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**SECURITY, PEOPLE-SMUGGLING
AND AUSTRALIA'S NEW
AFGHAN REFUGEES**

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Security, People-Smuggling and Australia's New Afghan Refugees

William Maley

The issue of 'people smuggling' exposes a tension between two new security discourses; one of which emphasises the potency of non-traditional security threats, and the other of which points to the importance of attention to human security. This paper explores the factors underpinning the recent Australian panic over the arrival of boatloads of Afghan and refugees, examines the circumstances in Afghanistan which lie behind this outflow, and critically appraises the measures taken by the Commonwealth Government to deter unapproved population movements.

It points to inadequacies in the Commonwealth program for the resettlement of refugees from overseas locations, and argues that that program offers not a place in a queue but a ticket in a lottery. It provides a discussion of the policy-making culture in this area, as revealed by materials recently prepared for the Minister for Immigration and Multicultural Affairs to distribute during an overseas trip; and argues that a more sophisticated approach to the complexities of people smuggling is required than currently is on offer.

INTRODUCTION

In contemporary Australia, two new discourses on security are increasingly coming into conflict. In classical conceptions of security, derived from a realist paradigm of international relations, the relevant agent about whose security one should be concerned was the sovereign state, and insecurity sprang from the anarchical order in which sovereign states subsisted. But with the notion of sovereignty proving increasingly problematical,[1] new ways of thinking about security have surfaced. On the one hand, debate has focused on the nature and significance of 'non-traditional security threats', with candidates including intrastate conflict, population shifts, and organised criminal activity.[2] On the other hand, increased attention has been paid to 'human security', restoring individuals to the moral core of debate over the roles and powers of the state. One phenomenon which has brought these two discourses into conflict is that of people-smuggling, which some see as a non-traditional security *threat*, but which arguably *enhances* the human security of those in need whom it assists. In today's terms, Oskar Schindler might have been called a people-smuggler.

On 6 July 1938, a conference was held at Evian in France to consider how the international community should respond to the outflow of Jewish refugees from Nazi Germany. The Australian representative was the Minister for Trade and Customs in the Lyons Government, T.W. White. His intervention was to send shivers down the spines of the more compassionate delegates. 'It will no doubt be appreciated', he said, 'that as we have no racial problem, we are not desirous of importing one'.[3] In some ways Australia is re-living those dark times. Faced with the arrival by boat of asylum seekers from Iraq and Afghanistan, Australian political leaders have found inflammatory ways of scorning them. Thus, on 17 November 1999, the Australian Minister for Immigration and Multicultural Affairs, Philip Ruddock, claimed that 'if it was a national emergency two weeks ago, it's just gone up ten points on the Richter scale'. On 7 January 2000, the Premier of Western Australia, Richard Court, went even further, responding to the release from detention of Afghan refugees with the assertion that 'we're not talking about genuine refugees, we're talking about people who are smart alecs', adding for good measure that they 'should be turned around straight away'.[4]

From a European perspective, these responses must seem somewhat frenzied. While European states have been moving to close their doors to asylum claimants,[5] this is in the context of a vastly greater volume of applicants than Australia has ever had to confront. According to the most recent statistics of the Department of Immigration and Multicultural Affairs (DIMA), issued on 3 January 2001, the total number of 'boat people' arriving in Australia from 1989 on was only 9672, of whom at least 1141 were Afghans.[6] Even the total for 1999-2000, namely 4174 persons, is trivial compared with those confronting other liberal democracies.[7] In 2000 in Europe, a continent which does not enjoy the protection of being 'girt by sea', the United Kingdom received 97,660 asylum applications; Germany 78,760; the Netherlands 43,890; Belgium 42,690; and France 38,590. The number of asylum applications in Europe from Afghans was 28,790.[8] Numbers alone can hardly explain the ferocity of the Australian political and bureaucratic response. At least six other factors need to be taken into account.

First, domestic political considerations have prompted an anti-refugee rhetoric amongst Australian politicians. In the 1998 Australian election, the far-right 'One Nation' party, led by Pauline Hanson, capitalised on a general disillusionment with political elites to win 936,621 votes, or 8.43% of the total votes cast.[9] One policy in her platform was to grant refugees only temporary residence, rather than the right of permanent residence which they had traditionally received if their claims to be refugees were upheld.[10] Bitter infighting subsequently broke the 'One Nation' party into pieces, but paradoxically, the result has been a heightened attention by Australia's major parties to ways in which they might lure back those who defected to 'One Nation' in 1998. Scorning refugees is an obvious tactic,[11] and Afghan refugees have unfortunately been the first victims.

Second, in DIMA there is a well-entrenched 'culture of control',[12] which spurns as 'illegals' those who arrive on Australian shores without bureaucratic approval. Such persons, even if they are 'refugees' as defined in the 1951 Convention Relating to the Status of Refugees, must by law be detained until their applications for 'protection visas' are processed, even though it is not a criminal offence to enter Australia without a visa.[13] This culture reinforces the climate of opinion amongst vote-maximising politicians. The obsession with control is by no means limited to

Australia. In a recent detailed study of European policies, John Morrison has argued that the 'imposition of visa restrictions on all countries that generate refugees is the most explicit blocking mechanism for asylum flows *and it denies most refugees the opportunity for legal migration*'.[14] Given such restrictions, it is no wonder that people-smuggling flourishes. This obsession with control has been at the expense of more creative thinking about refugee issues, as an interesting April 1992 extract from the Cabinet diaries of Dr Neal Blewett makes clear: 'Immigration remains a disaster area, with hasty ad hoc expedients cobbled together to stem the flood'. The Minister for Immigration Local Government, and Ethnic Affairs, Mr Hand, 'supported his proposals with his usual blend of vivid anecdotes about the wickedness of the boat people and their sinister manipulators (Chinese tongs this time) and attacks on the self-righteous attitude of the churches and the do-gooders'. The Attorney-General, Mr Duffy, 'told me that he likes Hand but that over the last week or so he has been all over the place and more than usually excitable—partly, Duffy believed, *because the advice coming out of his department is so unreliable and changeable*'.[15]

Third, Australian ministers and officials may genuinely believe that people-smuggling threatens civilisation as we know it. They are certainly vocal in campaigning against people-smuggling in international fora. The Minister for Immigration and Multicultural Affairs in the year 2000 visited Jordan, Syria, Iran, Pakistan, and various Southeast Asian states in pursuit of this campaign, although without securing much high-level access in the key transit states involved. He made a repeat visit to some of these states in January 2001. People-smuggling is of course a legitimate issue to discuss, since people smugglers are not in the least bit altruistic, on occasion engage in *trafficking* of persons in ways which brutally exploit the vulnerability of those who are being moved,[16] and tend to be connected with organised crime more generally.[17] But that said, given the complexity of state structures and the threats to state capacities of which recent political experience has provided abundant evidence,[18] it might be questioned whether people-smuggling as a danger to regional stability and Australian national security should be even remotely as worrying as a whole range of other problems of political development which complicate the politics of our region, such as weak accountability of rulers to ruled, fluctuating state revenues, imbalances between military and social spending, and patrimonialism and elite predation.

Fourth, that public bureaucrats may seek to maximise individual or organisational rather than public welfare is hardly a novel claim,[19] and a cynic might wish to note that playing up the dangers posed by people-smuggling has proved an effective way of winning monies in a time of economic stringency, with the May 2000 Australian budget allocating A$116.8 million over four years to 'tackle people smuggling and illegal arrivals' and 'to establish new detention centres'.[20]

Fifth, while numbers remain trivial, there is an inclination in policymaking circles to interpret every trickle as the precursor of an imminent flood, often illustrated with reference to large percentage increases in the number of asylum seekers from particular areas (although rarely with reference to the low base numbers from which the large percentage increases are calculated). Such primal fears are difficult to address, in part because they are not often supported with serious analyses of the sociology of forced migration, which balance such fears by also taking into account the potency of complex sociocultural ties which can dissuade people from fleeing even the most abominable of situations. This disconnect is unfortunate, but in no small part it reflects a wider pathology of the policy process, namely that popular myths can become realities for vote-maximising politicians, and sceptical or critical social science is not a popular guest at this particular party.

Sixth, there remains in Australia a serious ignorance of the circumstances which force people such as Afghans to leave their homeland to seek protection in another, and of the problems which they confront on arrival. Having devoted some years to the study of Afghan politics, my aim in the rest of this paper is to offer some information to help dispel this ignorance.

THE DESTRUCTURING OF AFGHANISTAN

Why do refugees from Afghanistan continue to seek protection in other parts of the world? The reasons are complex, and reflect the interaction of state disintegration, political mobilisation based on ethnic and sectarian social cleavages and a criminalised economy, and gross human rights violations. I shall discuss each of these in turn. It is important to note that not all of Afghanistan is unstable, not all Afghans seek asylum abroad, and that the 1990s actually witnessed a substantial voluntary repatriation of

refugees from neighbouring countries.[21] But it is also important to note that most of those who returned in the 1990s were ethnic Pushtuns, whereas the bulk of those arriving in Australia are from non-Pushtun minorities. The explanation lies in the dynamics of Afghan politics.

In April 1978, a communist coup overthrew the republican regime of President Muhammad Daoud and replaced it with a revolutionary regime under the *Hezb-e Demokratik-e Khalq-e Afghanistan*, or People's Democratic Party of Afghanistan. The new regime inherited a weak 'rentier state'—that is, one historically overly dependent on foreign aid and assets sales for its revenues—which was unequal to the demands of revolutionary transformation which the new regime imposed on it. The result was sharpening factional conflict within the regime, the development of popular resistance to its radical policies, and a decline in the capacity of the state to obtain revenues to fund its operations. In December 1979, the tottering regime then headed by Hafizullah Amin was overthrown by a Soviet invasion force. The new Soviet-backed regime—headed until 1986 by Babrak Karmal, and from 1986 by Dr Najibullah—was heavily dependent upon Soviet support, and the cessation of Soviet aid following the political changes brought about by the failed August 1991 coup attempt in Moscow led directly to the collapse of communist rule in April 1992.[22] At this point, the ruins of the country fell into the hands of the Afghan resistance. And ruins they were. By conservative estimate, roughly one million Afghans had perished from a pre-war population of just over thirteen million, and a great deal of the country's infrastructure was wrecked. The schools system was in a state of disarray, and much productive land was contaminated by anti-personnel mines.[23] Millions of Afghans remained as refugees outside their country, from which they had been driven by the ferocity of the war which was fought on Afghanistan's soil. In exile, a new generation of Afghans had grown up who had never set foot in their homeland, and who critically lacked the skills which would normally have been learned in the course of everyday life in a predominantly agricultural economy.[24] The country had no legitimate political institutions. Rarely has a popular resistance movement received so miserable and elusive an inheritance.

At the time the communist regime collapsed, there was no single group or party within the Afghan resistance strong enough to rule the whole country. As a result, while the forces of the *Shura-i Nazar-e Shomali* ('Supervisory Council of the North') of Ahmad Shah Massoud occupied much of Kabul, the authority of the regime which he backed, headed by Burhanuddin Rabbani, was under challenge. From mid-1992 the Pakistan-backed extremist *Hezb-e Islami* of Gulbuddin Hekmatyar rocketed the capital with stockpiled munitions, causing thousands of deaths and reducing the southern suburbs to rubble.[25] However, Hekmatyar's party proved incapable of occupying and holding territory, and from 1994, Pakistan increasingly threw its weight behind another force, the so-called Taliban movement, which without Pakistan's instrumental support would have remained socially marginal and politically irrelevant. The rise of the Taliban reflected the extent to which Afghanistan had become a theatre for the playing out of regional rivalries on territory exposed to creeping invasion by the collapse of the state. For Pakistan, a Taliban-dominated Afghanistan would minimise Iranian influence, provide a safe venue for the training of Kashmiri militants, and secure Pakistan's rear flank in the event of renewed armed conflict with its main regional rival, India. With backing from Pakistan and from the Saudi extremist Osama Bin Laden, the Taliban finally succeeded in taking Kabul in September 1996. The USA, keen to see a stable Afghanistan in which US energy companies could invest, reacted with remarkable calmness to the Taliban takeover.[26]

The results, however, have proved perverse, as a close examination of the Taliban should have led their supporters to expect. The Taliban, overwhelmingly drawn from one ethnic group, the Pushtuns, consisted of a curious mixture of extremist Sunni Muslim clerics of Deobandi persuasion, students from *madrassas* (Islamic colleges) who had been denied anything like a normal family life as a result of two decades of war, and Pushtuns who identified with the movement out of ethnic solidarity rather than ideological affinity.[27] This led to an increased ethnicisation of the Afghan conflict.[28] From the moment it took Kabul, the movement ran into trouble. On the night the capital fell, the UN's premises were invaded, and the former communist leader Najibullah, located in the premises since 1992, was dragged out and murdered. This attracted the world press, whose attention then fell on the remarkable and bizarre restrictions on women which the Taliban were seeking to impose. These restrictions, so blatantly at odds with the approach to

gender in so many influential capitals, blocked the movement's attempts to secure international respectability.[29] The Taliban's hospitality to Bin Laden, a principal target of US interest since the bombing of US Embassies in Kenya and Tanzania in August 1998, made their regime an international pariah,[30] resulting in a first round of mandatory sanctions from November 1999 pursuant to UN Security Council Resolution 1267, and a second round from January 2001 pursuant to UN Security Council Resolution 1333. The Taliban movement has instead relied on ongoing Pakistani backing to harass its opponents, and has depended for income on revenues from smuggling, and from taxes on opium, of which Afghanistan became the world's largest producer.[31] Those who lauded the 'security' brought by the Taliban seemed not to notice that smugglers and drug barons were among the main beneficiaries.

The main losers were the Hazara ethnic group. Gross human rights violations in Afghanistan of course did not originate with the Taliban. Successive communist regimes had atrocious human rights records, and during the 1980s, countless Afghans suffered at the hands of the secret police, known as KhAD (*Khadamat-e Atalaat-e Dawlati*, or 'State Information Service').[32] However, with the rise of the Taliban, the Hazaras have been particularly targeted. The Hazaras, concentrated in the mountainous central Hazarajat region but found in many urban centres as well, are physically distinctive, having typically a Central Asian rather than southern European phenotype, and are mostly Dovazdah Imami ('Twelver') Shiite rather than Sunni Muslims.[33] In the last decade of the nineteenth century, Amir Abdul Rahman Khan prosecuted a fierce campaign against the Hazaras, and for much of the twentieth century, Hazaras experienced significant discrimination, grounded in both sectarian antagonism and social closure. Within the Taliban one can find powerful figures who regard the Hazaras as both heretics and *Untermenschen*. In February 1995, the Taliban killed Abdul Ali Mazari, leader of the Hazara-backed *Hezb-e Wahdat* ('Party of Unity'). In August 1998, some 2000 Hazaras were slaughtered when the Taliban took the northern city of Mazar-e Sharif; the killings were fuelled by incendiary broadcasts by the Taliban 'Governor' of Mazar, Mullah Muhammad Niazi.[34] In early 2001, gruesome massacres of Hazaras in the Yakaolang district of the Hazarajat were reported.[35] The position of Hazaras in the Hazarajat itself has been complicated also by the desire of

nomadic Pushtun tribes allied with the Taliban to obtain control over land in the region, or recover old debts.[36] For the Hazaras, the future in Afghanistan appears anything but bright.

Tajiks have also been regarded with deep suspicion by the Taliban, largely because the leader of the military forces of the 'United Front' opposed to the Taliban, Ahmad Shah Massoud, was born of Tajik parentage in the Panjsher Valley in the summer of 1952; while the President of the 'Islamic State of Afghanistan', which retains control of Afghanistan's seat in the General Assembly of the United Nations, is still Burhanuddin Rabbani, a Badakhshi Tajik. The perception that Tajiks are enemies of the Taliban has fostered discrimination against non-Pushtun Persian-speakers in Kabul, and doubtless contributed to the scorched-earth approach which Taliban forces adopted towards Tajik farmers in the Shomali Valley to the immediate north of Kabul in 1999. Such victims of the Taliban are no longer welcomed in neighbouring countries. Pakistan, which is not a party to the 1951 Convention Relating to the Status of Refugees, closed its borders to Afghan refugees in late 2000, in a move widely viewed as an attempt to support the Taliban's military objectives by increasing the vulnerability of civilian populations in areas outside Taliban control, and as we shall see shortly, Iran too has been forcibly deporting Afghan refugees to Afghanistan.

Supporters of personal freedom, democratic governance, or political pluralism are particular anathematised by the Taliban, since they seem likely to maintain that the legitimacy of political structures must derive from the will of the people, rather than from divine sanction in favour of a chosen few. Rather than seeing Islamic law as a particular form of discourse, the Taliban treat it as a rigid code of rules, and regard as heresy any modernist arguments that its precepts must be set in historical and temporal contexts. Specifically, the Taliban are *totalitarian*, in that they deny the legitimacy of any private sphere of life beyond the reach of the theocratic state; they are *autocratic*, in that they explicitly deny the legitimacy of popular elections and assert the overarching authority of just one individual, Mullah Mohammad Omar, to whom they accord the title *Amir al-Muminin*, and who cannot be removed through any institutionalised process; and they are *monistic*, in that they reject any notion that different value systems can legitimately coexist, and actively challenge freedom of speech.[37] They are

perhaps the most fiercely anti-modernist movement in any Asian country since the Boxer Rebellion. For this reason, those who argue for modern, participatory, political systems, open to all adult citizens, are in grave danger.

AFGHANS IN AUSTRALIA

The Afghans who have been arriving in Australia by boat since late 1999 are largely of Hazara background, although some are former residents of Iran fleeing the threat of forced repatriation, and others are anti-Taliban Pushtuns or members of other persecuted ethnic groups. Most of the Hazaras are young men, driven from their homes and families by concerted pressure applied by the Taliban, acting in concert with people-smuggling networks and elements of the Pakistani state.[38] Faced with the threat of the forced seizure of their lands and sequestration of their assets, they are casuistically offered a 'safe way out' in exchange for cash payments, with the Taliban, the smugglers, and the Pakistani groups all taking a cut. The cash in question typically comprises the pooled life savings of elders within a lineage, who recognise that it is the young men of military age in the lineage, the bearers of its future identity, who are in greatest danger. These young men are trucked to Karachi, transported by air to Indonesia, and then conveyed by boat to Australian islands and reefs close to the Indonesian archipelago. Most have had to leave wives and young children behind. A large number are fully aware that they are taking their lives in their hands to escape: they simply see no other way of surviving.

Given the persecutions which the Taliban have directed against Hazaras, the Hazaras in Australia have very little difficulty in establishing a well-founded fear of persecution on the basis of which field officers of DIMA find them to be genuine refugees. While conditions in detention centres add to the trauma which the refugees have already experienced in Afghanistan,[39] as does slow processing of claims, it is in some ways upon release from detention that the Hazaras' worst difficulties begin. This reflects a deliberate desire by the Government to make life as difficult for them as possible, in order to 'deter' others from arriving by the same route.

As a matter of conscious policy, echoing the 'One Nation' platform, such refugees are only given three-year 'Temporary Protection Visas' (TPVs).[40] No one with any understanding of the destructured situation in Afghanistan seriously doubts that the Hazaras will eventually remain in Australia on a permanent basis—something which is to be formally revisited thirty months after the grant of a TPV—but in the meantime it is manifestly the intention of the Government that they live on the margins of society. Their 'basic human rights' are basic indeed. They are forbidden to sponsor wives and children to join them (even if they know where they are),[41] and if they leave Australia for any reason, they cannot re-enter. While the 1951 Convention requires that TPV holders be granted the right to work, they are not permitted to attend English classes funded by the Commonwealth government, and the income support which they receive is rudimentary. Until very recently, to obtain access to Australia's universal health care system ('Medicare'), they have been obliged to apply for a *permanent* visa, which is a procedurally horrendous task unless a registered migration agent can be found who will supply the necessary assistance for free. Upon release from detention, they are virtually dumped in major cities, typically with less cash than is needed to survive until Special Benefit becomes available through the banking system. The burden of assisting them has fallen on hard-pressed state and territory governments, voluntary agencies and charities, and sympathetic Afghans.[42]

In keeping with his 'deterrence' strategy, the Minister for Immigration and Multicultural Affairs has also set out to denigrate the refugees, a move strikingly at odds with his statement to a *Parisian* audience in July 2000 that 'compassion should continue to guide our approach to the genuine needs of those who are truly refugees'.[43] When speaking to *domestic* audiences, he has accused TPV-holders of 'using our good feelings … to get money to send out of Australia',[44] and 'using the money that is provided for food to buy mobile telephones and then go to charities to try to top up their income'.[45] While these wild claims met with ferocious criticism,[46] they doubtless struck a chord in certain rightwing political circles. An even more bizarre development—the launch by the Minister of a video of snakes, sharks, and crocodiles to deter refugees from embarking upon the voyage to Australian shores—may also have been intended for a domestic audience.[47] How any of this could send a 'signal' into the Hazarajat was not explained.

A further rationale offered by government officials for this treatment of the Hazaras comes in the form of a

claim that they are 'queue jumpers'. However, the 1951 Convention does not establish a 'queue' for refugees to join, and to describe those who arrive by boat as 'queue jumpers' is a complete non-sequitur. Australia does have a 'Refugee and Special Humanitarian Programme' as part of its wider policy of selecting migrants for resettlement to Australia, and the Ruddock-Court approach is premissed on the view that 'good' refugees are those who lodge applications under this programme. This also suits the bureaucratic mindset of a number of key DIMA policymakers.[48] But for Afghan Hazaras, it is absurdly out of touch with reality. There are a number of reasons why.

First, an applicant under the Special Humanitarian Programme faces incredible processing delays, of well over a year.[49] Yet those at the greatest risk cannot risk waiting that long. In Iran, for example, Afghan refugees still run the risk of being picked up in the street and forcibly deported to Afghanistan, despite the move by UNHCR to put in place an orderly system for the registration of refugees.[50] In just one week in December 1999, Iran deported 1682 Afghans,[51] more than the total number of persons identified as Afghans who have arrived in Australia by boat over the last ten years. In March 2000, Amnesty International reported that in 'the past week, Iranian police have carried out mass arrests and forcible deportations of possibly thousands of Afghan men, women and children, denying them refugee protection'.[52] Despite this, in the Australian Embassy in Iran, until very recently, there has not been a single so-called 'Australia-based' DIMA staffer in residence, and the newly-arrived 'Australia-based' DIMA staffer appears to be responsible mainly for 'compliance' liaison rather than visa application processing.

Second, in Pakistan, the situation is nearly as dire: hundreds of Afghans have recently been deported to Afghanistan.[53] Yet Australia allocates *in a year* hardly more places than this for resettlement to Australia of Afghans who apply at the Australian High Commission in Pakistan, and because very many are 'Special Humanitarian Programme' rather than strictly 'refugee' places, the applicants, to succeed, must typically have some prior connection with Australia, established through nomination by a proposer. Apart from the recent arrivals, there are few Hazaras in Australia, and as a result, the procedures of the 'Special Humanitarian Programme' covertly discriminate against the very group in greatest need. Indeed, since an applicant need

not meet the stringent Convention definition of 'refugee' in order to qualify for a 'Special Humanitarian Programme' place,[54] one can argue that the people smugglers are actually going a *better* job than the Australian Government in assisting those Afghans in greatest danger, since the vast majority of recent boat arrivals from Afghanistan and Iraq *have been found to be 'Convention refugees'*.

Third, even those who do find a proposer can still be refused entry if they (or any of their dependents) have medical problems: I think here of an elderly Afghan refugee in Pakistan of my acquaintance, 'Dr Y', who, after being approved in principle to be reunited with his son and daughter in Melbourne, was rejected because of deteriorating eyesight, and died of heatstroke in the fierce summer of the subcontinent.[55] Those who arrive by boat cannot legally be refused protection on such grounds.

Fourth, according to Transparency International (TI), Pakistan is one of the most corrupt countries in the world,[56] and the presence of Pakistani staff in the Australian High Commission in Islamabad has prompted great suspicion among Afghans—whether justifiably or not—about the integrity of the processing of resettlement applications. To counter this, letters from the Office have recently begun to carry the message that only Australian officers finalise Afghan applications, but the scepticism of potential applicants may take some time to dispel.

Fifth, the UNHCR Office for Afghans in Pakistan is poorly equipped to discharge UNHCR's protection function with respect to particular endangered individuals.[57] In September 1999, UNHCR in Pakistan reportedly 'urged the refugees from war-torn Afghanistan not to approach its offices' for resettlement. According to Reuters News Agency, it added that 'UNHCR simply does not have the capacity to handle the increased volume of people demanding to be sent to the Western countries', concluding that 'we cannot cope with it, and our daily work on behalf of refugees has been seriously disrupted by this outpouring'.[58] Even prominent and sophisticated Afghans have enormous difficulty in securing an interview with a properly-trained legal officer, and for understandable reasons, they are disinclined to accept locally-employed Pakistanis as an adequate substitute, since the perils they confront often arise from their criticisms of Pakistan's creeping invasion of

Afghanistan. Hazara villagers, despite the great dangers they face on ethnic and sectarian grounds, have very little hope of being properly interviewed, and Afghans are by now deeply (and understandably) cynical about the interest of UNHCR in their individual circumstances.

Sixth, while no one would envy the task of having to select a few hundred applicants for resettlement from thousands of deserving individuals, egregious lapses of judgment on the part of Australian officials do not lift the credibility of the programme—such as that which in 1993 saw a distinguished former professor of Kabul University, 'Professor H', who had been adopted as a prisoner of conscience by Amnesty International,[59] rejected for resettlement when he applied to be reunited with his daughter in Sydney. This blunder was later corrected (although only after a delay of several years), but the suspicion remains that it may have been the tip of the iceberg. At the same time as deserving applicants have been rejected, applicants with KhAD connections have been granted resettlement places,[60] prompting the suspicion that at least some DIMA officers could not spot a communist in the Lenin Mausoleum. The system of offshore selection is a *human* system, and is only as strong as its weakest link. That there are undoubtedly many able, conscientious and dedicated DIMA officers is of little value or comfort to those who fall victim to the misjudgments of the less impressive or acute. As the Refugee Council of Australia recently observed, the Government's 'Offshore' resettlement program does not offer 'a place in a queue, but a ticket in a lottery'.[61]

To illustrate this, I would cite the recent experience of two further Afghan acquaintances, whom I will call 'Dr L' and 'Mr A'. Dr L, a US-trained social scientist, held a very senior position in the Afghan Foreign Ministry between 1992 and 1996, and was actually one of UNHCR's main interlocutors in the Afghan capital during the period. Mr A, Dr L's brother, was a staffer of the Afghan Red Crescent Society. When the Taliban took Kabul, Dr L did not flee, but stayed behind with his staff. Unable to locate Dr L, the Taliban instead seized his brother Mr A (who bore an uncanny resemblance to Dr L), and held him in prison in Kandahar. In late 1997, the Taliban came close to locating Dr L, and because of the urgency of his plight, his escape from Kabul was finally engineered, and he was spirited to central Afghanistan, whence he made his way on foot to Pakistan. Mr A's release was shortly

thereafter procured as part of a prisoner swap, and he too made his way to Pakistan. They were reunited there with their wives and children. However, given Dr L's past role as a very prominent critic of Pakistan's support for the Taliban, the situation for them in Pakistan was nearly as perilous as that in Afghanistan, and Dr L and Mr A therefore lodged applications for resettlement in Australia, where a family member acted as proposer. Each had a remarkably strong case.

In separate letters dated 3 February 1999 and 4 February 1999, the First Secretary (Immigration) at the Australian High Commission in Pakistan wrote to both Dr L and Mr A, rejecting their applications *without even the benefit of an interview*. On the bottom of each rejection, the First Secretary wrote 'UNHCR have advised that you have been submitted to another country for resettlement'. That Dr L and Mr A had been so submitted, it turned out, was completely untrue: when I made some inquiries after learning in May 1999 of the plight of Dr L and Mr A, I was supplied with a formal statement from UNHCR dated 23 August 1999 which inter alia read: 'Please be advised that according to our records, [Dr L] and his family have not—to date—been submitted by UNHCR for resettlement to a third country'. This triggered a veritable merry-go-round of communications, which not only saw pressure from the UNHCR Head Office in Geneva on the UNHCR Office in Islamabad to conduct proper interviews with Dr L and Mr A, but also strong representations to the Minister for Immigration and Multicultural Affairs from one of his Cabinet colleagues, who, along with another current minister in the Howard Government, had actually hosted a dinner for Dr L at Parliament House in Canberra in September 1992. Mr Ruddock's office acknowledged the representations the day after they were made, but Dr L and Mr A heard nothing further from DIMA. It was only in December 1999 that Dr L was interviewed by UNHCR, and only in January 2000 that Mr A secured an interview.

Does the story have a happy ending? Not really. On 4 September 2000, Dr L and his wife and children finally left Pakistan—not for Australia but for another Western country, which, after an approach from UNHCR, handled his case with an expedition which contrasted sharply with DIMA's bumbling. However, the relief of escape was inevitably tinged with sorrow. Just after I had seen Mr A in May 1999, his wife had suffered a sudden seizure, and died because emergency medical

treatment was unobtainable. For Mr A it was a shattering blow. By the time he was interviewed by UNHCR, he was decidedly unwell, but he was reluctant to seek medical treatment. When finally he was driven by unbearable pain to see a doctor, he was at death's door, and he lost his life to cancer two days later. He and his wife are survived by five children, four of them only in their teens. It is a damning reflection on the international system of refugee 'protection' that had Mr A sought the services of a people smuggler, he and his wife might be alive and well today. And if figures as politically prominent and in such peril as Dr L must still struggle to capture the attention of those who 'manage' resettlement programs, how much more difficult is it likely to be for poor Hazaras, or poor Tajiks, or poor Afghans with *any* Convention-based fear of persecution, to secure protection?

PANIC MEASURES

There is some recent evidence that panic over people-smuggling has reached new heights in government circles. On 5 January 2001, the Minister for Immigration and Multicultural Affairs left Australia for a tour of the Middle East. On the day before his departure, the Public Affairs section of DIMA released to a member of the public a copy of the kit which had been prepared for distribution by the Minister during his travels, not only in English but in Persian and Arabic.[62] At some point, the Minister decided not to distribute the material further,[63] but it deserves some attention, if only for what it reveals about the mindset of policymakers in this area—since it must have been cleared by senior DIMA officials or staff in the Minister's office in order to be released to the public; it was unembargoed; and it bore no markings to suggest that it was a draft.

The most startling document in the kit was entitled *Questions and Answers provided by the Australian Minister for Immigration and Multicultural Affairs Mr Philip Ruddock* and dated 'January 2001'. In response to the question 'But won't my family have a better life?', the following answer was offered: 'No. Even if you can bring your family to join you, your children will abandon your traditional way of life in favour of modern "western" ways. You will lose control of your children, who will rebel and question your authority and your religious beliefs'. The author seems not to have appreciated that such comments build on a very

regrettable stereotype which depicts Muslim or Middle Eastern parents as authoritarian and repressive; and convey the covert message that Australia is really only a country for 'westerners'—an unfortunate message to project from 'Multicultural Australia', and from a Department of Immigration and Multicultural Affairs, especially in the wake of the Hanson imbroglio. Furthermore, as a universal proposition about life in Australia, it is plainly false. Many refugees and their families from countries being targeted by the Minister for Immigration and Multicultural Affairs have settled very successfully in Australia. Indeed, if it were true, *any* 'non-westerner' might feel fearful of migrating to Australia.

Nearly as startling was a 'Fact Sheet' on 'Illegal Travel', which claimed, inter alia, that people who arrive in countries 'illegally' have found that 'they face racial hatred and violence because citizens are angry at having to support them'.[64] The empirical basis for this assertion was not made clear, and it is difficult to imagine that it could have any, since the mode of a person's arrival in a country is not sewn like a yellow Star of David on his or her clothing. More disturbing, however, was the impression created by this document that an Australian Government was prepared actually to *evoke* the spectre of 'racial hatred and violence' against refugees in order to deter people from exercising a right set out in Article 14.1 of the Universal Declaration of Human Rights, namely the 'right to seek and enjoy in other countries asylum from persecution'.

As well as this, the Sheet asserted that people who arrive in countries 'illegally' have found that they 'end up living in slums and depend on begging and crime to survive'. Interestingly, the videotape of sharks, snakes and crocodiles which accompanied the printed kit was packaged in a plastic case with a cover photo apparently designed to convey the impression that Australia contains vast slums near the central business districts of its major cities, to which TPV holders could expect to find themselves consigned.

The 'Fact Sheet' on 'Illegal Travel' also stated that Australia's 'tough new laws' provided for mandatory detention in 'camps'—a word which DIMA normally shrinks from employing—and for 'no ... access to welfare benefits'. What made this last point odd was that on a television programme on 5 October 2000, the Minister for Immigration and Multicultural Affairs, to counter the claim that TPV holders were being badly

treated, asserted that they 'are given access to Medicare, they're given access to a full range of social security benefits'.[65] As will be obvious from my earlier discussion, *neither* of these statements is strictly accurate. What is clear is that they are totally incompatible with each other.

CONCLUSION

That such a preposterous collection of aphorisms could be prepared for a travelling minister is a depressing indicator of the grip which paranoia, and perhaps even fanaticism, have secured on this area of public policy. The human beings at the heart of the 'human security' debate are being buried by an avalanche of drivel. But they will surely continue to arrive on Australian shores as long as the fear of intense persecution haunts their everyday lives. It is a failure to recognise the overwhelming potency of 'push factors' which lies at the heart of the Government's misguided response. There are no quick and easy solutions to the problem of people-smuggling: as a phenomenon, it will disappear only when the need for sudden flight is ameliorated.

If the Minister for Immigration and Multicultural Affairs wishes to dissuade desperate people from using desperate means to escape the threat of persecution, he and DIMA will need to think much more seriously about the complex issues involved. It is time to put an end to the people-smuggling panic, which is more a threat to bureaucratic hubris than to 'security' in any useful sense of the term, and leads to ill-considered measures that are likely to prove both embarrassing and ineffective.[66] A good start would be to recognise that the supply of resettlement places in wealthy developed countries, once equal to meeting the need for urgent resettlement, now falls far short of what is required, and that comprehensive political solutions are required for trouble spots such as Afghanistan, a bleeding wound which Western countries, including Australia, neglected while it became infected. This requires a 'whole-of-government' approach, not a maladroit DIMA-crafted 'foreign policy'. The Minister's present approach of treating genuine refugees as if they were the scum of the earth will not work,[67] because nasty as his policies may make life in Australia for Hazaras, it is still preferable to life under the Taliban. Refugees, whatever their mode of entry to Australia, are vulnerable human beings whose dignity should be respected. It is simply not good enough that those who arrive on our shores and cry for help are treated—in Boris Pasternak's memorable words—as 'nameless numbers on a list that was afterwards mislaid'.[68] All that limiting the support for these refugees will do is blight Australia's reputation for humanity, and damage their resettlement prospects. And all that the Minister's ventures into foreign policy are likely to do is convince Australia's neighbours that Hansonism is still alive and well, and that the ghost of T.W. White continues to haunt the corridors of power in Canberra.

FOOTNOTES

1 On the complexities of sovereignty, see Daniel Philpott, 'Sovereignty: An Introduction and Brief History', *Journal of International Affairs*, vol.48, no.2, Winter 1995, pp.353–368; Michael Barnett, 'The New United Nations Politics of Peace: From Juridical Sovereignty to Empirical Sovereignty', *Global Governance*, vol.1, no.1, Winter 1995, pp.79–97; Stephen D. Krasner, 'Compromising Westphalia', *International Security*, vol.20, no.3, Winter 1995–96, pp.115–151; Michael Ross Fowler and Julie Marie Bunck, 'What Constitutes the Sovereign State?', *Review of International Studies*, vol.22, no.4, October 1996, pp.381–404; Öyvind Österud, 'The Narrow Gate: Entry to the Club of Sovereign States', *Review of International Studies*, vol.23, no.2, April 1997, pp.167–184; Derek Croxton, 'The Peace of Westphalia of 1648 and the Origins of Sovereignty', *International History Review*, vol.21, no.3, September 1999, pp.569–591; Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999); and Martin van Creveld, *The Rise and Decline of the State* (Cambridge: Cambridge University Press, 1999).

2 See William Maley, 'Approaches to Transnational Security Issues in the Asia Pacific', in Abdul Razak Baginda and Anthony Bergin (eds), *Asia–Pacific's Security Dilemma: Multilateral Relations Amidst Political, Social and Economic Changes* (London: ASEAN Academic Press, 1998), pp.109–122.

3 Martin Gilbert, *The Holocaust* (London: Collins/Fontana, 1986), p.64.

4 'PM', ABC Radio, 17 November 1999; *The Australian*, 8 January 2000.

5 See Danièle Joly, *Haven or Hell? Asylum Policies and Refugees in Europe* (London: Macmillan, 1996); Randall Hansen and Desmond King, 'Illiberalism and the New Politics of Asylum: Liberalism's Dark Side', *The Political Quarterly*, vol.71, no.4, October–December 2000, pp.396–403.

6 Of the 3120 persons whose nationality remained to be determined, a proportion were likely to be Afghans as well.

7 *Unauthorised Arrivals by Air and Sea* (Canberra: DIMA Fact Sheet 81, 3 January 2001).

8 See *Asylum Applications Submitted in Europe, 2000* (Geneva: United Nations High Commissioner for Refugees, 25 January 2001). The populations of the Netherlands and Belgium are 15,785,700 and 10,161,200 respectively—both substantially lower than Australia's estimated population in June 1999 of 18,966,800. For further discussion of Europe's experience, see Liza Schuster, 'A Comparative Analysis of the Asylum Policy of Seven European Governments', *Journal of Refugee Studies*, vol.13, no.1, 2000, pp.118–132.

9 *Election 98: National Results* (Canberra: Australian Electoral Commission, 1998), p.29.

10 See Chandran Kukathas and William Maley, *The Last Refuge: Hard and Soft Hansonism in Contemporary Australian Politics* (Sydney: Issue Analysis no.4, Centre for Independent Studies, 16 September 1998).

11 Ian McAllister and Clive Bean, 'The Electoral Politics of Economic Reform in Australia: The 1998 Election', *Australian Journal of Political Science*, vol.35, no.3 November 2000, pp.383–399 conclude at p.398 that 'the predominant motivation voters possessed for defecting from the major parties was One Nation's stance on immigrants and Aborigines'. That said, the landslide defeat of the Western Australian state government of Richard Court at the February 2001 election shows that merely *scorning* 'boat people' is not a fail-safe technique for winning preferences from ultra-right groups; the ultra-right may well be satisfied with nothing short of a policy of immediate forced repatriation.

12 See Kathryn Cronin, 'A Culture of Control: An Overview of Immigration Policy-making', in James Jupp and Marie Kabala (eds), *The Politics of Australian Immigration* (Canberra: Australian Government Publishing Service, 1993), pp.83–104. This is not to say that all DIMA officers approve of recent policies in the refugee area; on the contrary, to my certain knowledge there are DIMA officers who are extremely perturbed by the direction that policy has come to take.

13 See Mary Crock, *Immigration and Refugee Law in Australia* (Sydney: The Federation Press, 1998), p.210. Since it is not an offence to enter Australia without a visa, it is preferable to refer to those who do as 'unauthorised arrivals' rather than as 'illegal immigrants', since the latter expression can lead those without legal training to assume that some criminality on the part of the unauthorised arrivals is involved. As a matter of international law, such unauthorised arrivals may be refugees under the Convention before even arriving in Australia, since the better view is that definition of refugee in the Convention is constitutive, rather than dependent upon a determination by a state party: see Guy S. Goodwin-Gill, *The Refugee in International Law* (Oxford: Oxford University Press, 1998), p.141. For further background on refugee protection, see Tony Kushner and Katharine Knox, *Refugees in an Age of Genocide* (London: Frank Cass, 1999); Frances Nicholson and Patrick Twomey (eds), *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge: Cambridge University Press, 1999); William Maley, 'Refugees and forced migration as a security problem', in William T. Tow, Ramesh Thakur and In-taek Hyun (eds), *Asia's Emerging Regional Order: Reconciling Traditional and Human Security* (Tokyo: United Nations University Press, 2000), pp.142–156.

14 John Morrison, *The Trafficking and Smuggling of Refugees: The End Game in European Asylum Policy?* (Geneva: Evaluation and Policy Analysis Unit, UNHCR, July 2000), para.3.2.1. Emphasis added.

15 Neal Blewett, *A Cabinet Diary* (Adelaide: Wakefield Press, 1999), p.106. Emphasis added.

16   People *trafficking* is not the same as people *smuggling*, and the two should not be confused. 'Trafficking' is stringently defined in Article 3 (a) of the December 2000 *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention Against Transnational Organized Crime* as 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'.

17   See John McFarlane, *Transnational Crime and Illegal Immigration in the Asia–Pacific Region: Background, Prospects and Countermeasures* (Canberra: Working Paper no.335, Strategic and Defence Studies Centre, Australian National University, 1999); and the special issue on 'Perspectives on Trafficking of Migrants' of *International Migration*, vol.38, 2000.

18   See Joel S. Migdal, *Strong Societies and Weak States: State–Society Relations and State Capabilities in the Third World* (Princeton: Princeton University Press, 1988); Joel S. Migdal, 'The State in Society: An Approach to Struggles for Domination', in Joel S. Migdal, Atul Kohli and Vivienne Shue (eds), *State Power and Social Forces: Domination and Transformation in the Third World* (Cambridge: Cambridge University Press, 1994), pp.7–34; H.E. Chehabi and Juan J. Linz (eds), *Sultanistic Regimes* (Baltimore: The Johns Hopkins University Press, 1998).

19   See William A. Niskanen, *Bureaucracy and Representative Government* (Chicago: Aldine Atherton, 1971), pp.36–42.

20   See *Ruddock Introduces Tough New Measures to Reduce Illegal Entrants* (Canberra: MPS 046/2000 – Budget Media Release 1, 9 May 2000). The conditions endured by detainees in existing centres have come in for scathing criticism: see *Those who've come across the seas: Detention of unauthorised arrivals* (Sydney: Human Rights and Equal Opportunity Commission, 1998). Philip Flood, *Report of Inquiry into Immigration Detention Procedures* (Canberra: Inquiry into Immigration Detention Procedures, 23 February 2001) para. 10.12, accepted, as 'credible', evidence of 'derogatory remarks to detainees, humiliation of people in room searches and people sworn at in an abusive manner'.

21   See William Maley, 'Reconstructing Afghanistan: Opportunities and Challenges', in Geoff Harris (ed), *Recovery from Armed Conflict in Developing Countries: An Economic and Political Analysis* (London: Routledge, 1999), pp.225–257.

22   There is now a large literature on the events of this period. See Thomas T. Hammond, *Red Flag Over Afghanistan: The Communist Coup, the Soviet Invasion, and the Consequences* (Boulder: Westview Press, 1984); Anthony Arnold, *Afghanistan: The Soviet Invasion in Perspective* (Stanford: Hoover Institution Press, 1985); Henry S. Bradsher, *Afghanistan and the Soviet Union* (Durham: Duke University Press, 1985); Olivier Roy*, L'Afghanistan: Islam et modernité politique* (Paris: Éditions du Seuil, 1985); Edward Girardet, *Afghanistan: The Soviet War* (London: Croom Helm, 1985); Bo Huldt and Erland Jansson (eds), *The Tragedy of Afghanistan: The Social, Cultural and Political Impact of Soviet Invasion* (London: Croom Helm, 1988); Milan Hauner and Robert L. Canfield (eds*), Afghanistan and the Soviet Union: Collision and Transformation* (Boulder: Westview Press, 1989); Mark Urban, *War in Afghanistan* (London: Macmillan, 1990); Amin Saikal and William Maley, *Regime Change in Afghanistan: Foreign Intervention and the Politics of Legitimacy* (Boulder: Westview Press, 1991); Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (New Haven: Yale University Press, 1995); Assem Akram, *Histoire de la guerre d'Afghanistan* (Paris: Éditions Balland, 1996); Henry S. Bradsher, *Afghan Communism and Soviet Intervention* (Karachi: Oxford University Press, 1999); Douglas A. Borer*, Superpowers Defeated: Vietnam and Afghanistan Compared* (London: Frank Cass, 1999); Gilles Dorronsoro, *La révolution afghane: Des communistes aux tâlebân* (Paris: Karthala, 2000); Antonio Giustozzi, *War, Politics and Society in Afghanistan 1978–1992* (London: Hurst & Co., 2000).

23   On schools, see *The Status of Education in Afghanistan* (Peshawar: University of Nebraska at Omaha/ ESSP Research and Planning, 1994), Vols. I–II. On mines, see *Report of the National Survey of Mines Situation: Afghanistan* (Islamabad: Mine Clearance Planning Agency, 1993), Vols. I–II.

24   On this wave of Afghan refugees, see Nancy Hatch Dupree, 'The Demography of Afghan Refugees in Pakistan', in Hafeez Malik, (ed.), *Soviet–American Relations with Pakistan, Iran and Afghanistan* (London: Macmillan, 1987), pp.366–394; Nancy Hatch Dupree, 'Demographic Reporting on Afghan Refugees in Pakistan', *Modern Asian Studies* vol.22, no.4, October 1988, pp.845–865; Pierre Centlivres and Micheline Centlivres-Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', *Current Sociology*, vol.36, no.2, Summer 1988, pp.71–92; William Maley, 'Afghan Refugees: From Diaspora to Repatriation', in Amin Saikal (ed.), *Refugees in the Modern World* (Canberra: Department of International Relations, Research School of Pacific Studies, Australian National University, 1989), pp.17–44.

25   For more detailed analysis of these events, see William Maley, 'The Future of Islamic Afghanistan', *Security Dialogue*, vol.24, no.4, December 1993, pp.383–396; William Maley, 'The Dynamics of Regime Transition in Afghanistan', *Central Asian Survey*, vol.16, no.2, June 1997, pp.167–184.

26   On US policy, see Richard Mackenzie, 'The United States and the Taliban', in William Maley (ed.), *Fundamentalism Reborn? Afghanistan and the Taliban* (New

York: New York University Press, 1998), pp.90–103; Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven: Yale University Press, 2000), p.180.

27   See William Maley, 'Introduction: Interpreting the Taliban', in William Maley (ed.), *Fundamentalism Reborn? Afghanistan and the Taliban* (New York: New York University Press, 1998), pp.1–28.

28   Amin Saikal, 'Afghanistan's Ethnic Conflict', *Survival*, vol.40, no.2, Summer 1998, pp.114–126. Afghanistan is an extremely diverse country from an ethnic perspective: see Erwin Orywal (ed.), *Die ethnischen Gruppen Afghanistans: Fallstudien zu Gruppenidentität und Intergruppenbeziehungen* (Wiesbaden: Dr. Ludwig Reichert Verlag, 1986).

29   See William Maley, *The Foreign Policy of the Taliban* (New York: Council on Foreign Relations, 2000), pp.18–21. For a detailed critique of the Taliban's gender policies, see *The Taliban's War on Women: A Health and Human Rights Crisis in Afghanistan* (Boston: Physicians for Human Rights, 1998). The depth of the chasm between the Taliban and the international community can perhaps best be illustrated by a report of a September 2000 meeting between the United Nations High Commissioner for Refugees, Dr Sadako Ogata, and the Taliban Governor of Herat, Mullah Khairullah Khairkhwa: 'According to UN aides who attended the meetings with Ogata, she devoted 90 percent of her agenda to the issue of women's rights … At one point, the aides said, Khairkhwa used an analogy to make his point, noting that many Afghans generally abhor dogs but treat them well if they are trained to obey commands. The aides said Ogata responded with silence': Pamela Constable, 'Tongue-Lashing the Taliban', *The Washington Post*, 20 September 2000, p.A22.

30   Zalmay Khalilzad and Daniel Byman, 'Afghanistan: The Consolidation of a Rogue State', *The Washington Quarterly*, vol.23, no.1, Winter 2000, pp.65–78.

31   See Barnett R. Rubin, 'The Political Economy of War and Peace in Afghanistan', *World Development*, vol.28, no.10, October 2000, pp.1789–1803.

32   For more detail, see William Maley, 'Social Dynamics and the Disutility of Terror: Afghanistan, 1978–1989', in P. Timothy Bushnell, Vladimir Shlapentokh, Christopher K. Vanderpool, and Jeyaratnam Sundram (eds), *State Organized Terror: The Case of Violent Internal Repression* (Boulder: Westview Press, 1991), pp.113–131.

33   On the background of the Hazaras, see David Busby Edwards, 'The Evolution of Shi'i Political Dissent in Afghanistan', in Juan R.I. Cole and Nikki R. Keddie (eds) *Shi'ism and Social Protest* (New Haven: Yale University Press, 1986), pp.201–229; Kristian Berg Harpviken, *Political Mobilization among the Hazaras of Afghanistan: 1978–1992* (Oslo: Report no. 9, Department of Sociology, University of Oslo, 1996); Sayed Askar Mousavi, *The Hazaras of Afghanistan: An Historical, Cultural, Economic, and*

Political Study (New York: St Martin's Press, 1998); Hafizullah Emadi, 'The Hazaras and their Role in the Process of Political Transformation in Afghanistan', *Central Asian Survey*, vol. 16, no. 3, September 1997, pp.363–387.

34   For details, see *Afghanistan: The Massacre in Mazar-i Sharif* (New York: Human Rights Watch, November 1998); Kenneth J. Cooper, 'Taliban Massacre Based on Ethnicity', *The Washington Post*, 28 November 1998, p.A01.

35   See Amnesty International, *Afghanistan: Summary Execution of Civilians in Yakaolang* (London: AFA 11/001/2001, 23 January 2001); *Massacres of Hazaras in Afghanistan* (New York: Human Rights Watch, 19 February 2001).

36   Rubin, 'The Political Economy of War and Peace in Afghanistan', p.1799.

37   See Reporters Sans Frontières, *The Taliban and the Media: A Country with no News or Pictures* (Paris: Reporters Sans Frontières, 2000).

38   My interviews with 'smuggled' Afghans strongly suggest that, in contrast to the situation commonly faced by those smuggled by Chinese 'snakeheads', the entire cost of being moved is paid 'upfront'.

39   For an excellent study of the traumatising effects of detention, see Derrick Silove, Zachary Steel, and Charles Watters, 'Policies of Deterrence and the Mental Health of Asylum Seekers', *Journal of the American Medical Association*, vol.284, no.5, August 2, 2000, pp.604–611.

40   For further discussion of this TPV, see Hossein Esmaeili and Belinda Wells, 'The "Temporary" Refugees: Australia's Legal Response to the Arrival of Iraqi and Afghan Boat-People', *University of New South Wales Law Journal*, vol.23, no.3, 2000, pp.224-245.

41   This policy has had two inadvertent effects. First, as people smugglers have advertised the policy to potential clients, more women and children are accompanying their husbands/fathers on boats. Second, for those who cannot immediately raise enough money to pay for their wives and children to accompany them, it provides an incentive for them to maintain contact with criminal networks, as their only hope of being reunited with their loved ones. The policy of seeking to block family reunion is also flatly at odds with the spirit of Recommendation IV.B of the 1951 United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, namely that 'the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee': see *Convention and Protocol Relating to the Status of Refugees* (Geneva: United Nations High Commissioner for Refugees, 1996), p.12.

42   The response of Afghan communities has been far from uniform. A number of younger Afghans have performed outstandingly, while a number of older Afghans, including some who support the Taliban, have shown a scorn for the

Hazaras which may reflect longstanding attitudinal dispositions. But it would be dangerous to generalise, since as yet there is no study of Afghans in Australia which could compare with Patricia A. Omidian, *Aging and Family in an Afghan Refugee Community* (New York: Garland Publishing, 1996) or Maliha Zulfacar, *Afghan Immigrants in the USA and Germany: A Comparative Analysis of the Use of Ethnic Social Capital* (Münster: LIT Verlag, 1998).

[43]   Philip Ruddock, 'An International Approach to Combating People Smuggling and the Illegal Movement of People', Speech at the European Union International Meeting on 'The Struggle Against Illegal Immigration', Paris, 20 July 2000.

[44]   'The World Today', ABC Radio, 9 August 2000. Pressed by the interviewer, the Minister admitted he had no proof for this claim. Hazaras I have interviewed have been fearful of attempting to initiate any contact with their families, lest it expose the families to further danger from the Taliban. As a result, they are typically wracked by feelings of profound anguish and uncertainty about the future.

[45]   'Sunday', National Nine Television Network, 13 August 2000. Again, the Minister offered no evidence to support this assertion.

[46]   See, for example, Adele Horin, 'Demonising the Defenceless', *Sydney Morning Herald*, 12 August 2000; Bernard Lagan, 'Divided we fall', *Sydney Morning Herald*, 9 September 2000; Bruce Haigh, 'We Need a Refugee Policy for our Times', *Sydney Morning Herald*, 13 October 2000; Adele Horin, 'Asylum-seekers Drown in an Ocean of Neglect', *Sydney Morning Herald*, 16 December 2000.

[47]   As conversations with this writer have shown, this remarkable video caused considerable anger in various sections of the Department of Foreign Affairs and Trade, because the paranoia which it reflected ran the risk of reminding key circles in Australia's Asian neighbours of the paranoia which for years fuelled the 'White Australia Policy'. Given the dismay caused in Asia by the rise of Pauline Hanson's 'One Nation', this was the last thing that Australian diplomats needed.

[48]   But that said, it is worth noting that the 'queue jumper' label is rarely attached to asylum seekers who apply for refugee status in Australia after arriving with a temporary visa issed for some other purpose, such as business or tourism. This reaffirms one's sense that the government concern is more with obedience to procedures *per se*, rather than with fairness to people located in some notional queue overseas.

[49]   The 2000 Budget included provision for $5.3 million over four years to accelerate the processing of offshore resettlement applications. How effectively these monies will be used remains to be seen.

[50]   This move may help to account for a recent dip in the number of Afghans arriving in Australia by boat, but without further detailed research, it is perilous to speculate about the causes of fluctuations over time in what remain relatively small numbers. A report for the *Straits Times*, 15 July 2000, also raises doubts about the nature of the 'voluntary' repatriation under this programme: 'A woman refugee waiting in a bus that will take her home said: "Let's say we were obliged to volunteer." Shortly before the programme got underway, police raided an Afghan community and extradited more than 1,400 to send a strong signal to those who refuse to "volunteer".' See also Amnesty International, *Iran: Are Returning Afghan Refugees Properly Protected?* (London: MDE 13/028/2000, 26 September 2000).

[51]   United Nations, *Humanitarian Assistance for Afghanistan: Weekly Update* (Geneva: UNOCHA, no.341, 7 December 1999), p.1.

[52]   Amnesty International, *Hundreds of Afghan Refugees Forcibly Removed from Iran* (London: MDE 13/06/00, 17 March 2000).

[53]   *Agence France-Presse*, 30 January 2001 (Jalozai).

[54]   This seems to have been lost on the 'External Reference Group on People Smuggling', which in a December 1999 booklet asserted that those who arrive by boat and obtain refugee status 'are stealing places from those who are in more urgent need of resettlement' (p.4), but offered not a word to explain why Special Humanitarian Programme visa holders should be considered more urgently in need of resettlement than Convention refugees who arrived by boat.

[55]   See William Maley, 'Multiculturalism, Refugees, and Duties Beyond Borders', in Chandran Kukathas (ed.), *Multicultural Citizens: The Philosophy and Politics of Identity* (Sydney: Centre for Independent Studies, 1993), pp.175–190 at p.185.

[56]   In the listing of the 'TI 1999 Corruption Perceptions Index', Pakistan ranked 87th out of 99 countries listed. See *Transparency International Annual Report 2000* (Berlin: Transparency International, 2000), p.13.

[57]   On UNHCR and protection more generally, see Guy S. Goodwin-Gill, 'Refugee Identity and Protection's Fading Prospect', in Frances Nicholson and Patrick Twomey (eds), *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge: Cambridge University Press, 1999), pp.220–249.

[58]   *Reuters*, 20 September 1999 (Islamabad).

[59]   See *Summary of Amnesty International's Concerns in the Democratic Republic of Afghanistan* (London: Amnesty International, ASA 11/07/84, 1984), p.3.

[60]   For a recent discussion, see Larry Schwartz, 'Asylum-seeking Victims Find Themselves Living Side by Side with tormentors', *Sunday Age*, 13 August 2000, pp.12–13. One such KhAD official managed to evade proper scrutiny and enter Australia because, as a Deputy Secretary

of the then-Department of Immigration and Ethnic Affairs explained to a Senate Committee, 'there was clearly a breakdown in our procedures', which apparently did not recognise that certain letters in the Persian or Pushto alphabets could be transliterated into English in more than one way: *Senate Hansard*, Estimates Committee F, 23 June 1994, p.F 231.

[61]   *The Size and Composition of the 2000–2001 Humanitarian Program: Views from the Community Sector* (Sydney: Refugee Council of Australia, 2000), p.53.

[62]   Some of the translated material had been bound into a booklet with a coloured photograph on the cover of detainees at the Woomera camp. Unfortunately, the Department seems not to have realised that Persian and Arabic script moves in the opposite direction from English— and as a result, what should have been on the *front* cover was printed on what to a reader of Persian or Arabic would be the *back* cover.

[63]   See Benjamin Haslem, 'Outrage at Kit to Deter Illegal Immigrants', *Australian*, 10 January 2001, p.3; Benjamin Haslem, 'Ruddock Withdraws Scare Sheet', *Australian*, 11 January 2001, p.5.

[64]   While this assertion did not *specifically* mention Australia, the fact that it came in a folder with 'The Australian Government' on the cover, and on a sheet of paper with an outline map of Australia in the top right-hand corner, would lead any normal reader to conclude that this reference applied to Australia.

[65]   'Insight', SBS Television, 5 October 2000.

[66]   Some parallels might be drawn with international narcotics control policies, which also have had significant unintended consequences: see Ralph Seccombe, 'Squeezing the Balloon: International Drugs Policy', *Drug and Alcohol Review*, vol.14, 1995, pp.311–316; Ralph Seccombe, 'Troublesome Boomerang: Illicit Drug Policy and Security', *Security Dialogue*, vol.28, no.3, September 1997, pp.287–299; William B. McAllister, *Drug Diplomacy in the Twentieth Century: An International History* (London: Routledge, 2000), pp.253–255.

[67]   Being so treated is a painfully familiar aspect of the refugee experience: see Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, 1973), p.267.

[68]   Boris Pasternak, *Doktor Zhivago* (Moscow: Izdatel'stvo 'Sovetskaia Rossiia', 1989), p.586. Until very recently, those detained in Woomera and Port Hedland were identified not by name, but by a *number*, one of the most disturbing of the processes of dehumanisation which the camps embody.