking asylum in Australia without a visa is not a criminal offence and asylum seekers in the view of the UNHCR should not be imprisoned or punished for entering unlawfully. Hence the repeated claim that they are 'detained' and not 'imprisoned'. Those entering Australia by air with a visa - usually as students or tourists - and seeking asylum on arrival, are not **usually** detained. They may ultimately be deported if their asylum application is rejected. The assumption is that their identity is known and that they have been processed by an overseas Immigration Department post. It is further argued by the Department that 'boat people' have not come directly from their homeland and may thus be ineligible under the Convention. It is, however, not possible to come directly to Australia from Afghanistan or Iraq, from which the largest numbers have come in the past three years. Nor, under the *non-refoulement* principle of the Convention, could they be returned to these two autocratic states.

### **Why the problems got worse**

While mandatory detention was controversial from the beginning, the policy did not come under serious strain until 1998. The flow from China and Vietnam had been ended by agreements with these two states not to punish anyone returned to them. But by 1998 both the numbers and the sources had changed. As throughout the world, the largest numbers were now coming from Afghanistan and Iraq. Australia was not affected by Kurdish movement from Iraq and most Iraqis to whom humanitarian status had been granted were Christians. Two minorities, Iraqi Shi'as and Afghan Hazaras, both Muslim, had become important and qualified under the Convention definition of persecution as 'members of a social group'. Moreover, organised people smugglers were using larger boats and transiting their customers through Indonesia. Most who reached Australia were judged to be Convention refugees, making it an Australian responsibility to resettle them. Those not so judged remained in detention as they could not be repatriated. As numbers arriving rose towards 4000 per annum this made a significant breach in the principle that the 12,000 humanitarian cases would be chosen at overseas Australian migration posts.

The Howard government was not prepared to make concessions in the changed circumstances. Kosovar refugees had been given temporary protection visas and repatriated, in contrast to Bosnians earlier in the 1990s. Visa requirements were not modified, in contrast to policy under both Labor and Liberal towards Lebanese, Sri Lankans and others in the 1970s and 1980s. The abolition of the special assistance category meant that this could not be used as it had been for many Yugoslavs. A contingency quota, while it remains, was not opened and the overall refugee quota was

not completely filled. Thus increased pressures met with increased resistance. The government's political imperative, to attract back the one million who had voted for One Nation in 1998, demanded firm action. One Nation policy was to return even 'genuine' refugees to their homelands once conditions had improved. This was close to what the Howard government eventually endorsed by shifting from permanent to temporary visas. Indeed Pauline Hanson claimed the credit for the 'Pacific solution' on her website when explaining why the One Nation vote had halved in the 2001 election.

The political need to stem the flow of 'unlawful' arrivals was very straightforward. Bureaucratic considerations were more complicated. As a signatory to the Convention, and to other UN instruments, Australia had to act within the fairly broad discretion which these allow. It was already subject to criticism for detaining women and children. It had limited avenues of legal appeal, again questionable in terms of the Convention. It was ready to deny permanent residence to 'unlawful' arrivals, thus discriminating against them. It was committing escalating financial and personnel resources to blocking and transporting arrivals. It had a delicate relationship with Indonesia which inhibited too forceful an approach. Its international reputation was damaged by the *Tampa* action, making it difficult to pursue its stated objective of amending the Convention through the United Nations. It was using UNHCR facilities at a time when that agency was trying to cope with a major crisis in Afghanistan and Pakistan. At the political level some of this could be dealt with by demonising the asylum seekers by lies and distortions and thus maximising public support. This task was made easier by the compliance of the Labor Opposition in almost everything which the government initiated. At the bureaucratic level the problems were dealt with by legal changes, official explanations and the novel devices of excising a part of Australian territory while erecting detention camps on tropical islands from which escape was virtually impossible in any case. The bureaucracy also had an important role in obscuring the costs of these operations, although that could not escape parliamentary scrutiny in due course. *It now seems probable that the entire budget surplus of \$500 million will be eaten up by the 'Pacific solution'.*

The Pacific solution depends on the flow through Indonesia declining and on the need to accept approved refugee cases consequently diminishing. It also requires that those sent to Nauru and PNG should, as far as possible, not have an uncontested right to settle in Australia in due course. As Nauru and PNG have been promised that they would not be left with any residue, this requires that other states should 'share the burden'. At the time of writing only two states, New Zealand and Ireland, have undertaken to do so on a limited scale. All others, and the UNHCR, see the problem as essentially one for Australia. Indonesia is organising talks about controlling the passage of asylum seekers. This is not new and predated the current crisis, although there was little sense of urgency. In all of this Australia's cavalier treatment of the *Tampa*, of the asylum seekers, of the UNHCR and of Indonesia, has not made its task of gaining international co-operation any easier. The political dilemma remains that if Australia is to keep its promises to Nauru and PNG it will eventually have to settle in Australia, if only on temporary visas, a large number of those forced elsewhere. That the same outcome could have been achieved at far less cost, with far less national and international criticism, with greater transparency and with far less coercion of vulnerable individuals, raises questions which were immediately asked when parliament reassembled in February 2002.



### Whatever next?

Australia has a long history of locking up people it does not want, in remote locations. Indeed New South Wales began with precisely that in mind for the British penal system. Forced relocation of Aborigines, detention of enemy aliens in wartime and the use of remote camps for Displaced Persons in the 1950s, have all attracted critical attention. Few would have imagined that in the new century Australia would have locked up several thousand men, women and children not merely in the desert but on tropical islands thousands of kilometres from our shores. All this with so much public approval that it won an election for a previously not very popular government.

The rationale - that Australia must control its own borders - was already accepted by 1901 when the *Immigration Restriction Act* was passed. It has been reasserted so often that Australia now has one of the tightest visa regimes of any developed country. The 'Pacific solution' tightens this still further by making it extremely difficult for anyone other than New Zealanders to arrive on Australian territory without a visa and for them to be denied the right of permanent residence 'for ever'. It redirects those seeking asylum in Australia to detention in client states of which they have never heard and gives no guarantee that they will ever be accepted by Australia even if judged to be 'genuine refugees'. Modification of the law of the sea is even being discussed so that the Australian Navy must approve rescue operations.

This is not only an inhumane policy but it is more so than that of most comparable democratic societies. Australia pleads for 'burden sharing' without bearing anything like the burden of Pakistan, Iran, Germany, or half the states of Africa. It looks to Norway, of all places, to bale it out. The Pacific solution worked in one respect - it won the election. It may have worked in another by deterring further arrivals - but we must await the end of the monsoon to see if that is so. Otherwise it is an excellent case study of irresponsible policy making on the run. It underlines that bureaucratic imperatives may override humane considerations and that political pragmatism may have serious unintended consequences. It has entrapped the Howard government in a network of lies and evasions. It will make a good doctoral thesis in thirty years' time if the relevant documents have not been mislaid. Meanwhile, sensible people should look for a better way.



Dr James Jupp is editor of *The Australian People: An Encyclopedia of the Nation, its People and their Origins* CUP, 2001, and Director of the Centre for Immigration and Multicultural Studies in the Research School of Social Sciences at the Australian National University.

This article is an updated and expanded version of one which appeared in *Dissent* December 2001.

## References

### Websites

Human Rights and Equal Opportunity Commission - <http://www.hreoc.gov.au>

Immigration Department - <http://www.immi.gov.au>

Refugee Council of Australia - <http://www.refugeecouncil.org.au>

UNHCR - <http://unhcr.ch>

### Publications

Australia. Parliamentary Joint Standing Committee on Migration (1994). *Asylum, Border Control and Detention*; Canberra, AGPS.

Australia. Parliamentary Joint Standing Committee on Migration Regulations (1992). *Australia's Refugee and Humanitarian System*. Canberra, AGPS.

Crock, Mary (ed) (1993). *Protection or Punishment*; Sydney, Federation Press.

Human Rights and Equal Opportunity Commission (1998). *Those Who've Come Across the Seas*, Sydney, HREOC.

Jupp, James (1998). *Immigration*, Oxford University Press.

Mares, Peter (2001). *Borderline*. University of New South Wales Press.

McMaster, Don (2001). *Asylum Seekers*. University of Melbourne Press.

Solomon, David (ed) (2002). *Howard's Race*. Sydney, Harper Collins.

United Nations High Commissioner for Refugees (1996). *Guidelines on Detention of Asylum-seekers*, Geneva, UNHCR.

UNHCR (2001). *Note on International Protection*; New York, UN General Assembly A/AC.96/951, 13 September.

## Refugees, Race and Gender: the multiple discrimination against refugee women

*Eileen Pittaway and Linda Bartolomei*

### Introduction

More than 80 per cent of the world's refugees are women and their dependent children. Violence against women is rampant during periods of armed conflict. It is manifested through involuntary relocation, as forced labour, torture, summary executions of women, forced deportation, and racist state policies denying or limiting public representation, health care, education, employment and access to legal redress. Rape and other forms of sexual torture are now used routinely as strategies of war in order to shame and demoralise individuals, families and communities. Resettlement policies actively discriminate against women on grounds both of race and gender. The gender blindness of the 1951 Refugee Convention and international law and domestic policy relating to refugee women has been recognised only relatively recently within the international system. The 1951 Refugee Convention does not recognise persecution based on grounds of gender as a claim for refugee status nor is it clear that violence on grounds of gender can be considered as persecution. Rape has been recognised as a crime against humanity, a war crime and an act of genocide in the Statutes of the International Criminal Court, but to date only 32 of the 60 nation states needed to ratify these statutes before they can become operational have done so.

### **Racism as a root cause of refugee generation**

In an address to the Human Rights Commission in Geneva on the 21<sup>st</sup> March 2001, the United Nations High Commissioner for Refugees, Ruud Lubbers, stated that 'violations of human rights, racism and xenophobia were to blame for the world's growing number of uprooted people.'<sup>1</sup> The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that there are some 21 million refugees and an additional 20 million internally displaced peoples across the world in more than 40 countries.<sup>2</sup> Most wars are now intra-state rather than inter-state conflicts. Many of these civil wars are characterised by violence resulting from heightened ethnic tensions driven by economic goals.<sup>3</sup> These include disputes over access to natural resources and land, which intersect with goals of economic and ethnic supremacy, as evidenced through recent and ongoing conflicts in Sierra Leone, Angola, Fiji and Indonesia.

There are multiple manifestations of racism in the experience of refugees and other displaced peoples. Refugees are forced to leave their country or community of origin because of a well-founded fear of persecution for reasons of race, ethnicity or nationality, religion, political opinion or membership of a particular social group. Once the conflicts that caused them to flee are declared over, often following the intervention of superpowers, racism can preclude safe return and integration of refugees back into the communities from which they fled. Despite this knowledge, repatriation is often forced on refugee communities by host countries and UN agencies unable or unwilling to sustain the financial cost of the refugee population. Internal armed conflict, generating large numbers of internally displaced peoples, is most often structuralised racism and must be recognised as such.

As the flow of uprooted peoples increases, many states are increasingly reluctant to host refugees. Narrow definition and interpretations of refugees, as reflected in the 1951 Convention and the 1967 Protocol, often leave those discriminated against on the grounds of minority or ethnic status unprotected. Refugees are routinely demonised by western countries and the media as 'illegal immigrants' and 'economic migrants.'<sup>4</sup> This is despite evidence that the majority of people seeking asylum have a genuine fear of persecution if returned to their home country, and despite the acknowledged contribution made by refugees to their host countries over the years.<sup>5</sup>

### **The gendered nature of the refugee experience**

The experience and impact of racism in situations of armed conflict is clearly a gendered experience: the majority of those who are killed or 'disappeared' are men and male youths. This accounts for the refugee populations, 80 per cent of whom are women and their dependent children, who generally have been exposed to situations of extreme physical violence.<sup>6</sup> Legal protections are largely gender blind and do not address the reality of women's lives. Charlesworth and Chinkin<sup>7</sup> have argued that 'the very nature of international law has made dealing with the structural disadvantages of sex and gender difficult.'<sup>8</sup> Refugee women continue to be discriminated against in situations of armed conflict, in refugee determinations and in resettlement because of their gender.

The special needs of refugee women have been acknowledged within the UN system in recent years, beginning in the 34<sup>th</sup> session of the General Assembly in 1979 which gave special emphasis to the urgent and particular needs of refugee women. Kourula<sup>9</sup> has indicated that it was only in 1985 that the specific needs of refugee women were included

as a separate agenda item at UNHCR's annual Executive Committee (EXCOM) meeting. In 1993 EXCOM Conclusion No.73 (XLIV) considered the link between the widespread nature of sexual violence perpetrated against refugee women and their coerced displacement. This trend to single out the special needs of refugee women has continued ever since. However, as Kourula has identified, 'efforts to address the particular situation of refugee women have so far fallen short of the adoption of any legally binding international instruments singling them out as a specific group.'<sup>10</sup>

Despite a small number of judgements by Refugee Review Tribunals in resettlement countries including Canada, the USA and Australia, which have accepted that in certain situations, for the purposes of the convention, women can be considered as a social group, there has been strong resistance within the international community to accepting gender-based asylum as grounds for refugee status.<sup>11</sup> There have been some advances by UNHCR and in some domestic government policy towards recognising the specific situation of women through the establishment of gender guidelines. There is, it seems, a general lack of political will with respect to their implementation, as evidenced by their ad hoc application. There has been little recognition of the manner in which racism and sexism intersect to doubly discriminate against refugee women in either international or domestic legal instruments and policies.

### **The intersection of race and gender**

International awareness of the way in which multiple forms of discrimination intersect to inhibit the empowerment and advancement of women has its origins in 1975 at the UN First World Conference on Women, and subsequent women's conferences, the last of which, the Fourth World Conference on Women, held in Beijing in 1995, recognised that factors such as age, disability, socio-economic position or membership of a particular ethnic or racial group could compound discrimination on the basis of sex to create multiple barriers for women. As well, '[t]here are circumstances in which racial discrimination only or primarily affects women, or affects women in a different way, or to a different degree than men.'<sup>12</sup>

Recently, various United Nations agencies organised an Expert Group Meeting on 'Gender and Racial Discrimination' whose report<sup>13</sup> identified that the failure to address the ' "differences" that characterise the problems of different groups of women can obscure or deny human rights protection due to all women.' Although all women are subject to a degree of discrimination based on gender, this is compounded for some women when gender discrimination 'intersects' with discrimination on other grounds, which may include, among other things, race, class and colour.

Non Government Organisations (NGOs) across the world have documented examples which demonstrate that the oppression women suffer because of their race, religion, caste, ethnicity, nationality and other socio-political categories is aggravated by the discrimination they face because of their gender. As a result, women, more than men, are subjected to double or multiple manifestations of human rights violations.

### **The intersection of race and gender in refugee situations**

In contexts of armed conflict women can become the targets of 'ethnically-motivated gender-specific'<sup>15</sup> forms of violence. Ideological frameworks developed by extreme forms of nationalism and fundamentalism which reify women's image as 'bearers of the culture and values' have led to the widespread occurrence of sexual assaults against women as political acts of aggression. Such acts of sexual aggression are often fuelled

by race- and gender-based propaganda.<sup>16</sup> An additional intersection of race and gender is the forcible impregnation of females from one ethnic group by males from another group as a form of genocide. Women bear the direct impact of these actions. Racism, racial discrimination, xenophobia and related intolerance have increasingly been used by state and non-state actors to incite armed conflicts over resources and rights within and between countries across the world.

The 'othering'<sup>17</sup> of refugees - that is, regarding one or several sections of the community as 'the other,' or of intrinsically lesser value than the dominant culture or power holders - has increased, particularly in some countries in Europe where the concept of 'fortress Europe' has fostered a climate of xenophobia and racism. Theodor van Boven has identified 'a climate and a perception that *a priori* regards a foreigner as an adversary, a rival, a competitor, or an adventurer who is a threat to prosperity, culture and identity.'<sup>18</sup>

Refugee women are actively discriminated against on the grounds of their ethnicity and their gender. In terms of racial discrimination they are often devalued or 'othered' on grounds of their race, and this effectively removes any need by the aggressors to respect them by gender. This 'others' them *twice* and makes them prime targets for systematic rape and sexual torture for the purpose of shaming the men of their communities.<sup>19</sup> Members themselves of patriarchal societies, women are also 'othered' by their own communities, making this form of torture extremely effective, to the point where women are sometimes murdered in so-called 'honour killings' and are often rejected by their own communities because they have been 'violated' by the aggressors.<sup>20</sup>

Women are not only raped to humiliate their husbands and fathers, and for reasons of cultural genocide. Often, they are forced to trade sex for food for their children. They are raped by the military, by border guards and by the UN peacekeeping forces sent to protect them. Rape and sexual abuse is the most common form of systematised torture used against women, and this ranges from gang rape by groups of soldiers to the brutal mutilation of women's genitalia.

There is evidence of military being trained to commit these atrocities. In the context of recent ethnic-based conflicts in Bosnia, Rwanda, Sierra Leone and East Timor, rape and sexual violence have been used to target women of particular ethnic groups and as an instrument of genocide. In an exploration of racism, misogyny and politico-military violence in the construction of western modernity, Uli Linke cites a range of studies that have begun to explore the link between military patterns of rape and racial stratification.<sup>21</sup>

Refugee women who have suffered rape and sexual abuse report keeping this secret from determining (immigration) officers for fear of being labelled prostitutes and being denied refugee status or visas on moral grounds. This is well documented by UNHCR, Amnesty International, and many aid agencies working with women refugees.<sup>22</sup> A study conducted in Winnipeg, Canada, found that more than 50 per cent of refugee women who had been raped and 94 per cent of other refugee sexual assault victims did not tell their refugee workers of their experience.<sup>23</sup> Far more sought help for psychosomatic symptoms related to the experience. As the post-traumatic symptoms such as depression, loss of sleep, anger, fear of strangers and feeling dirty are similar to those of other trauma, the root of the problem often goes unrecognised and untreated. A conspiracy of silence still exists about the true extent of the problem, and until it is fully acknowledged women will not receive the services they deserve.

### **Refugee women at risk – a case study**

An examination of the Australian-based Women at Risk Program (WaRP) illustrates the racism inherent in much refugee policy.<sup>24</sup> This research<sup>25</sup> highlights the gulf between policy and practice, and the gender blindness that has led to the ongoing discrimination against refugee women in international law and policy.

The Women at Risk Program (WaRP) is designed to identify refugee women at risk of violence in refugee camps or conflict situations and to fast-track their removal to safety in Australia. Since its inception the program has failed to meet its modest quota. In the first two years of implementation, less than a third of the annual allocation of 60 visas were issued each year. To discover why this was so, interviews were conducted with UNHCR officials, workers in refugee camps, and officials at Australian posts in South-East Asia. Several implementation problems were identified, such as a lack of information and poor communication between various levels of management, but these did not explain an apparent apathy towards the program.

A potential key to the problem became clear after it was noted that a total of seven of 22 senior male officials in Australia, Thailand and Hong Kong interviewed for the project had all used the same phrase in relation to the difficulties of identifying refugee women at risk.<sup>26</sup> The phrase was 'only rape'. Their argument was that if *all* the woman was complaining of was rape and sexual abuse, then she could not possibly be considered a woman at risk. As one man commented, 'If only rape was the criteria, I could send you most of the women in this camp. It happens all the time, especially to the young single women, and we can't do much about it.' A UNHCR official stated that rape was not grounds for refugee status, so therefore it could not be grounds for the WaRP, and that to qualify for this program a woman had to be experiencing extreme forms of violence and not only rape. A third said rape was so common that it could not be seen as grounds for consideration and, anyway, it was how women got extra food (from the guards who raped them), and was therefore hardly likely to be classified as 'extreme danger.' The most offensive comment was that often what happened wasn't really rape anyway, because some women 'exploited' their sexuality within the camp system in order to get favours from the guards. Another official commented that as it had often happened to women before they reached the camps anyway, it was no longer an issue, and the final comment was that 'it happens so often to these women that they get used to it, sort of expect it, and they don't see it as violence like being beaten up or tortured.'<sup>27</sup>

The interviewees were asked if anyone talked to the women about the rape and sexual abuse. Most acknowledged that this did not happen because the women were too ashamed or shy to discuss issues such as these with male officers. It was apparent from the research that there was no treatment or support in camps for women who had been raped or sexually abused prior to arrival, and there was little protection within the camps. Interviews with women and service providers in Hong Kong indicated that often camp security staff perpetrated abuses within the camps.<sup>28</sup> These comments highlighted not only gender insensitivity but also racism, as they implied that refugee women were of lesser social standing and therefore of lesser value than those making the comments, who were mainly Anglo-Saxon in ethnic origin. While it can never be proved, it can be hypothesised that they would not have made these comments about women from their own ethnic groups and class. These comments provided an explanation as to why women were not being selected for the WaRP.

It is worth noting that the interviews conducted with refugee women in Australia and the women in camps indicated that the rape of refugee women was not just an opportunistic phenomenon when men found themselves in a position of power over vulnerable women. Much of the rape and sexual torture was planned and systematic. In camps it was institutionalised and a way of keeping control. These acts were undertaken with relative impunity. In situations of conflict, women were raped to shame communities, in an attempt to extract information from them and to destroy the social fabric. They were forcibly impregnated to destroy ethnic purity. They were often systematically tortured in a way that suggested the training of soldiers, for example the cutting of nipples with wire cutters after rape, which has been reported across Indo-China and Indonesia. From Latin America came stories of genital mutilation with electric prods, with broken glass, and through the use of trained dogs.<sup>29</sup>

Apparently, despite much rhetoric about protecting refugee women, many people in positions of influence are unwilling or unable to accept rape and sexual torture in a conflict situation as a major problem. This has been well documented internationally.<sup>30</sup> An incident at a meeting in Sydney reinforced this realisation. When informed of a case involving the pack rape of a refugee woman, a prominent cleric sitting on the board of a major overseas aid agency remarked, 'I hope she enjoyed it!'<sup>31</sup> Horrifying though his statement was, this man voiced a very commonly held view of rape and sexual abuse, though perhaps he expressed it more blatantly than usual. This attitude, while not overtly expressed, was reflected in the comments of determining officers and their superiors in discussions about the WaRP.<sup>32</sup>

As refugee policy is strongly linked to international human rights instruments, it was hoped that a solution might be found by recourse to these instruments. But it was found that the relevant human rights instruments did not adequately address the issues of torture and trauma of refugee women. Not only did these instruments not provide a solution, they were part of the problem. The issue was not only invisible in Australian policy, it was also silent in the rest of the world. Until 1998, rape in conflict situations, which includes rape, systematic rape and premeditated sexual torture, was not considered as a crime against humanity, a war crime, or grounds for refugee status.

An examination of the research available identified the gender blindness inherent in human rights instruments, which is based upon the notion of 'public' and 'private' spheres in human rights. The 'public' addresses the political sphere, the sphere most often occupied by men, especially in the developing countries, which are the biggest generators of refugee populations. The 'private' reflects the domestic sphere, including the sexual, the domain of most women, and as such is not addressed by human rights instruments. Because of anomalies in the human rights instruments, the rape and sexual abuse of women is seldom recognised as torture. The preamble of the Torture Convention acknowledges rape as torture, but the operating paragraphs in the directions to the UN Special Rapporteur on Torture refers to torture *and* rape. These semantics, these very minor changes in language, provide the basis for the dismissal of rape as torture. Judges have declined to accept it as the grounds for refugee status because '[it] is the common experience of women everywhere.'<sup>33</sup> Many cases of judges and officials discounting the rape of refugee women and refusing the protection of refugee status on these grounds have been identified in Haiti, Kashmir, Tibet, Peru, countries in the Horn of Africa, and the former Yugoslavia. These well documented cases indicate a universal problem.<sup>34</sup>

A classic case, cited by international human rights lawyers in their fight to bring about change in the legal recognition of the experience of refugee women, illustrates the issue. A man was tied to a chair and forced at gunpoint to watch his common law wife being raped by soldiers. In determining the case for refugee status, he was deemed to have been tortured. His partner was not.<sup>35</sup>

From the understanding gained from the re-evaluation of the research findings and the literature survey, it became apparent that, if the needs of refugee women were to be recognised and addressed, then change had to be made at an international level. The rape and sexual abuse of refugee women, in a situation of conflict, in flight, or in refugee camps, had to be recognised as a war crime and considered as persecution, and this had to be reflected in international law and conventions. Without this, domestic law and social policy designed to address the needs of these women, although grounded in international law, would constantly fail to fulfil their goals. This not only explained the failure of the WaRP. It also explained why the experience of refugee women had not been accepted and reflected in domestic policy. Gender blindness, patriarchal values and racism combined to ensure that the experiences of refugee women were not acknowledged or addressed.

#### **Manifestations of racism in refugee policy**

In the 1980s and early 1990s the majority of refugee women came from developing regions such as Indo-China, Africa, Iran, Iraq, the Horn of Africa, and Central and Southern America. They were the 'other,' people of lesser international status than the major decision-makers and power brokers in the world, subjects of pity and charity, rather than people with equal rights. In 1990 war broke out in the former Yugoslavia. It was part of Europe and accessible to western media, and from 1991 onwards the international community learned more about that war than about any other in the world. The sexual abuse of the women, the rape camps, and the 'ethnic cleansing' through the killing of males and impregnation of females in the three countries involved was nightly television news, inciting international outrage.

It is suggested that this outrage was intensified because the women were Caucasian, and the villages and towns were obviously those of a developed country. The average person in the western world could identify with the women and their experience in a way that had not happened before. Similar treatment of refugee women from developing countries was well documented and reported in the past, but never received this level of response before. As an example of this reaction, AUSTCARE and UNHCR Australia started a major campaign to send 'comfort packages' to women in the former Yugoslavia. These contained sanitary napkins and other articles concerned with women's personal hygiene. Qantas freighted the goods free of charge and it was reported as the most successful campaign that AUSTCARE had ever run. An African refugee, living in Australia and working with the researcher, commented wryly, 'There have been African women experiencing what those women are experiencing for many years. Do they think that we don't bleed?'<sup>36</sup>

Acceptance of the magnitude of the abuse taking place and the numbers of women being raped and sexually abused was difficult, and the world then had to digest the fact that it was not just a handful of men perpetrating these atrocities. In the same way that it was difficult to accept that they were Caucasian women being raped, it was equally painful to realise that they were Caucasian men doing the raping.<sup>37</sup> This realisation challenged many men, who in some way identified with the collective blame, and

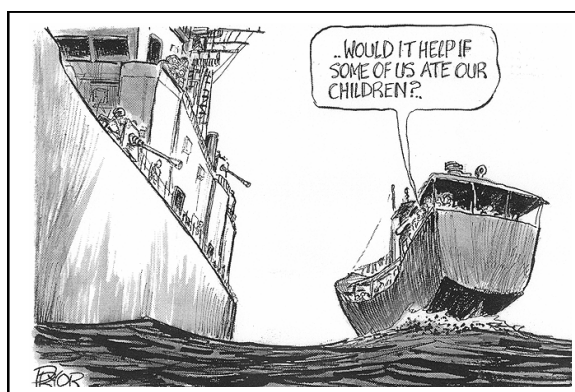


women, who had to accept the fact that many men, placed in situations of power, will treat women in this way. It was a strong statement about gender relations and was a difficult concept for many to contemplate. The fact that they were from ethnically discrete communities, and that the rape was racially motivated, was not acceptable to the western world. For the first time, the rape of women in conflict situations was considered as a possible war crime.

The experiences of the women from the former Yugoslavia brought about a major shift in the acknowledgment of the experiences of women in conflict situations. Because the women were Caucasian, the western world could identify with them. Because they had experienced similar forms of torture, other refugee women identified with them. This gave an impetus to the work of the International Refugee Caucus in its fight to have these issues addressed. However, public consciousness of the issues was not sufficient at that stage to move beyond compassion to reparation. The majority of women raped and sexually abused in the conflict in the former Yugoslavia were never accorded refugee status. The majority of those who have entered Australia and other countries as the result of these atrocities came on Special Humanitarian Visas. The lack of recognition that their experience was sufficient to warrant full international protection denied the gravity of the experience they had suffered.

### Refugee women, racism and resettlement

Racism is not only a cause of refugee movement, it also continues in countries of settlement and resettlement. Gender discrimination is also entrenched in social structure. Refugee women, like many migrant workers, are frequently treated as second-class citizens in their countries of destination. Racist state policies of host countries in the West and the Asia-Pacific, particularly on labour and immigration, result in the exploitation of refugee and migrant women. They are discriminated against in terms of wages, job security, working conditions, job-related training, and the right to unionise. They are also subjected to physical and sexual abuse. When illegally employed, they cannot access labour laws. They are not given equal access to the law or treated equally under the law. Their employment opportunities are limited largely to domestic work or in the sex industry, where their right to work, freedom of movement, reproductive rights, right to acquire, change or retain their nationality, right to health and other basic human rights are violated. These circumstances result in the person and her family being more vulnerable to religious, racial and gender discrimination and exploitation.<sup>38</sup>



Due to their stateless condition, refugee women and children are often targeted by traffickers.<sup>39</sup> Trafficking involves the recruitment, transportation, transfer, and harbouring of persons and is being done by means of threat, or use of force or other forms of coercion, abduction, fraud or deception. The purposes of trafficking in persons include involuntary servitude, domestic, sexual, or reproductive, in forced or bonded labour in conditions akin to slavery. Refugee women, indigenous women and women

from ethnic minorities are some of the most vulnerable groups of women to trafficking. Trafficking has not been deterred by the imposition of restrictive and exclusionary immigration policies by host countries. On the contrary, such policies account for the increasing number of undocumented migrant women workers who have been trafficked or are most vulnerable to trafficking. The extensive documentation of the exploitation of migrant and refugee women in the Asia-Pacific region underscores that migration and trafficking in women is a critical area of concern.

Racism directed at refugee populations in resettlement countries often causes refugee women to remain silent about their experiences of gender discrimination and violence within their own communities. Racism within the broader community exacerbates the pressure on refugee women to maintain their traditional roles in order to keep their communities intact. The problems of many refugee women remain hidden in countries of resettlement. The racial barriers that men may face in access to employment and education are concerns more frequently aired in the public arena. As a result, the prevailing discourse in many resettlement countries among refugee advocates is that refugee men find resettlement far more difficult than do refugee women.

Refugees face systematic discrimination on the bases of race, ethnicity and gender in the process of selection for resettlement in third countries, most often developed countries with predominantly white populations. Goodwin-Gill<sup>41</sup> has shown that as the numbers of refugees and asylum seekers have increased, many western nations have introduced measures to deter entry including immediate detention on arrival, the imposition of visa and transit requirements, and the fast-tracking of refugee determinations. These measures have been implemented to a large extent because the majority of those seeking entry have come from non-European countries.

Countries have also responded by trying to regionalise the solutions, by keeping many of those in need of assistance within their regions of origin.<sup>42</sup> Yet racism remains inherent in this approach, whereby refugees in the South are most likely to be assisted with basic food and medical supplies while refugees from the North are often offered resettlement in the North, and/or substantial assistance in infrastructure rebuilding. This is justified on the grounds of cultural compatibility. The level of assistance is also usually tied to the economic relationships between the countries concerned, so that refugee-producing countries with few resources to offer countries of the North receive less assistance than those countries upon which the North has strong trade dependencies.

There is a noticeable discrimination in some western countries against the resettlement of African refugees, argued on the grounds that the difference in cultures could potentially disadvantage refugees from the African continent. This is despite the fact that refugee flows from these countries are often a consequence of the results of colonisation, whereby the colonisers, in imposing their own culture, seriously damaged the culture of the colonised people. Racist colonial policies often exacerbated the disadvantage experienced by women, where sexual divisions of labour were used to support racial and class divisions of labour.<sup>43</sup> It is also noted that single (widowed, separated) women with children are often denied access to resettlement services on the grounds that they will be a drain on the host economy,<sup>44</sup> as are families with members with a disability. In a recent address to the Canadian Council for Refugees, Elinor Caplan, Minister of Citizenship and Immigration, made not a single reference to

the special needs of refugee women, despite acknowledging the need to stress the protection of refugees, over their ability to resettle in Canada.<sup>45</sup>

The formal equality of discourse tends to isolate racism from sexism and other forms of discrimination and, as a result, the marginalisation of women and girls is often unacknowledged. The racism experienced by many refugees in resettlement countries has multiple impacts on women. Refugee men who are denied access to employment or decision-making in the host country look to retain their personal autonomy and power through controlling their wives and children, which often leads to an increase in domestic violence. Resettlement countries exhibit a strong preference for families with a male head, and do not often select single women with large families for resettlement on the grounds that they will become an economic burden on the resettlement country. Resettlement services seldom acknowledge the experiences and service-provision needs of refugee women.<sup>46</sup>

It is high time that within the context of discussions and policy regarding refugees, the serious and urgent problems specific to refugee women were acknowledged. This issue will not go away.



*Dr Eileen Pittaway (Director) left, and Dr Linda Bartolomei (Senior Research Associate) are in the Centre for Refugee Research at the University of New South Wales and are board members of the Australian National Committee on Refugee Women.*

This article is an edited version of one which appeared in *Refuge*, Canada's Periodical on Refugees, 10, 6, August 2001.

---

<sup>1</sup> COMTEX (2001). 'Racism to blame for growing number of refugees, says top UN refugee official', United Nations, 21 March, on-line: All Africa Global News Service <<http://allafrica.com/stories/200103210456.html>>

<sup>2</sup> UNHCR (2000). 'Refugees by numbers,' on-line: <<http://www.unhcr.org/>> [date accessed: 11 June 2001].

- <sup>3</sup> (2001). 'When is a refugee not a refugee?' *The Economist* (US), 3 March.
- <sup>4</sup> Kaye, Ronald (1994). 'Defining the agenda: British refugee policy and the role of Parties,' *Journal of Refugee Studies* 7, 2-3: 144-59; Goodwin-Gill, Guy S (1989). 'International law and human rights: trends concerning international migrants and refugees,' *International Migration Review* 23, 3: 526-46; van Boven, Theodor (1999). 'United Nations strategies to combat racism and racial discrimination: past experiences and present perspectives', paragraph 56, (UN Doc E/CN.4/1999/WG.1BP.7) and 'Asian Preparatory Meeting For the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance 2001: Declaration and Plan of Action', paragraph 7, on-line: WCAR Homepage <<http://www.un.org/WCAR/docs.htm>> [date accessed: 6 June 2001].
- <sup>5</sup> Einfeld, Justice Marcus (2001). 'Jesse Street Memorial Address' 20 April, on-line: ABC Radio <<http://www.abc.net.au/rn/tals/bbing/docs/20010603/-einfeld.rtf> > [date accessed: 6 June 2001] and Refugee Council of Australia (1993). 'Refugees and Unemployment' Briefing Paper. RCOA, Sydney. This paper prepared by the Refugee Council of Australia suggests that the worst-case scenario is that refugees have a neutral impact on the economy of the host country, but, more likely, they have some positive economic benefit.
- <sup>6</sup> UNHCR, (1995). 'Guidelines on preventing and responding to sexual violence against refugee women', March.
- <sup>7</sup> Charlesworth, Hilary & Chinkin, Christine (2000). *The Boundaries of International Law, A Feminist Analysis*, Manchester: Juris Publishing /Manchester University Press.
- <sup>8</sup> *Ibid.*: 17.
- <sup>9</sup> Kourula, Pirkko (1997). *Broadening the Edges: Refuge Definition and International Protection Revisited*, The Hague: Martinus Nijhoff Publishers.
- <sup>10</sup> *Ibid.*: 132.
- <sup>11</sup> Cases include: Australian Refugee Review Tribunal decisions on 5 February 1999 and 30 July 1999 in which 'young women in Somalia' were considered as members of a particular social group and rape was deemed to be persecution. The case of Fauziya Kassinga, an asylum-seeker from Togo fleeing FGM, documented in Fauziya Kassinga and Layli Miller Bashir (1998). *Do They Hear You When You Cry?* Bantam Doubleday, Dell Publishing Group.
- <sup>12</sup> ICERD (2000). 'Gender related dimensions of racial discrimination', General Recommendation XXV, International Committee on the Elimination of Racial Discrimination. (UN doc. ICERD/C/56/Misc.21/Rev.3)
- <sup>13</sup> UN (2000). 'Gender and racial discrimination'. Report of the Expert Group Meeting. on-line: <http://www.un.org/womenwatch/saw/csw/genrac/report.htm> [date accessed: 6 June 2001].
- <sup>15</sup> *Ibid.*: 13.
- <sup>16</sup> *Ibid.*: 13.
- <sup>17</sup> 'Othering' can simultaneously be traced to the western philosophical tradition of dichotomous thought. This had its origins in Descartes' mind/body dualism, and continues to provide the metaphysical foundations of liberal discourse and theory today. Dichotomous thought is characterised by the representation of ideas as a pair of mutually exclusive and exhaustive opposites. In western thought dichotomies traditionally privilege one pole, defining it in absolute terms and the other merely relative to it, as in A and not-A. Descartes' substance dualism established a system of thought that privileged mind, reason, and culture over body, passion and nature. Feminists took up the critique and asserted that this philosophical tradition also created the dichotomy between man/woman, and this has more recently been extended to explain the western relationship to other cultures, races and species. See Marianne H Marchand and Jane L Parpart (eds) (1995). *Feminism/ Postmodernism/ Development*, London and New York: Routledge.
- <sup>18</sup> van Boven, *op cit*, paragraph 5 (b).
- <sup>19</sup> Coomaraswamy, R & Seifert, R, in Charlesworth and Chinkin, *op cit*: 13 & 254.

- <sup>20</sup>: International Helsinki Federation for Human Rights 'Women's Rights Must Be Addressed in South-East Europe,' on-line <<http://www.ihf-hr.org/appeals/000416.htm> [date accessed 15 May 2000].
- <sup>21</sup> Earthwatch (1999). 'School for Rape', Thailand; and, Enloe (1993), Nordstrom (1991) and Sutton (1995), in Uli Linke (1997). 'Gendered difference, violent imagination, blood race, nation', *American Anthropologist* 99, 3: 559-73.
- <sup>22</sup> United Nations Documents, EXCOM Conclusions: No 39 (XXXV1) 1985, No 54 (XXXIX) 1988, No 64 (XLI) 1990, No 73 (XLIV) 1993, and Information Note on UNHCR's Guidelines on the Protection of Refugee Women, UN document (EC/SCP/67).
- <sup>23</sup> Pope, L (1990). Refugee protection and determination: women claimants' (Summary of comments made at the CRDD Working Group on women refugee claimants: training workshop for members, Toronto, Canada).
- <sup>24</sup> This case study was undertaken by Eileen Pittaway 1991 to 1998 and builds on her previous published work, (1991). *Women Still at Risk in Australia* Canberra: Bureau of Immigration Research.
- <sup>25</sup> Hercus, Nicole, Ray, Nandini & Pittaway, Eileen (2000). 'The Women at Risk Program,' An Evaluation Proposal. Sydney, Centre for Refugee Research, UNSW.
- <sup>26</sup> Research Data, WaR Project ANCCORW, Interviews in Hong Kong Camps, March 1991 and Sept 1991, Interviews in Hong Kong and Thai refugee camps.
- <sup>27</sup> Research data, WaR Research Project 1991, ANCCORW Archives, Sydney, Australia.
- <sup>28</sup> Research data, WaR Research Project 1991, Interviews with refugee women in Whitehead Refugee Camp, March 1991, and with ISS Director, Hong Kong, March 1991. ANCCORW Archives, Sydney, Australia.
- <sup>29</sup> At the time this research was conducted, apart from a few Amnesty International reports, very little written material was available on the sexual torture of women. The researcher had to wait until much later, following the Beijing Conference and the Rwanda War Crimes Tribunal, before significant research and literature became available to support the evidence that she had collected. In fact, the researcher was told several times that she was 'overreacting'.
- <sup>30</sup> Hayes, Diane & Winton, Sylvia (1991). 'An Evaluation of the Women at Risk Scheme,' ANCCORW, Sydney; Castel, Jacqueline R (1992). 'Rape, sexual assault and the meaning of persecution,' *International Journal of Refugee Law*, 4, 1: 39-56; Bhabha, Jacqueline (1993). 'Legal problems of women refugees', *Women: A Cultural Review*, 4, 3: 240-49; Mahmud, Nasreen (1996). 'Crimes against honour: women in international refugee law', *Journal of Refugee Studies*, 9, 4: 367-82.
- <sup>31</sup> Reference available but not included to protect the privacy of those involved.
- <sup>32</sup> Research Data, WaR Research Project 1991. Interviews with determining officers. ANCCORW Archives, Sydney, Australia.
- <sup>33</sup> Castel, *op cit* 39.
- <sup>34</sup> The Human Rights Watch (1995). *Global Report on Women's Human Rights*.
- <sup>35</sup> From a presentation given by Donna Sullivan (1994). International Human Rights Watch, AWHRC HR Training Course, Jakarta.
- <sup>36</sup> Research Data, WaR Research Project 1991, ANCCORW. Recorded Conversations, Juliana Nkrumah, 1993. ANCCORW Archives, Sydney, Australia.
- <sup>37</sup> Mladjenovic, Lepa (1993). *Rape in War, The History of the Universal Soldier*, London: Third World Network Features.
- <sup>38</sup> (2001). 'Refugees, Migration and Trafficking,' Caucus documentation from the NGO preparatory meetings for the World Conference Against Racism, held in Chiang Mai, Thailand, 24-26 January and Kathmandu, Nepal, 27-29 April; and the APWLD Lobby Document (2001). *Women's Human Rights: Engendering the Agenda of WCAR*, Thailand: APWLD, April.
- <sup>39</sup> UNHCHR (2000) 'Migration and Trafficking,' on-line: <http://www.unhchr.ch/html/racism/00-migra.html>> [date accessed 6 June 2001], and the APWLD Lobby document, 53-54.

- <sup>41</sup> Goodwin-Gill, Guy S (1989). 'International law and human rights: trends concerning international migrants and refugees,' *International Migration Review* 23, 3: 526-46.
- <sup>42</sup> *Ibid*: 545.
- <sup>43</sup> Enloe, Cynthia (1993). *The Morning After: Sexual Politics at the End of the Cold War*, Berkeley: University of California Press; and UN (2000). 'Gender and racial discrimination,' Report of the Expert Group Meeting, on-line: <http://www.un.org/womenwatch/saw/csw/genrac/report.htm>> [date accessed: 6 June 2001].
- <sup>44</sup> UNHCR (1998), 'Meeting New Challenges, Evolving Approaches to the Protection of Women-At-Risk' (Resettlement Section, draft in progress, April).
- <sup>45</sup> Caplan, Hon Elinor (2000). 'Canada's refugee policies,' *Migration World Magazine* 28, 1: 19-24.
- <sup>46</sup> Pittaway (1991) *op cit*, Pittaway, Eileen (1993). 'Protection: the solution or part of the problem?' Paper presented at Gender Issues and Refugees: Developmental Implications, York University, Canada; Iredale, Robyn, Mitchell, Colleen, Pe-Pua, Rogelia & Pittaway, Eileen (1996). *Ambivalent Welcome: The Settlement Experiences of Humanitarian Entrant Families in Australia*, Canberra: Department of Immigration and Multicultural Affairs, AGPS.

## **Refugee policy: is there a way out of this mess?**

**Chris Sidoti**

### **The nature of the mess**

Australians' love of the comic has found great amusement in the Abbott and Costello combination in the Government. It seems to me, however, that Laurel and Hardy are a far more apt comic duo for our times. I'm old enough to remember Laurel and Hardy in funny, black and white skits shown on TV. They would always get into trouble and Hardy would always blame the hapless Laurel. He'd say to Laurel, 'Well, here's another fine mess you've got me into'. That's the charge we're entitled to direct to our national political leaders, both Government and Opposition. Here's another fine mess you've got us into.

Australian law, policy and practice in relation to asylum seekers and refugees are in a mess. The bipartisan policies of successive governments since 1989, both Coalition and Labor, under three Prime Ministers have got us into this mess. Only the Australian Democrats, the Greens, independents Brian Harradine and Peter Andren and a handful of members from the major parties have struggled to extricate us from the mess. They have struggled against the odds and so far they have not been successful. While responsibility falls on both major parties, the present government, under Prime Minister Howard and Immigration Minister Ruddock, has taken us and the mess to the murkiest, nastiest depths.

My purpose is to discuss how we might extricate ourselves from this mess. I am not going to spend the time analysing its nature in detail yet again but I must sketch briefly the dimensions of the situation. Law, policy and practice are in a mess for many important reasons.

First and foremost, they produce gross violations of the most fundamental human rights. They violate the commitments Australia has made under important international treaties:

- article 9 of the *International Covenant on Civil and Political Rights* and article 37 of the *Convention on the Rights of the Child*, which prohibit arbitrary detention;
- article 10 of the *International Covenant on Civil and Political Rights* and article 37 of the *Convention on the Rights of the Child*, which require that detained persons be treated with humanity and respect for human dignity;
- article 37 of the *Convention on the Rights of the Child* which prohibits detention of children except as a last resort and for the shortest appropriate period of time;
- article 9 of the *International Covenant on Civil and Political Rights* and article 37 of the *Convention on the Rights of the Child*, which recognise a right to take legal proceedings to challenge detention;
- article 2 of the *International Covenant on Civil and Political Rights* and article 2 of the *International Covenant on Economic, Social and Cultural Rights*, which prohibit all discrimination on the basis of status in the enjoyment of human rights;
- article 23 of the *International Covenant on Civil and Political Rights*, article 10 of the *International Covenant on Economic, Social and Cultural Rights* and article 18 of the *Convention on the Rights of the Child*, which protect the right of parents to found a family, the right of families to state care and support and the right of children to the care of their parents;
- article 22 of the *Convention on the Rights of the Child*, which requires the state to provide appropriate protection and humanitarian assistance to refugee and asylum seeker children, especially in relation to family reunion; and,
- articles 13 and 15 of the *International Covenant on Economic, Social and Cultural Rights* and article 28 of the *Convention on the Rights of the Child*, which recognise children's right to education.

In addition to this catalogue of clear violations there are questions whether other human rights obligations have been breached, especially in relation to

- article 6 of the *International Covenant on Civil and Political Rights*, article 37 of the *Convention on the Rights of the Child* and the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, which prohibit torture and all cruel, inhuman and degrading treatment and punishment; and
- article 2 of the *International Covenant on Civil and Political Rights* and article 2 of the *International Covenant on Economic, Social and Cultural Rights*, which prohibit all discrimination on the basis of religion and race in the enjoyment of human rights and the *Convention on the Elimination of All Forms of Racial Discrimination*.

These violations of human rights are serious. There is not a trivial matter among them. They are the first and foremost element in the mess Australian governments have produced.

Second, the situation in the camps in Australia, euphemistically called Immigration Reception and Processing Centres, is appalling. Between 1995 and 2000 I visited each camp at least once a year. In some cases conditions were worse than I had found in any Australian prison. And I understand that they have deteriorated badly since then. The disturbances and the riots are expected and entirely predictable. There is a long and continuing history of self harm in the camps and hunger strikes have become commonplace. The detainees are frustrated, alienated and fearful. They are exposed to routine violence and severe mental health episodes. The camps are particularly awful for children. The disturbances in the camps over the last year have been provoked, consciously or unconsciously I don't know, by deliberate policy

*Dialogue 21, 1/2002*

and administrative decisions, like the suspension of processing of protection applications from Afghani detainees last November. The pattern of the past decade indicates that disturbances will continue and worsen and that lives, both of detainees and of the centre officers, will be at risk. Current policies ensure that the government and its contractors are powerless to prevent it.

Third, what the Government calls the Pacific Solution<sup>1</sup> is no solution at all. On the contrary it involves Australia in what the government is loudest in condemning, people trafficking. It involves the apprehension and forcible transfer of people across national boundaries for profit. Desperate people are being dumped in desperately poor island states. These states are paid large bribes to accept people Australia does not want. The people dumped in this way have no guarantee of protection. Indeed one of the states involved, Nauru, is not even a party to the Refugee Convention and so has no obligation under that Convention not to return them to their country of persecution.

The so-called Pacific Solution is also troubling because it runs the risk of distorting the Australian Official Development Assistance program away from its developmental priorities.<sup>2</sup> It encourages the use of aid as an incentive to poor states to take Australia's problem off our hands and as a penalty against those that do not.

Fourth, the policies and practices are costing Australian taxpayers a fortune. The total cost of the so-called Pacific Solution has been estimated to be greater than \$500 million. On-shore detention adds hundreds of millions of dollars more to the bill. The government has spent six years slashing public expenditure and as a result essential public services. But no price is too high to pursue these policies against refugees and asylum seekers.

Fifth, the role of the Australian Defence Forces, especially the Royal Australian Navy, has been politicised and corrupted. The ADF has been diverted from its proper role of the defence of the nation, protecting Australian from armed attack. Instead Navy ships are sent out to intercept decrepit vessels carrying unarmed civilians seeking to exercise their rights under international and domestic law to apply for asylum. In the course of this unpleasant and unwanted duty, Navy vessels have been involved in terrible incidents and defence personnel dragged into public political controversy, as we have seen this week. I cannot recall a time when the ADF has been used so shamelessly for naked political advantage.

Finally, our international reputation is mud. Over the past six months I have seen article after article in international media, in North America, Asia and Europe, justly criticising Australia, portraying us as racist, hard hearted violators of international law and morality. Our friends are confused, wondering what has happened to a country that once was at the forefront of every international effort to promote human rights. Our opponents gloat that we are now in no position to criticise their human rights performance when ours is so bad, that our past criticisms have been shown to be motivated by self interest rather than a genuine commitment to human rights and that their suspicions that we had not altered our racist attitudes and ways have been confirmed. We have done ourselves and the international human rights cause a grave disservice.

These are but six of the elements of the mess we are in. Certainly they are six serious ones but there are others too, such as the deep divisions carved into the Australian community and the ill-feeling generated towards Australian citizens and permanent residents of Muslim or West Asian background. The simple fact is that we have a lot of work to do to retrieve the situation. Is it too late? Where do we start?



There are three starting points. We must establish a mechanism to find the truth about three recent incidents that are of particular concern. We must develop and agree on basic principles to underpin good refugee policy. And we must introduce alternatives to the present system of indefinite mandatory detention of virtually all asylum seekers. These three areas for urgent action require some detailed discussion.

### Addressing three current issues

Three current issues require urgent and thorough attention as the first step. We have to clear up what has happened in recent months as well as move forward. The three incidents are

- the claims that in October 2001 asylum seekers threw their children overboard
- the circumstances in which two women asylum seekers died in November 2001 in a boat off Ashmore Reef near Australian Navy and Customs vessels
- the claims that in January 2002 asylum seeker parents at Woomera detention centre sewed their children's lips together as part of a hunger strike and protest activity.

The bare facts surrounding the claims that asylum seekers threw their children overboard are now well known. We know the allegations made by the Prime Minister, the Immigration Minister and the Defence Minister between 7 October and 10 November 2001. We now know that these allegations were false. We do not know who knew or suspected that the allegations were false, when each person acquired that knowledge or suspicion, who each person told of his or her knowledge or



suspicion and what was done about it. The Prime Minister says that he did not know or suspect during the critical period. Certainly senior people in his department and his office knew and suspected. We do not know whether the Prime Minister is lying. We do know that this incident was about truth overboard, not children overboard.

The two internal reports released in February by the Government present the best picture possible for the Government. They are the best face it can put on the situation. Yet these reports themselves permit only three options. Either the Prime Minister was lying when he said he did not know or he was telling the truth. If he did not know either he was wilfully ignorant or he was not informed by his most senior ministers, officers and advisers. There are no other possibilities. Clearly Australians are entitled to know which of these possibilities is true. But whichever is true the implications are serious for human rights and government accountability.

The allegations vilified, defamed, innocent people in a most serious and debasing way. These were people who were subsequently forcibly transferred to Papua New Guinea, kept away from media, lawyers, anyone who could check the accuracy of the outrageous lies told against them. The allegations were attacks on the honour and reputation of the asylum seekers, in violation of article 17 of the *International*

*Covenant on Civil and Political Rights*. They may have had the purpose or effect of lessening their chances of receiving protection as refugees, in violation of the *Refugee Convention* and of article 14 of the *Universal Declaration of Human Rights*.

The allegations were made and repeatedly made during an election campaign in which the protection of the borders and the treatment of asylum seekers were critical issues. They were seen to advantage one political party and disadvantage another. They may have distorted the results of the election, in violation of article 25 of the *International Covenant on Civil and Political Rights*. They certainly resulted in the electorate being misled.

Regardless of whether the Prime Minister personally knew, the situation also raises important issues about accountability and transparency in government. Under the Westminster system of ministerial responsibility, ministers are responsible for the acts and omissions of their officers and advisers, even to resigning if their failings are of a high degree of seriousness. These basic principles of our constitutional system are at stake in this affair.

The additional photographs of the sinking boat and rescue released this week point to the professionalism of the Navy in rescuing the occupants of the boat without loss of life. But was any earlier attempt made to evacuate people from an obviously overcrowded boat? All that is known to date is that the Navy ship fired warning shots on several occasions in front of the boatload of people who must already have been terrified and traumatised. Reports suggest the boat was boarded but for what purpose? - to send it back out to sea as other boats have been sent back to sea? The Prime Minister himself has said that such an approach would be inhumane.<sup>3</sup>

The second incident of concern has received far less publicity than the first and the third. It concerns the deaths of two women asylum seekers near Ashmore Reef in November 2001. The Prime Minister announced the women's deaths on the John Laws radio program on November 9. This was the day after the release of the video of the incident at the centre of the child throwing allegations and the day before the election. Suspicions about the validity of the claims of child throwing were growing. The Prime Minister quoted from a Navy log to demonstrate, as I recall his words, that he sought to hide nothing. He said the women had died in a fire deliberately lit by the asylum seekers. He appeared to be using the women's deaths to bolster the credibility of the earlier claims and to damn asylum seekers further for their violent and extreme behaviour. Later comments from the Immigration Minister cast doubt on the actual cause of death, which may have been drowning. There were two Australian Navy ships and a Customs ship nearby at the time.

The Human Rights Council of Australia has been vigorously pursuing a full public inquiry into these deaths. It has approached the State Coroner of Western Australia and written to federal and state officials. It sought the release of the full Navy log from which the Prime Minister had read only a part on air. It also sought from the Prime Minister, the Immigration Department, the Customs Service, the Navy and the ADF further information about what happened, where and when to cause the deaths. The Prime Minister has still not replied nor provided any further information about the circumstances of the deaths he was so quick to bring to public attention the day before the election. Others to whom the Council wrote referred the Council back to the Coroner pending a decision on whether an inquest would be held.

The lack of attention to or interest in these deaths seems to reflect the dehumanising treatment of refugees. These women are entitled to have their deaths properly

investigated. The cause and circumstances of their deaths must be established. Both women were accompanied by family members, a husband and sons, who have a right under Australian law to be represented in any inquest. The Government must take the necessary steps to enable them to be represented properly without fear for their asylum applications. They should be granted residency on humanitarian and compassionate grounds.

This incident and the first one I have discussed lead me to conclude that the procedures of Australian Navy and Customs vessels in relation to boats carrying asylum seekers must be reviewed and, where deficiencies are identified, improved to prevent future fatalities. The Head of Army, General Peter Cosgrove, has been reported as saying, 'We don't always get it right'.<sup>4</sup> The State Coroner of Western Australia has received a report of an investigation into the deaths conducted by the Australian Federal Police. He is now considering whether to conduct an inquest. The Human Rights Council considers a full public inquiry into the deaths essential.

The claims that asylum seeker parents at Woomera detention centre sewed their children's lips together raise similar issues again. Here again the most senior ministers made allegations of extreme misconduct by asylum seekers in the lead up to an election, in this case the South Australian state election. Yet independent statutory investigators, the Human Rights and Equal Opportunity Commission and the South Australian welfare department, found no evidence whatsoever to substantiate the claims.

These incidents raise serious concern that human rights have been violated, that the well-being of desperate people was put at risk and their vulnerability exploited for political advantage. Anyone who has done this, whether a minister or other political leader or a public servant, should resign. Unfortunately our system of government seems unable to prevent the exploitation of xenophobia for partisan advantage. The conduct of senior ministers in relation to these incidents seems to breach article 6 of the Federal Parliamentarians' Code of Race Ethics which provides a commitment '[t]o speak and write in a manner which provides factual commentary on a foundation of truth about all issues being debated in the community and the parliament'. Unfortunately the Prime Minister and his cabinet have not signed the Code.

The issue here is one of accountability for human rights violations. Australian political culture seems to be as committed to impunity for human rights violators as the political culture of states with the worst human rights records. Those responsible for these incidents must be identified, held accountable and required at the very least to resign.

In fact a full, credible, independent, public inquiry into all three incidents is required. Proposals for an inquiry by a parliamentary committee are commendable but already the Prime Minister has been reported denouncing the committee as a political sham. Unfortunately a parliamentary committee will not succeed in producing a report generally accepted as independent and non-partisan. An inquiry should be established comparable to a judicial inquiry or Royal Commission, though with clear terms of reference and a schedule that enables it to conduct a short, well focused investigation. It should examine the issues I've mentioned. It should have power to require the attendance of all relevant witnesses and the production of all relevant documents. There should be a bipartisan commitment from the Government and the Opposition to accept the recommendations of the inquiry, including any recommendations relating to findings of responsibility on the part of ministers and officials. Indeed an important complementary role for a Senate Committee could be

the examination of ways to improve ministerial accountability and to eliminate impunity in cases of human rights violation.

In the meantime the asylum seekers who were the victims of these incidents are entitled to more sympathetic treatment in recognition of what has happened. They should be brought to Australia from the Pacific camps and granted permanent residence. Without this they will find it difficult to assist the inquiry as the inquiry will require. They have suffered enough from events in which they were defamed, vilified and held up to contempt. Many have experienced the deaths of close family members. They are entitled to an apology and to a speedy grant of residency.

### **Twelve principles for good refugee policy**

Australian refugee policy suffers a lack of principle in its basis and formulation. Present policy is reactive, piecemeal and ad hoc without any clear foundation in law or ethics, grounded in public fear and government manipulation. Before attempting to devise a new, better approach to the treatment of asylum seekers we need to articulate clear principles based on human rights and the best Australian values of decency, compassion, hospitality and fairness. We need to provide a sound moral basis for whatever laws, policies and processes we adopt. There are twelve fundamental principles that I suggest should found our policies in this area, twelve principles on which, in my view, all fair minded Australians should be able to reach agreement.

- Australia is entitled to protect its borders and its territorial integrity in ways that are consistent with its domestic and international legal obligations, including its human rights obligations. It is entitled to regulate or prevent the entry of aliens into Australia provided that it does not violate its domestic and international legal obligations in doing so.
- Australia will accord to refugees and asylum seekers all their rights and entitlements under relevant international law, including under the *Refugee Convention*, the *International Covenant on Civil and Political Rights*, the *Convention on the Rights of the Child* and the *Torture Convention*.
- No refugee or asylum seeker will be subjected to punishment, mistreatment or other human rights violation to deter others from seeking asylum in Australia.
- Refugees and asylum seekers who are intercepted on their way to Australia will be treated with respect for their dignity and not be subjected to physical violence or threats of physical violence.
- Refugees and asylum seekers who are intercepted on their way to Australia will not be diverted forcibly to a third country but brought to Australia to have their claims processed in accordance with international law. Under no circumstances will a refugee or asylum seeker be diverted forcibly to a country that is not a party to the Refugee Convention or to the major human rights treaties.
- Conditions will not be attached to Australian aid funds to require or encourage countries to intercept refugees and asylum seekers on the way to Australia or to accept refugees and asylum seekers from Australia for detention or processing. Australian aid funds will not be diverted from development projects to underpin the detention and processing of refugees and asylum seekers in other countries.
- Refugees and asylum seekers will not be detained arbitrarily. In particular, there will be no indefinite mandatory detention of refugees or asylum seekers. No refugee or asylum seeker should be detained beyond an initial processing period unless individually assessed, subject to judicial review, as requiring to be

detained on grounds of public health, public safety or public security.

- No refugee or asylum seeker child will be detained except as a last resort and then for the shortest possible period of time. The parents and siblings of a child, or in their absence other family members who may be with the child, will ordinarily be released with the child to provide for the child's care and wellbeing, unless their release would raise significant risks in relation to public health, public safety or public security.
- In all decisions affecting a child the best interests of the individual child shall be a paramount consideration. Children are entitled to have their views heard and taken into account, according to their ages and maturity, in all decisions affecting them.
- Any refugee or asylum seeker in detention is entitled to be treated humanely with respect for his or her human dignity. The standards applicable in detention will be at least no less than those to which convicted prisoners are entitled.
- Asylum seekers who are accepted as refugees within the Refugees Convention are entitled to family reunion. Family reunion entitlements will extend at least to spouses and children and to parents and siblings who are dependent on the refugee. In the case of a refugee child, family reunion will extend without qualification to the child's parents or, if the child has no parent, then to adult family members or others who might have responsibility for the care of the child.
- Asylum seekers accepted as refugees will be accepted for permanent re-settlement. They will be entitled to all the benefits to which permanent residents are entitled.

The present system of indefinite mandatory detention in inhumane conditions of virtually all asylum seekers who reach the Australian mainland and of forced international transfer and off-shore detention of those who attempt to do so breaches these twelve basic principles. The principles enable us to develop an alternative approach, a better policy for refugees and asylum seekers.

#### **An alternative to the present system**

Developing a better approach is not an impossible or even a difficult task. Indeed every western country except Australia has managed to do it. The Prime Minister says he is unhappy with having to detain children, women and men seeking asylum, most of whom are refugees, and he says he does so only because he has to. The fact, however, is that he does not have to, that these detentions are the result of the deliberate policies of successive governments that have ignored or dismissed the many workable alternatives proposed over the years.

As early as 1994 a number of refugee and human rights non-government organisations and the Human Rights and Equal Opportunity Commission endorsed a *Charter of Minimum Requirements for Legislation Relating to the Detention of Asylum Seekers*.<sup>5</sup> The *Charter* provided general principles and an outline of a system to implement those principles.

In September 1996 a Detention Reform Co-ordinating Committee established following the endorsement of this Charter submitted a draft alternative detention model to the Minister for Immigration and Multicultural Affairs. Under this model restrictions of the current type on the liberty of Protection Visa applicants are kept to a minimum, usually less than 90 days. After the initial period in closed detention most applicants would move to a more liberal regime appropriate to the individual's circumstances. Regular review of each applicant's detention status is recommended

so as to improve the ability to match the restrictions imposed on an applicant's liberty to his or her circumstances.<sup>6</sup>

In 1998 the Human Rights and Equal Opportunity Commission developed that model further in a detailed proposal in its report *Those who've come across the seas: detention of unauthorised arrivals*.<sup>7</sup> That model remains a viable, effective alternative that is fully consistent with the principles for good policy I have enunciated today.

The events of 2001 led to more work on alternative models. In June 2001 the Conference of Leaders of Religious Institutes (NSW) released a *Policy proposal for adjustments to Australia's asylum seeking process*. Later in 2001 another non-government organisation, Justice for Asylum Seekers, extended this work in proposing the *Transitional Processing and Reception Model*.

All these models are similar. All are consistent with the twelve principles I have proposed. They constitute an acceptable and appropriate framework for a better approach to refugees and asylum seekers. The framework is clear.

First, a period of **initial mandatory detention**, consistent with government and opposition policy, is acceptable. International law and practice recognises that detention is permissible if required by reason of public health, public safety, public security and identification.<sup>8</sup> What is not acceptable is extending mandatory detention indefinitely, denying individual assessment of the need to detain and prohibiting judicial review of detention beyond the initial period.

Significantly all those participating in the public debate about detention of asylum seekers support speedy determination of status. The present policy of indefinite detention provides no incentive whatsoever to departmental authorities to complete the process within a reasonable period of time. As a result initial processing can extend for many months, sometimes even more than a year. Limiting the period of mandatory detention will provide a powerful and effective incentive to ensure the prompt determination of applications. If departmental officials do not do their job within a reasonable period of acceptable mandatory detention, then the asylum seeker should be entitled to be considered for release, subject to whatever conditions may be determined to be necessary and prudent.

The Human Rights and Equal Opportunity Commission recommended an initial period of detention of thirty days, with two possible extensions of thirty days, making a total period of possible detention of ninety days. These proposals remain acceptable and appropriate.

Second, before the end of the initial period of thirty days each asylum seeker should receive **individual assessment** for release. Not every asylum seeker will be released. There will be some whose continued detention is justified and reasonable and acceptable under international law. The Human Rights and Equal Opportunity Commission identified those

- whose identity cannot be verified
- whose application for a Protection Visa has not been lodged for processing
- who are considered on reasonable grounds to pose a threat to national security or public order or public health or safety
- who are assessed as very likely to abscond or
- who refuse to undertake or fail the health screening.

The critical element is that these assessments are made on an individual, person by person basis and not be general judgements applied to an entire group of asylum seekers or to all asylum seekers.

The Commission also listed those who should be given priority for release:

- children under 18 years of age and close relatives of a child detainee under 18 years of age
- unaccompanied minors
- those older than 75 years of age
- single women
- those requiring specialist medical attention that cannot be provided in detention
- those requiring specialist medical attention due to previous experience of torture or trauma and which cannot be provided appropriately in detention.

The Human Rights and Equal Opportunity Commission proposed that the initial decision on release should be made by departmental officers subject to tribunal and judicial review. Those who are not released before the end of 90 days are entitled to a statement of reasons for and judicial review of the decision to continue their detention. The model proposed by Justice for Asylum Seekers takes a different approach. It provides for release or continued detention to be determined by an assessment panel with both departmental and outside members.

Third, those who have not been properly denied release on one of the grounds set out above should be **released** on an appropriate bridging visa subject where necessary to restrictions on movement. The bridging visa may provide certain restrictions on the freedom of movement of the asylum seeker. The Human Rights and Equal Opportunity Commission proposed two types of bridging visa, an open detention bridging visa and a community release bridging visa.

With an open detention bridging visa

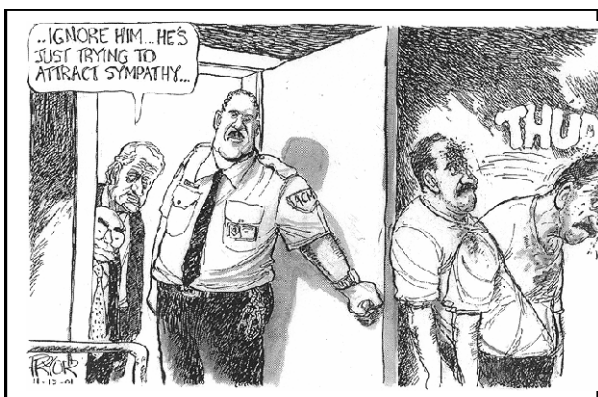
- accommodation and daily requirements are provided by the Department
- the visa holder can leave the centre between the hours (for example) 7.00 am and 7.00 pm
- the visa holder must sign out and in to the hostel when departing and returning
- eligibility for permission to work is available on the terms contained in the current Bridging Visa E
- a visa holder who obtains employment must pay a fee for accommodation and board
- a visa holder is eligible for Asylum Seekers' Assistance on the terms currently available to other asylum seekers and, if granted, a fee for accommodation is deducted prior to payment to the visa holder.

With a community release bridging visa

- the visa holder resides at an approved designated address
- the visa holder must notify the Department of any change of address within 48 hours
- the visa holder must report to the Department at regular intervals specified by the case officer
- the visa holder or the nominated close family may be required to pay a bond to the Department or sign a recognisance with the Department
- if called upon to do so, the visa holder shall present to the case officer within 24 hours

- the visa holder is required to sign an undertaking in writing that he or she shall comply with the conditions of the visa and, in the event that a condition of the visa is breached, may be returned to detention
- eligibility for permission to work is available on the terms contained in the current Bridging Visa E
- eligibility for Asylum Seekers' Assistance is on the terms currently available to other asylum seekers.

The Australian criminal justice system already provides a range of release options with varying degrees of supervision for those on bail or parole or probation. The options include reporting to police or other officials, living and remaining in a specified place or district, home detention and electronic monitoring. These same, well tried options could be made available for asylum seekers released from detention. The conditions on the visas proposed by the Human Rights and Equal Opportunity



Commission seem unnecessarily restrictive, making the options attached to the visas very narrow. A better approach involves complete flexibility in determining the appropriate conditions to be attached to a visa. No person should be subjected to more restriction of freedom than is necessary.<sup>9</sup> Each person should be individually assessed and, where some restriction is considered necessary, for example, for one of the reasons

relevant to a decision to continue detention, then it should be the least appropriate restriction necessary for the individual asylum seeker.

Fourth, any asylum seeker who breaches the conditions set for his or her release without good reason may be **returned to detention** and should not be eligible to re-apply for release for a period of 30 days from the time of return to detention. Further if circumstances change so that an asylum seeker who was released comes within one of the five categories of person who may be detained, the person may be returned to detention. Where an asylum seeker is returned to detention, his or her detention must be reviewed before the completion of a 30 day period. In considering release the departmental officer may consider each of the criteria applicable in relation to an initial decision to detain.

Finally, any asylum seeker detained beyond the initial period of 30 days may seek **review** of the decision to continue detention. A departmental officer may review at any time and must do so at least every 30 days. An asylum seeker may also seek independent external review of the necessity of continued detention beyond the 30 day initial period and of the necessity and appropriateness of any restrictions imposed as conditions for release. Where the review is undertaken by a tribunal, the Federal Court should be able to review the decision of the tribunal on a point of law.

This basic model is a workable alternative to the present system that meets all the principles I have enunciated. It respects the human rights of asylum seekers. It offers



appropriate protection to the Australian community. It is also, coincidentally, far less expensive than the present system, a far lesser drain on taxpayers' resources. There is no agreed method for calculating cost but on any basis the cost is great and growing. The Human Rights and Equal Opportunity Commission reported various estimates of the costs of the detention system during the 1990s:

- in 1994, according to a parliamentary committee report, \$55.64 per person per day at Port Hedland, \$58.49 at Villawood and about \$200 at other centres
- in September 1997, according to a ministerial statement to Parliament, \$161.77 per person per day at Port Hedland and \$111.11 at other centres
- in 1998, according to the Australian National Audit Office, \$69 per person per day in 1994-95, increasing by more than 50 per cent in the following year to \$105 per person per day.<sup>10</sup>

The Conference of Leaders of Religious Institutes (NSW) provided a telling comparison of the costs per person per day of detention and of supervised release in the community, as calculated by a NSW parliamentary committee in June 2000:

Prison	maximum security	\$177.43
	medium security	\$161.35
	minimum security	\$121.09
Community release	parole	\$5.39
	probation	\$3.94
	home detention	\$58.83
	hostel	\$95.89. <sup>11</sup>

No immigration detention centre is comparable to a minimum security prison. The cost per person per day would be similar to that in a medium or maximum security prison. The cost of an alternative release option would be more than the costs shown here for the criminal justice system because most convicted persons released under this scheme have their own homes to return to. Asylum seekers would not and so housing costs would be in addition to those shown. Nonetheless, there remains a very significant difference. Community options are far less expensive.

These estimates were calculated before the so-called Pacific Solution was devised and implemented. The cost of this approach is unknown but it has been estimated at \$500 million this year, far more than the disclosed cost of the on-shore system. The alternative model offers real savings to taxpayers as a bonus on top of the more ethical, more humane dimensions.

The alternative approach I have described here is similar to the approaches taken successfully in most other western countries.<sup>12</sup> In Sweden, for example, where this kind of approach has been taken for many years, the average stay in a detention centre is a mere 47 days.<sup>13</sup> One argument against a release scheme is that it will not deter other asylum seekers. But detention solely as a means to deter others is unacceptable and a violation of the *Refugee Convention* and of human rights law. And in any event there is no evidence that the various deterrent steps taken by Australian governments over the last decade have worked. Another argument is that released asylum seekers will abscond. Careful assessment before release and appropriate reporting requirements after release will minimise the risk of absconding. Experience in the United States, where release of asylum seekers is routine pending determination of status, is that few abscond. Indeed in one pilot monitoring scheme 95 per cent met every reporting requirement.<sup>14</sup>

## Conclusion

The time has come to say enough is enough. Present policies cause gross violations of human rights. They shame us. They are undermining the moral authority of our national leaders and the ethical basis of our commonwealth. We're in a mess. All this and all so unnecessary. The time has come for fundamental change, turning away from the mess we are in and embracing values that all Australians say they hold dear: decency, compassion, hospitality and fairness.

This will require

- accounting for the recent past, learning the truth of who knew what when in relation to the false claims that asylum seekers threw their children overboard, of who knew what when in relation to the false claims that asylum seekers sewed their children's lips together and of what happened when two women asylum seekers died at sea close by Australian Navy and Customs vessels - I have proposed a full, credible, independent, public inquiry as the only satisfactory means of doing this
- articulating and adopting a set of basic principles to found a fair, just and secure approach to asylum seekers - I have proposed twelve principles for good refugee policy as a basis for further discussion and development
- abandoning the current system in favour of one that complies with all our fundamental principles as Australians and as human beings - I have described how an alternative approach would work protecting the interests of Australia and Australians and the human rights of asylum seekers.

Contrary to what is said by many of our national political leaders and many media commentators change towards fairness and decency in refugee policy is possible. It is necessary if we are to restore our integrity in our own eyes and in the eyes of the world.

Enough is enough.

*Chris Sidoti is National Spokesperson for the Human Rights Council of Australia. This is a slightly edited version of an address delivered to the Racial Respect Inc. Seminar held in Canberra on 21 February 2002. The Human Rights Council may be accessed at [www.hrca.org.au](http://www.hrca.org.au).*

---

<sup>1</sup> Discussed elsewhere in this issue of *Dialogue*.

<sup>2</sup> Oxfam Community Aid Abroad (2002). *Adrift in the Pacific: The Implications of Australia's Pacific Refugee Solution*, February.

<sup>3</sup> *The Sydney Morning Herald* 8 December 2001.

<sup>4</sup> *The Australian* 19 February 2002.

<sup>5</sup> The Charter was endorsed by the Australian Council of Churches, Australian Council of Social Service, Australian Red Cross, Federation of Ethnic Communities Councils of Australia, Human Rights and Equal Opportunity Commission, Immigration Advice and Rights Centre (NSW & Victoria), International Commission of Jurists, International Social Service, Legal Aid Commission of NSW, Migration Institute of Australia, National Legal Aid, Refugee Advice and Casework Service (NSW & Victoria), Refugee Council of

Australia, Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (NSW), South Brisbane Immigration and Community Legal Service, St Vincent de Paul Society and Uniya.

<sup>6</sup> Human Rights and Equal Opportunity Commission (1998). *Those Who've Come Across the Seas: Detention of Unauthorised Arrivals*. Sydney: 250.

<sup>7</sup> *Ibid.* 247-256.

<sup>8</sup> United Nations High Commissioner for Refugees Executive Committee Conclusion 44.

<sup>9</sup> *Refugee Convention* article 31.2.

<sup>10</sup> *Op cit.* 249.

<sup>11</sup> Conference of Leaders of Religious Institutes (NSW) (2001). *Policy Proposal for Adjustments to Australia's Asylum Seeking Process* 13 June: para 3.8.1.

<sup>12</sup> See Nicholas, AW (2001). 'Protecting refugees: alternatives to a policy of mandatory detention', unpublished.

<sup>13</sup> Mitchell, Grant (2001). 'Asylum seekers in Sweden', unpublished. August.

<sup>14</sup> Nicholas *op cit.* 4.

---

All cartoons used in this issue are by **Geoff Pryor** and first appeared in *The Canberra Times*. They are reproduced with permission of the artist.

**Further websites readers may find useful or interesting:**

Rural Australians for Refugees (a movement that began in early November 2001 in Bowral and has snowballed around the country, with branches formed from Bega to Port Hedland, Castlemaine to Lismore, Wagga to Wangaratta)

<http://www.ruralaustraliansforrefugees.org>

Edmund Rice Centre for Justice and Community Education (lists myths about refugees, and provides information to rebut them)

[www.erc.org.au](http://www.erc.org.au)

On refugees in the Asia Pacific region: ABC

<http://goasiapacific.com/specials/journeys/default.htm>

## **Academy News**

### **Workshop for Indigenous research students in the Social Sciences**



Participants from around Australia attended the first residential summer workshop for Indigenous postgraduate research students in the social sciences, held at the University of Melbourne 4-8 February 2002.

The workshop was hosted by ASSA through the office of Academy Fellow, Professor Marcia Langton, Head of Australian Indigenous Studies at the University of Melbourne. Professor Langton and President of ASSA, Professor Leon Mann, co-directed the workshop with a faculty, which included senior Indigenous scholars Professor Martin Nakata (University of South Australia) and Professor Larissa Behrendt (University of Technology Sydney).

Professors Mann, Langton and Stuart Macintyre conceived the idea of the workshop early in 2001 as an ASSA initiative. The concept was developed further at the annual Indigenous Researchers Forum held in Melbourne in September 2001.

The five-day workshop, held at Ormond College 4-8 February, was attended by 14 Indigenous higher degree students and seven of their supervisors in the social sciences and allied areas. The students, whose disciplinary areas included anthropology, social psychology, education, law, political science, economics, public health and cultural studies, were selected from 11 different universities across Australia. As expected, most of the students were working on research theses pertaining to Indigenous culture, community, identity, history and well-being. Their research topics included:

- Reduction in family violence,
- Indigenous intelligentsia,
- Indigenous business and ethics,
- Cultural resistance in remote outstations,
- Successful participation of Indigenous youth in post-compulsory education and training,
- The South African Truth and Reconciliation Commission,
- Indigenous law and sovereignty,
- Diabetes epidemiology in Indigenous youth,
- Promotion of Indigenous mental health,
- Aboriginal health empowerment,
- Indigenous identity and spirituality,
- Representation of 'whiteness' in culture/racial identity,
- Representation and production of knowledge in the West Kimberley region,
- and
- The anthropological collections of Baldwin Spencer and Francis Gillen.

The program was designed to aid students in developing the research knowledge and practical skills needed to help them successfully complete their degrees and plan their careers. Areas covered included issues in research design and methodology, strategies and ethics in the conduct of research on Indigenous topics and Indigenous communities. Among other subjects were student-supervisor relationships; the practicalities of finishing a PhD; strategies for writing and for publishing and securing

research grants; making best use of available services and resources; and career planning and development.

In evaluating the workshop, students commented: 'This workshop has been a progressive move towards giving confidence to Indigenous scholars, sharing ideas...and freely discussing our research projects with our peers and colleagues'; 'I feel that I am being assisted and encouraged to be and stay within the academy. It is comforting, welcoming and positively supportive'; 'It has helped me focus, get myself together and get on with it'; 'The program is a great idea, with potential to develop further - much further'; 'Absolutely brilliant'.



An innovative feature of the workshop was the involvement of the students' supervisors, to build a greater understanding of the vital importance of the student-supervisor relationship for successful completion of a research higher degree. Here are the comments of several supervisors: 'The workshop has helped me critically evaluate the supervisor role and has provided me with informal feedback on my performance'; 'A privilege to learn from senior Indigenous intellectuals regarding present and future issues and goals' and 'An innovative 'first' providing leadership and mentoring to both Indigenous scholars and their supervisors in a culturally safe and challenging way'.

In reflecting on the workshop, Professor Langton stated that the most important outcome was for students to develop a 'realistic sense of the expectations they should hold of their postgraduate endeavours and a range of skills for completing their degrees'. Professor Nakata noted 'There are mutual benefits... of students gaining mentoring and support from their own community... and Indigenous academics not forgetting how challenging this level of education continues to be for Indigenous Australians'. Professor Mann observed that the completion rate for PhD students in the social sciences is approximately 60-70 per cent and estimated it would be much lower among Indigenous students because of competing pressures on their time, as well as problems of distance, isolation, difficulties in accessing resources and

quality supervision, He commented: 'If each year for the next five years we (ASSA) can get 14 PhD students into a challenging, intensive five day workshop the difference it will make to the next generation of Indigenous scholars and research leaders will be fantastic'.

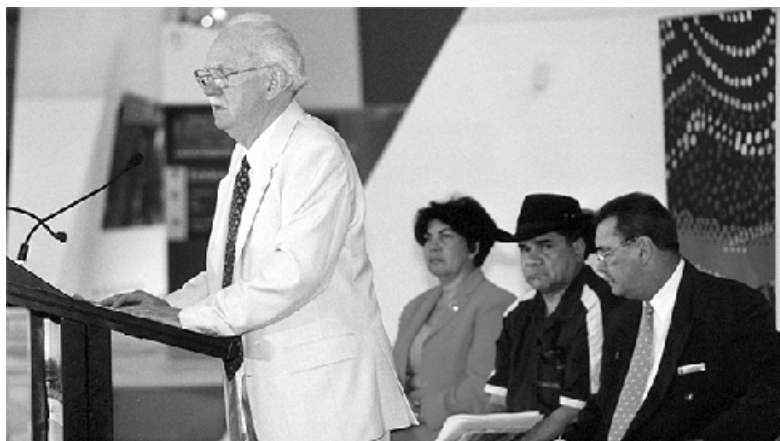
Six Academy Fellows gave generously of their time to lead sessions in their fields of expertise. In addition to Professors Langton and Mann, Professor Nancy Williams and Professor Bob Tonkinson attended the entire workshop, while Professors Fay Gale and Lenore Manderson made important contributions. Academy Fellow Professor Bob Officer, a member of the Colonial Foundation Philanthropy Committee, which supported the workshop with a \$26,000 grant, was guest speaker at the Course dinner. He spoke warmly of the partnership between the Academy and the Colonial Foundation to establish such an important initiative.

Following the success of the workshop, an approach has been made to Dr Brendan Nelson, Minister for Education, Science and Training, to secure Government funding to ensure the workshop continues as an annual event boosted by a mentoring program to help guide workshop alumni to successful completion of their degrees.

■ Fellow of the Academy, and Governor of the Reserve Bank, *Ian MacFarlane*, will give the Inaugural *Sir Leslie Melville Lecture* at the Australian National University on 22 March. Sir Leslie, Vice Chancellor of that University 1953-1960, led Australia's delegation to the Bretton Woods Conference in 1944, among his many distinguished roles. He turned 100 on 26 March 2002.

## **Research Projects**

### **'Joborr' Custom Law: People of the Rivermouth**



*Les Hiatt (author), Dawn Casey (Museum Director), Michael Dodson (AIATSIS Chairperson), Russell Taylor (AIATSIS Principal) at the launch.*

On 28 February 2002, Sue Richardson (Chair of the Academy's Research Committee), John Beaton (Executive Director), and members of the ASSA Secretariat attended the launch of the book - *People of the Rivermouth: The Joborr Texts of Frank Gurrmanamana* - at the National Museum of Australia. The book and accompanying

CD were officially launched by Dawn Casey, Director of the Museum, Les Hiatt, FASSA and other key speakers connected to the project with a live video hook-up to Frank Gurrmanamana at Maningrida.

The book and CD together has enabled Gurrmanamana's scenarios to be placed within a rich context of visual, audio and other information, drawn from forty years of scholarship undertaken in a range of disciplines with Gurrmanamana and his family.

*People of the Rivermouth* has involved a new generation of Anbarra in research. In particular Betty Ngurrabangurraba, one of Gurrmanamana's daughters, has been a major participant. A strength of this project has been its capacity to draw on collaborative relationships between a number of organisations. These have included the ARC, the National Museum of Australia, the Australian National University and the Australian Institute of Aboriginal and Torres Strait Islander Studies. In Arnhem Land at Maningrida, the Bawinanga Aboriginal Corporation has contributed greatly to the project.

*People of the Rivermouth* is co-published by the National Museum of Australia and the Australian Institute of Aboriginal and Torres Strait Islander Studies. The Academy is delighted that this project is now successfully completed and the research is available in the public domain.

The book and CD will be reviewed in the next issue of *Dialogue*.

### **The Sustainability of Australian Rural Communities**

The second project workshop was convened in Canberra from 16-18 December to:

- Present, review and analyse the six community case studies.
- Confirm plans for publications arising from the project.
- Consider future research opportunities based on the research and the network of research groups.

During the workshop, a meeting was held with representatives of the Bureau of Rural Sciences who were interested in the policy relevance of the project. Case studies from the project will be published by mid-year with the final manuscript for the proposed book completed by October 2002.

### **Rethinking Wellbeing**

The research project team has now been established and the first workshop for the project will take place in Melbourne on 26 April. Participants will be: Lenore Manderson, Gavin Jones, and Peter Saunders (all Fellows of the Academy); Professors Carol Ryff, University of Wisconsin, Burton Singer, Princeton University, Robert Cummins, Deakin University and Ian Gough, University of Bath; and Drs Michael Bittman, SPRC, University of NSW, Pascale Allotey, University of Melbourne, Daniel Reidpath, Deakin University. Professors Sue Richardson and Peter McDonald will be attending as members of the Academy's project committee.

\*\*\*\*\*

## FELLOWSHIP ANNIVERSARIES

***On the decadal occasion of their election to Fellowship in The Academy of the Social Sciences in Australia the Academy is proud to acknowledge the following Fellows.***

**- 50 Years -**

Zelman Cowen

Peter Karmel

**- 40 Years -**

Rufus Davis

**- 30 Years -**

Leonard Broom

Sydney Lovibond

Jack Caldwell

John Nevile

Enid Campbell

Hugh Stretton

**- 20 Years -**

Michael Clyne

Stuart Harris

Peter Dixon

John Head

Peter Groenewegen

Kevin Marjoribanks

**- 10 Years -**

James Fox

Peter Muhlhausler

Donald Greig

John Piggot

Patricia Grimshaw

Millicent Poole

Knud Haakonssen

Margot Prior

John Longworth

Peter Rimmer

Ian McAllister

William Rubenstein

Iain McCalman

**And congratulations to Professor John Passmore and Sir Leslie Melville (59 years).**

**The latter turned 100 on 26 March 2002.**



## Workshop Program

The Program for 2002/2003 includes the following workshops:

- *Indigenous Peoples and Religious Change: Reassessing mission christianity in an international historical perspective*, convened by Professor Norman Etherington (University of Western Australia), was held in Perth in February.
- *Rural Communities: Is the social fabric of rural communities intact or in tatters?* convened by Professor Graeme Hugo and chaired by Professor Lois Bryson. This workshop was presented at OUTLOOK 2002, Canberra in March.
- *Working for the Common Good*, convened by Dr Arthur Stukas and Professor Margaret Foddy (LaTrobe), will be held in Melbourne in May.
- *Investing in our Children: developing a research agenda*, convened by Professors Margot Prior (Melbourne), Sue Richardson (Flinders), Fiona Stanley (University of WA), will be held in Melbourne in May.
- *Globalisation and Educational Futures Re-visioning Identity, Citizenship, and Ethics*, convened by Dr Carmen Luke (University of Queensland), will be held in Brisbane in June.
- *Australian Democratic Audit: Indicators*, convened by Associate Professor Marian Sawyer (Australian National University), will be held in Canberra in July.
- *Custom: The fate of non western law and indigenous governance in the 21st century*, convened by Dr James Weiner and Professor Francesca Merlan (Australian National University), will be held in Canberra in October.
- *Occupational Stress in Australia in the 21st century*, convened by Professor Don Byrne (Australian National University), will be held in Adelaide in October/November.
- *Trade economic growth and development in Asia: should labour and environmental standards be part of the equation? The case of Bangladesh*, convened by Professor Amarjit Kaur and Assoc Professor Ian Metcalfe (University of New England), and will be held in Armidale (NSW) in October.

**Recent workshop publications:** *1901: The Forgotten Election*, edited by Marian Simms, published UQP Australian Studies, 2001;

*Speaking for the People: Representation in Australian Politics*, edited by Marian Sawyer and Gianni Zappalà published by Melbourne University Press, 2002 (reviewed elsewhere in *Dialogue*); and

*Working Futures: The Changing Nature of Work and Employment Relations in Australia*, edited by Ron Callus and Russell Lansbury, published by The Federation Press, 2002 (to be reviewed in the next issue of *Dialogue*).

Please visit the Academy website [www.assa.edu.au](http://www.assa.edu.au) for a précis of the content of any of the workshop publications, links to publishers for ordering your copy, or reviews.

Further information concerning the Workshop Program and the *Workshop Guidelines* can also be found on the website or you can contact Sue Rider ([sue.rider@anu.edu.au](mailto:sue.rider@anu.edu.au)) at the Secretariat.

## **International Program**

There are five Australian scholars travelling overseas under the Academy's Exchange Programs in 2002.

**Australia-China Exchange Program:** *Dr Susan McGrath-Champ*, Work and Organisational Studies at the Faculty of Economics and Business, University of Sydney will visit the CASS International Business Research Centre, the School of International Business at Nanjing University and the School of Business at Hangzhou Institute of Electronic Engineering.

*Mr Francis Regan*, Legal Department at Flinders University of South Australia will visit the CASS Law and Political Science Institutes and the Legal Aid Centre in the Ministry of Justice.

**Australia-The Netherlands Exchange Program:** *Professor Barry Hindess*, Political Science Program, Australian National University will visit Professor van der Veer at the Centre for Religion and Society, University of Amsterdam.

*Associate Professor Elspeth Probyn*, Department of Gender Studies, the University of Sydney will present a paper at the '4<sup>th</sup> International Crossroads in Cultural Studies' Conference, Amsterdam.

*Dr Pierre van der Eng*, School of Business and Information Management, Australian National University will collaborate with research scholars at the University of Leiden and the University of Utrecht.

In February, *Dr Joseph A Sergeant*, Department of Clinical Neuropsychology, Free University, Amsterdam was hosted by Professor David Hay, School of Psychology, Curtin University of Technology. Dr Sergeant's field of specialisation is the neuropsychology of Attention Deficit Hyperactivity Disorder (ADHD).

## **Reports from International Program Exchange Scholars**

■ *Professor Margot Prior*, Departments of Psychology, University of Melbourne and the Royal Children's Hospital spent 3 weeks in Hanoi in October 2001, and the following is a summary of her report. Most of her time was spent at the Institute of Psychology in Hanoi. This Institute, under the leadership of Professor Do Luong, supports approximately 24 social scientists, most of whom are psychologists. Many have received their basic degrees in Russia, some in Vietnam in more recent years, and some have postgraduate training from other countries especially from France. A number are currently enrolled in PhD programs. The majority have special interests in social, personality, developmental and clinical psychology. At the Institute Professor Prior gave six talks on various aspects of her own research programs, on research methods, and on clinical psychology. A number of psychologists and social science students from other institutions were invited to attend these talks, as well as Institute of Psychology staff.

In addition to her lecture program, she worked with individuals and small groups to whom she provided clinical supervision and research consultation. The Institute has a fledgling Clinical Psychology Service and she saw a number of clients with the clinician, and was able to provide advice on assessment methods, diagnosis, and treatment, and general clinical supervision. Psychologists in these roles in Hanoi are

largely untrained or minimally trained, and the need for supervision and for professional training programs is extreme. The demand for clinical psychology services in Vietnam is very high, with virtually no services available for the population unless they suffer from a florid psychiatric condition. Hence there is enormous pressure to respond to need in the community, even in the absence of adequate professional training for psychologists.

The courage, enthusiasm, dedication, and keen desire for learning in these predominantly young research psychologists in the Institute of Psychology was truly remarkable. The conditions in which they work can only be described as Spartan; they lack access to books, journals and up to date research information, which we take for granted. However they are keenly aware of the enormous social, cultural and political changes occurring in their country and the growing political support for research and practice in psychology. A number of researchers are working on government or foreign aid-sponsored research projects.

Professor Prior's work with the Institute was greatly facilitated by the assistance of Mr Le Van Hao as translator, organiser and source of information about the socio-cultural and academic climate in Vietnam.

The National Conference of the Vietnam Psychologist's Association, which Professor Prior was to attend, was re-scheduled at the last minute. On request, she prepared an address on "Psychology in Australia: Connections to Vietnam", translated and presented to the conference by Mr Hao. He reports that it was received with great interest and with numerous requests for copies of the paper. The Psychology Association as well as the Institute is very keen to build links to Psychology in Australia.

Professor Prior also visited the National University in Hanoi and met the Director, Professor Khanh, Vice Director, Dr Nguyen Hoi Loan, and Dr Cong Khanh. The latter was a key liaison agent, translator, and facilitator during her visit to Hanoi in many ways. He is a staff member (trained in Clinical Psychology at Murdoch, WA) charged with the task of setting in place a graduate professional training program in the Department of Psychology, in Clinical Psychology. The University in Hanoi wishes to set up a partnership with the School of Psychology at University of Melbourne and Professor Prior will be working on this initiative with departmental and university colleagues. There are existing links with the Hanoi National University and the Education Faculty at Melbourne University with Professor Patrick Griffin and colleagues.

She also spent several days at the National Institute of Paediatrics, (NIP), working in the Mental Health unit, where she presented a paper to hospital staff, and had two meetings with groups of families with autistic children. There are minimal services and special education opportunities for autistic children in Vietnam and the families are in a desperate plight. Their situation is parallel to that obtaining in the 1960s in Australia, when autism was first recognised and the first services were developed. Professor Prior was able to offer diagnostic consultation to the families visiting NIP, and advice about therapy and education for autistic children. However, perhaps her most significant contribution was to facilitate the formation of an Autistic Childrens' Parents Association to lobby for services for their children, identifying a number of potential supporters and funding agencies such as World Vision and Save the Children - Sweden, who might assist the Parents Association in setting up some special facilities for these children. She also contacted Dr Barry Wright who is

directing a training program for Special Education teachers in Hanoi, and whose work could be helpful in the development of links with special education resources. Parents were provided with all these contact details.

Other work at NIP consisted in seeing patients with very complex and challenging mental health conditions and in providing training and supervision to the two psychologists working in the Unit, as well as consulting with the Psychiatrist/Director.

For all of the agencies with whom she worked Professor Prior collected a list of much needed resources including books, journal articles, tests, and research instruments, and is in the process of mailing materials to Hanoi to fulfil those requests.

Professor Prior also visited UNESCO on two occasions for meetings with Yung Le, a Vietnamese Australian who is in Hanoi for 12 months as a young Australian Ambassador. This exchange proved a helpful conduit to identifying agencies that might be helpful for autistic children and their families, such as the Women's Union Committee for the Care and Protection of Children.

Professor Prior considers the visit a successful and rewarding one and all feedback suggested that her input was much valued and that she was able to transfer relevant and helpful aspects of research, teaching and clinical experience to groups of people who were extremely appreciative of supervision, mentoring, and the sharing of research ideas.

Professor Prior has recommended facilitating visits by fellow psychologists to assist in developing research, teaching and professional links with Vietnam and the encouragement of visits to Australia by younger Vietnamese scholars, preferably with a good command of English. She hoped that Fellows of the Academies in Australia could be encouraged to send books, journal collections, and research tools to Vietnam as well as to make themselves available on the Internet for research consultations.

Professor Prior expressed gratitude both to the international relations section of the Centre in Hanoi, in particular Dr Lan Anh and Ms Binh, and to the Academies in both Australia and Vietnam for the opportunity to make a very interesting, rewarding, and mutually valuable visit.

### ■ **New Roles of Workplace Trainers in Learning Organisations?**

The organisation of learning and training in the workplace has taken on a new significance in view of ideas about learning organisations. A learning organisation actively fosters learning processes at the individual, group and organisational level. Learning and training efforts are not activities that only trainers and educators organise. Many workers and supervisors in a wide cross section of enterprises, for instance, are now being asked to take responsibility for facilitating the learning of their colleagues and employees. The nature of learning that takes place in a workplace varies widely. Learning can be associated with formal training programs that may or may not result in some form of credential. This tends to be associated with the use of experts (trainers) who play a leading role in transferring the required knowledge and skills to the workers. The workplace is also, however, a site for informal or incidental learning. There is value in both types of learning in the workplace and it is important to achieve a productive balance between the two. It follows, therefore, that the role of the workplace trainer needs to take into account these different ways of structuring learning in the workplace.

While the workplace has distinctive advantages as a learning environment, there can also be drawbacks, particularly in small enterprises. This is not to say that enterprises, and in particular small enterprises, do not value training. However, within the vocational education and training (VET) sector there has been a tendency either to see training and learning as synonymous or to place a higher value on training which is structured and delivered (and therefore able to be controlled). Training of this type tends to lose its relevance, especially in the context of smaller enterprises. This does not mean, however, that smaller enterprises are less committed to *learning*. Rather, they rely on different types of learning from those promoted in VET policies and by VET providers.

In contrast with large enterprises, training in small and medium enterprises (SMEs) tends to be informal, enterprise-specific, undertaken on-the-job and related to day-to-day operations. Fundamentally, it is learning *through* work, where learning is integrated into doing the job. The learning environment provides a context where learning is embedded in or co-terminus with work. This form of learning is distinctive because it:

- is task focused;
- occurs in a social context where status differences can exist between workers and there are often clear demarcation lines between groups of workers;
- often grows out of an experience such as a problem, crisis or novel event;
- occurs in an environment where people receive remuneration for their work; and,
- entails different cognitive processes from those used in an off-site environment.

In small or micro business (which employs less than five persons) learning is very often facilitated on a one-to-one basis. The “training” is often unplanned, unscheduled, unrehearsed and spontaneous, often in response to a crisis or problem, and therefore often intuitive. This training is characterised by the absence of dedicated training staff, and is often undertaken by the person(s) nearest the crisis who usually has little or no training expertise. Learning often occurs in informal and “non-traditional” ways and is very dependent on time and the operating context in which the enterprise finds itself.

In many respects learning in the workplace is quite rigorously structured. It is framed by the features and structures of the work and the work practices in which the learning is embedded. Customs, habits, attitudes, the way individuals respond to mistakes and problems, the degree to which questioning and time for explanations are tolerated - all these frame and shape how a person designated as “trainer” might approach the task of helping workers to learn their jobs. The learning environment and learning processes within an enterprise provide a powerful framework that shapes how a workplace trainer operates. Any understanding of the role of the workplace trainer needs to encompass both formal on-the-job learning as well as incidental and informal learning that takes place as part of the normal course of work.

As alluded to in the introduction, the learning organisation has become a powerful metaphor for organisational change processes. Learning in this case needs to be understood as a broad concept encompassing notions of improvement, innovation, training, education, development and change, usually work related and preferably linked to the business strategy. A core idea of the learning organisation concept is that learning is a continuous process embedded in the workplace rather than an isolated activity conducted during formal training only. Awareness of learning opportunities, ongoing reflection on experiences, teamwork integrated with team learning, encouraging a climate conducive to learning are all more important in this concept than running regular training courses for the employees.

However attractive this normative idea of a learning organisation may seem, it has some problematic aspects and raises a number of critical questions. For instance, how would such an appealing concept be applied in organisational reality? Does it refer to general tendencies occurring across all types of organisations and work? What, then, is the actual nature of these tendencies and how do they affect organisations and the work carried out there by workplace trainers?

Arguably the most profound change facing the workplace trainer in a learning organisation is from providing employees with adequate training to facilitating and supporting employee learning at all levels in the organisation, especially in teams. Studies conducted by the authors in Australia, the United Kingdom and the Netherlands, however, show that these changes are problematic for some organisations and for some workplace trainers.

For example, in a context of decreasing budgets, training was found to be increasingly taking place outside the training department; that is, in the workplace. Workers and their supervisors are increasingly held responsible for organising individual development and team learning. Workplace trainers within large organisations in particular feel pressurised by top management and external conditions to devolve training responsibility to line managers and employees. This presents a potential threat to the position and professionalism of the workplace trainer. Although they emphasise the strategic contribution of training to the business, problems of resistance to change and lack of recognition for training issues highlight the other side of the story. Maybe because of this, organisations in practice are not moving towards becoming a learning organisation as quickly as is often assumed. There is a strong awareness among workplace trainers of the importance of learning and development beyond formal training. In the actual programs that are run, however, informal learning and learning from daily work experiences are relatively under-addressed issues.

Many workplace trainers experience problems and barriers as a result of the dependent position of the training function. Commercial pressures can be at odds with the quality standards that they should like to uphold in their work. Workplace trainers are dependent on their clients to grant them the necessary room to create 'good programs'. In order to deal with these problems, they try to persuade clients of their learning vision. Adaptation and flexibility are other important features of successful efforts. It also helps to clarify the expectations and responsibilities of workplace trainers and others concerned so as to prevent misunderstanding.

Many workplace trainers encounter resistance to change among workers. It takes time for employees to grow used to being self-responsible for their own learning and development. This should really be a gradual process. Cultural differences can also prevent this shift of responsibility from succeeding. Besides, the fact that workers can have different interests is a hampering factor as well. Workplace trainers try to deal with these problems by focusing on the positive elements that are already in place, for instance, earlier projects that were successful, workers who display great learning readiness or a critically reflective stance. They also try to work on a better learning climate and towards 'learning-sensitive' workplaces in the organisation.

However, the organisational context in itself can cause problems for workplace trainers as well. The work environment may not be very conducive to learning, and often there is a dominant focus on training solutions rather than an attempt to deal with underlying organisational problems. The role of management can be restrictive if it does not recognise the importance of learning, or if it is unwilling to cooperate with workplace trainers for a project. Some managers hold views that are at odds with a focus on learning, or they resist

the changes that will come with learning innovations. To prevent problems with both the organisational context and the role of management, workplace trainers focus on collaboration with all relevant partners in learning efforts. This involves clarification of the roles and responsibilities of all concerned, working towards a good relationship and mutual understanding with management, trying to encourage a learning orientation in key players, and influencing the learning views of all those concerned (from managers to supervisors and from job coaches to trainers).

True, a lot of learning takes place in the workplace among workers and supervisors, without intervention by 'learning specialists', such as workplace trainers. It has also been said that training and learning are now more closely linked to the business strategy and more highly regarded within the organisation. However, many workplace trainers themselves raise serious doubts about the ability and willingness of organisations to measure such impact at all. Also, training managers and workplace trainers alike report serious difficulties in getting line managers to take responsibility for training issues, which should be part and parcel of a more strategic approach to training in a learning organisation. The learning organisation does not emerge as a concept that is as yet much applied in all of organisational practice. Changes in workplace trainer roles seem to be less spectacular than is often heralded or desired. Further research should be conducted to find out how workplace trainers can be better supported in working towards new roles for the learning organisation of the future.

**Authors:** *Dr Rob F Poell* is from the Department of Education, University of Nijmegen, The Netherlands and visited Australia under the auspices of the Australia-The Netherlands Exchange Program. *Dr Roger Harris & Dr Michele Simons* are from the Centre for Research in Education, Equity and Work, University of South Australia, which hosted Dr Poell's visit.

■ *Professor Colin Mackerras*, School of International Business and Asian Studies, Griffith University, visited Vietnam in December and January. He spent 2 weeks in the north of the country, primarily in Hanoi, and a little less than a week in Ho Chi Minh City.

In Hanoi the Centre for China Studies, which is part of the Vietnam National Center for Social Sciences and Humanities, hosted the visit. The Centre for China Studies was extremely generous and helpful, arranging all that was asked promptly and efficiently. The Director of the Centre Dr Do Tien Sam and a young scholar Mr Hoang The Anh were particularly helpful. The principal research was to explore relations between China and Vietnam from the point of view of Vietnam. Through interviews with scholars, collection of material and books, considerable information about the Chinese community in Ho Chi Minh City and the economic participation of China and Chinese people in the city and its surroundings was obtained. A visit was also made to the town of Meng Cai, which is directly on the border with Guangxi Zhuang Autonomous Region of China. This was very useful regarding information about border trade and how people in Vietnam now regard China. Given that there was a war involving this border area (as well as many other places along the border) in 1979, this was of considerable interest.

Another purpose of the visit was to update knowledge of the Vietnamese theatre, but this was far less successful. Vietnamese theatre is not currently in a lively state; traditional theatre is not popular with the public, and the water puppets, which are one of the main traditional forms of theatre in Vietnam, have become a prominent tourist attraction in Hanoi.

As well, some exploration of ethnic minorities in Vietnam was of interest. The China Studies Institute was helpful, as was the Institute of Ethnology under the National Center of Social Sciences and Humanities. Quite a bit of material in English (and some in French) was available, since local interest in this area has been active in recent years.

Two papers were given in Hanoi: one at the Centre for China Studies concerning the politics and economics of the minorities in China, and the other at the Department of Socialist Culture at the National Ho Chi Minh Institute of Politics. The latter focused more on cultural survival among the minorities of China, but included quite a bit of political coverage as well, especially on the current situation with Islam in the west of China. By request, both these seminars were given in Chinese, and then translated into Vietnamese. Two other seminars at the Centre for China Studies, given by other scholars, were also attended. One was by a Vietnamese scholar from the Harvard-Yenching Institute at Harvard University and concerned the Institute. The other was about Sino-Indian relations, given by Professor Manoranjan Mohanty, of the Department of Political Science at the University of Delhi. He was in Hanoi for the celebrations of thirty years of full diplomatic relations between India and Vietnam.

Professor Mackerras assisted scholars at the Centre for China Studies in making applications for funding from the Ford Foundation as well as being interviewed concerning Chinese in Australia.

While the material concerning Vietnamese theatre and ethnic minorities is insufficient to use towards a publication, both can be used within the teaching framework. An article, and possibly two, is planned concerning Vietnam's relations with China.

The visit was a very positive one, and Professor Mackerras has expressed his gratitude both to his Vietnamese hosts for their generosity, and to the Academy for facilitating and supporting the exchange.

#### **UNESCO Social Science Network**

The Network, under the direction of Professor Fay Gale, was successful in obtaining \$15,000 in funding from the UNESCO Australian National Commission to hold three workshops:

- Social Sciences Research in the Pacific, to be held on 18/19 July
- AASSREC Planning workshop for 15<sup>th</sup> Biennial Conference, to be held in May
- Custom: The Fate of Non-Western Law and Indigenous Governance in the 21<sup>st</sup> Century to be held in October

A meeting of the Network will be held on 4 April, 2002 to consider and endorse projects for funding in 2002/2003.

#### **Association of Asian Social Science Research Councils (AASSREC)** <http://www.assa.edu.au/International/member.htm> )

The Academy will be hosting the 2003 AASSREC Conference in conjunction with the November 2003 ASSA Symposium and AGM. Immediate Past President of the Academy, Fay Gale, is the current President of AASSREC. Professor Gale is forming a working group of Fellows to investigate funding opportunities and a program for the event. Approximately twenty five delegates from Asian nations will attend.





**ACADEMY OF THE SOCIAL SCIENCES  
IN AUSTRALIA**

**DONATIONS AND BEQUESTS**

**WHY?**

Because the Academy has a vision and plan for the future, and is enlarging its programs to fulfil its mandate more fully. In particular, a broadened revenue base will enable the Academy to:

- ◆ Expand its program of workshops, stressing involvement of younger researchers
- ◆ Provide subsidies for publication and dissemination of workshop outcomes
- ◆ Support major new research initiatives on matters of national concern

**HOW?**

- ◆ Donate for a specific purpose, or to be used at the Academy's discretion
- ◆ You can make a bequest to the Academy in your Will
- ◆ Establishment of an Academy Foundation will involve donors in Academy activities

**WHEN?**

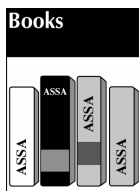
- ◆ Donations are needed now to enable the Academy to expand its activities. Donations have tax exempt status
- ◆ Bequests are a longer-term commitment. The key is to amend your Will now to ensure that the Academy will benefit.

**FURTHER DETAILS**

For confidential advice on making a donation or bequest, contact the Academy's President, Professor Leon Mann, or Honorary Treasurer, Professor Gavin Jones, through the Academy office.

28 Balmain Crescent, Acton ACT 2600 or  
GPO Box 1956 Canberra ACT 2601  
Telephone: 61 2 6249 1788 Facsimile: 61 2 6247 4335  
[ASSA.Secretariat@anu.edu.au](mailto:ASSA.Secretariat@anu.edu.au)

## Books



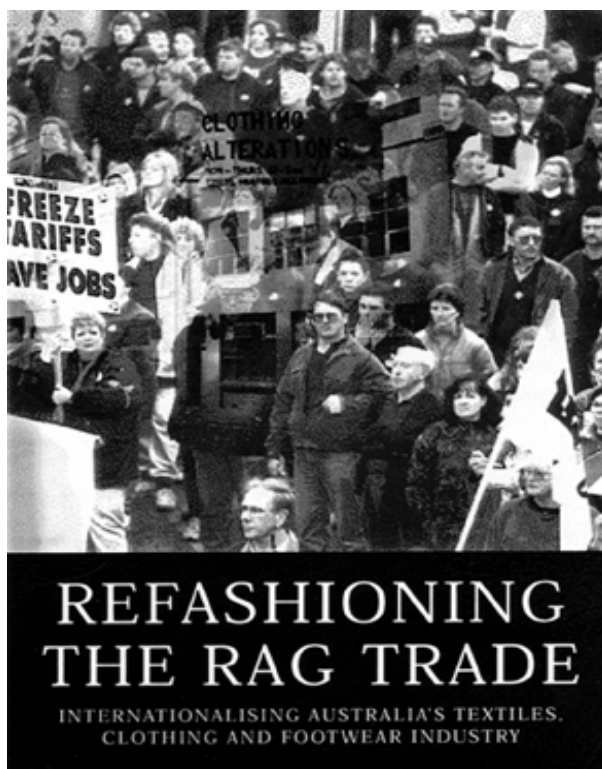
***Refashioning The Rag Trade. Internationalising Australia's Textiles, Clothing and Footwear Industries.*** By Michael Webber & Sally Weller, UNSW Press 2001.

Researchers who set out to report on studies of a particular industry must steer a course between two perils. On the one hand, there is the accumulation of ephemeral detail on the operations of individuals and corporations, of interest to no-one except those actually involved. An extreme form may be seen in corporate histories, such as commissioned by companies celebrating a hundred years of solvency. On the other, there is an abstract approach, in which the analysis is dominated by generalities applicable to any and every industry. Reports of the old Industries Assistance Commission tended to suffer from this defect.

In their study of Australia's textile, clothing and footwear industries, Michael Webber and Sally Weller avoid both dangers. The authors exhibit a detailed understanding of their chosen industry, viewed from cultural and social as well as economic perspectives. On the other hand, the changes in the industry are placed firmly in the context of microeconomic reform and internationalisation.

The book begins with a brief statement of the theoretical framework, followed by a historical overview of developments in the industry from Federation to the late 1990s. The middle chapters deal with changes at the level of individual firms and their employees or outworkers. The final section deals with the impact of structural change on workers and the experience of those retrenched following tariff reductions.

There is much to appreciate here, and different readers will no doubt find different items of interest. For this reviewer, the greatest interest lay in the four-year panel study of retrenched workers. The results are generally disheartening. Despite special assistance from structural adjustment programs, about half of those retrenched never worked again. As would be expected, the experience of older workers from non-English speaking backgrounds was particularly unfavourable.



As the authors observe, the failure of retrenched workers to regain employment casts grave doubt on the theoretical model underlying microeconomic reform, in which resources (workers and capital) displaced from less productive activities are 'freed up' to move where they are more productive. It is only very recently that bodies like the Productivity Commission have taken any account of this fact.

My only quibble with this book is its reliance on the notion of the 'Federation settlement' an amalgam of Paul Kelly's 'Australian settlement' and Gerard Henderson's 'Federation trifecta'. Kelly and Henderson can certainly take comfort from the fact that their ideas are now so much part of the intellectual background as not to require attribution in a book that is otherwise meticulous with regard to footnotes and source attribution. Moreover, it is true that the Federation story fits textiles, clothing and footwear industries better than others. Nevertheless, the shift from tariff protection to globalisation and microeconomic reform cannot be properly understood without reference to the rise and fall of the Keynesian settlement established after 1945.

Supporters of the microeconomic reform program of the 1980s and 1990s would no doubt want to make other points, for example about the dynamic benefits of market-oriented reform and internationalisation. However, the findings of this study certainly cast doubt on assumptions that are frequently taken for granted in the Australian policy debate.

In summary, this is an excellent piece of work which will repay study by all those interested in the impact of internationalisation on Australian society and the Australian economy.

**John Quiggin**

***Speaking for the People: Representation in Australian Politics.*** Edited by Marian Sawyer and Gianni Zappala. Melbourne, Melbourne University Press, 2001.

According to the politics of presence, representative democracy needs to include representation of who we are as well as what we think (the politics of ideas) and thus the composition of parliament is important. This idea, as presented in Anne Phillips' book of that name, is the professed starting point for this collection which aims to provide an introduction to some of the key issues and groups that have challenged traditional notions of representation (p 273). The selection of topics, especially part three, boldly sets the tone of this challenge, as does discussion of extra-parliamentary representation throughout the book. Whilst many chapters do not explicitly refer to the ideas within the politics of presence, the range of cases provides a tantalising taster that raises many issues about political representation.

The politics of presence usually relates to the representation of women and ethnic minorities and these are discussed in part two. Tim Rowse uses the debate around the creation of ATSIC to consider ideas around Aboriginal thinking on representation and self-determination. In the other two chapters the editors consider representation in and out of parliament for ethnic minorities and of women. Part three extends the discussion of representation into groups not usually covered in the literature. Sue Wills, Dennis Altman, Helena Meekosha and John May discuss issues and problems of representation relating to sexualities, AIDS, disability and poverty. Consideration of these groups stretches ideas of representation to include issues of (re)presentation of the group in the media and public discourse. Agreement on who is covered by the group and what this means is a necessary precursor to political representation.

However several authors raise the problem of essentialism, for instance Meekosha who warns that stereotypes of disabled peoples often are based on essentialist ideas that reduce individuals to their supposed impairments. Part one provides context with Phillips summarising her arguments while Marian Sawer and Anthony Mason outline ideas of representation and how they are interpreted in the Australian constitution. George Williams in discussing the use of citizens' initiated referenda, the antithesis of representation, completes the scene setting section.

Governmental funding and routine consultation of peak organisations is a unique feature of Australian politics and this is a central theme. Several authors discuss the possible problem of peak group co-option and accountability to the group. Wills suggests that through policy advice and implementation extra-parliamentary relations can achieve as much as MPs could. Altman argues that such activity should be aimed at enabling rather than representing group members. As a key theme extra-parliamentary representation warrants a chapter setting out the concept, arguments and uniqueness of the Australian approach.

The tone and level of details suggests that the intended audience are those involved in representation for various groups within Australia. Given the unique aspects of extra-parliamentary relations with government in Australia and the wide range of groups covered here it is to be hoped that the book is picked up by an international audience of academics and practitioners.

**Helena Catt**

#### **Further news on asylum seekers**

In the first week of March 2002, the **Australian Council of Trade Unions** Executive endorsed a detailed report prepared for the Independent Education Union by the Edmund Rice Centre for Justice and Community Education as a basis for a comprehensive policy position.

Key recommendations of the report include:

- ending the Temporary Protection Visa system and giving all refugees immediate access to Permanent Protection Visas.
- ending mandatory detention and replacing it with a compulsory processing system.
- all asylum seekers to be released into the community after initial processing for health and security checks unless a court order is obtained
- ending the system of tendering for the management of detention facilities and returning them to direct government control
- establishing a fast-track processing facility on Christmas Island.
- ending the Pacific Solution and entering negotiations with Indonesia and other source countries

The full report is available at: <http://www.nswactieu.labor.net.au/whatsnew/research.pdf>

This information was taken from Workers Online,  
[Workers.labor.net.au/127/news5\\_Refugees.html](http://Workers.labor.net.au/127/news5_Refugees.html)

## RECENT PUBLICATIONS

### *Occasional Paper Series*

**Wealth, Work, Well-Being  
Cunningham Lecture and Symposium 1997** *Occasional Paper 1/1998*

**Shared Space – Divided Cultures. Australia Today  
Cunningham Lecture 1998** Fay Gale *Occasional Paper 1/1999*

**Reconciliation. Voices from the Academy  
Annual Symposium 1998** *Occasional Paper 2/1999*

**Pushing Back the Frontiers of Death  
Cunningham Lecture 1999** John C Caldwell *Occasional Paper 3/1999*

**Facts and Fancies of Human Development  
Annual Symposium 1999** *Occasional Paper 1/2000*

**Reforming Higher Education** Peter Karmel *Occasional Paper 2/2000*

**Thinking Peace, Making Peace  
Annual Symposium 2000** *Occasional Paper 1/2001*

**Australia Fair  
Cunningham Lecture 2001** Hugh Stretton *Occasional Paper 2/2001*

### *Arising from Academy Workshops*

**Contemporary Perspectives on Social Work and the Human Services** Edited by Ian O'Connor, Paul Smyth & Jeni Warburton, Addison Wesley Longman: 1999.

**Howard's Agenda: The 1998 Australian Election** Edited by Marian Simms and John Warhurst, University of Queensland Press Australian Studies: 2000.

**Social Security and Social Development in East and Southeast Asia**, Proceedings of a Workshop. Edited by Peter Saunders. SPRC Reports and Proceedings, No 143, August 2000.

**Health and Medical Research: Contribution of the Social and Behavioural Sciences** Edited by Paul R Martin, Margot Prior & Jeanette Milgrom. ASSA and APS, Canberra: 2001.

**1901: The Forgotten Election** Edited by Marian Simms. UQP Australian Studies, 2001.

**Speaking for the People: Representation in Australian Politics** Edited by Marian Sawyer & Gianni Zappalà Melbourne University Press, 2002.

**Working Futures: The Changing Nature of Work and Employment Relations in Australia** Edited by Ron Callus & Russell Lansbury. The Federation Press, 2002.

**NOTES**

---

## Officers and Committees Academy of the Social Sciences in Australia

---

**President:** Professor Leon Mann  
**Executive Director:** Dr John Beaton  
**Research Director:** Dr John Robertson  
**Treasurer:** Professor Gavin Jones

**Executive Committee:** Professor Leon Mann (Chair), Ian Castles, Professor Gavin Jones (Demography, Australian National University), Professor Fay Gale, Professor Lenore Manderson (Key Centre for Women's Health, The University of Melbourne), Professor Candida Peterson (Psychology, The University of Queensland), Professor Sue Richardson (National Institute of Labour Studies, Flinders University of South Australia), Professor John Ritchie (Australian Dictionary of Biography, Research School of Social Sciences, Australian National University), Professor Peter Saunders (Social Policy Research Centre, The University of New South Wales), Professor JJ Smolicz (Graduate School of Education, The University of Adelaide).

**Committees:** Standing Committee of the Executive; Finance Committee; Membership Committee; International Relations Committee; Workshop Committee; Public Affairs Committee, Research Projects Committee and Panel Committees.

**Branch Convenors:** Professor Michael Hogg (Qld); Professor Russell Lansbury (NSW); Professor Tom Stannage (WA) Professor Brian Galligan (Vic); and Professor JJ Smolicz (SA)

### Panels:

**A** *Anthropology, demography, geography, linguistics, sociology.*

Chair: Professor Peter McDonald

**B** *Accounting, economics, economic history, statistics.*

Chair: Professor Peter Saunders

**C** *History, law, philosophy, political science.*

Chair: Professor Pat Grimshaw

**D** *Education, psychology, social medicine.*

Chair: Professor David Andrich

---



28 Balmain Crescent

Acton

Postal Address:

GPO Box 1956

Canberra ACT 2601

Telephone: 02 6249 1788

Facsimile: 02 6247 4335

Email: [ASSA.Secretariat@anu.edu.au](mailto:ASSA.Secretariat@anu.edu.au)

Web site: [www.assa.edu.au](http://www.assa.edu.au)