

Outsourcing: New low in refugee protection

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REFUGEE protection is a core human rights issue. The fundamental right of seeking and enjoying asylum from persecution in other countries has been enshrined in Article 14(1) of the 1948 Universal Declaration of Human Rights. The principle of asylum acknowledges that when all other forms of human rights protection fail, individuals must be able to leave their country freely and seek refugee elsewhere.

Over the last several decades while notable progress in protection was made in several areas of human rights, states have generally reneged on their commitment towards protecting refugees. Since the end of the Cold War one has witnessed increased propensity to undermine the spirit of the 1951 Refugee Convention even among the states that were the principal architects of the international refugee regime and had ratified the instruments. As Human Rights Watch bemoaned: "Globally, there is less tolerance and more hostility towards refugees ... and countries in the developed and developing world alike are closing their doors to the refugees." In sum, the world has become less respectful to the rights of the asylum seekers, refugees and the stateless people.

The September 2014 agreement between Australia and Cambodia on offshore refugee management is an important marker in this regard. Under this, Cambodia will accept refugees seeking asylum in Australia in return for \$35 million in aid over four years, in addition to \$69 million already allocated to the country. Initially, more than 200 people who have successfully claimed refugee status from the Australian authorities and are currently based in the offshore detention centre in Nauru would be brought over to Cambodia. It would be "an ongoing arrangement" with "no caps on total numbers involved," stated Australia's Immigration Minister Scott Morrison. He insisted that "this is a voluntary arrangement and no one was forcing anyone to go anywhere." He said: "It enables us to fulfill the policy which says that no one will be resettled in Australia." The minister said Australia would also provide expertise on developing Cambodia's capacity to settle refugees.

The Australian move to outsource refugee management to a third country has created widespread revulsion among a section of the Australian lawmakers as well as rights activists both at home and abroad. The plan to dispatch refugees to a country that has recent history of "civil war, genocide and occupation as well as better known for generating its waves of refugees" has been termed as shameful and unacceptable. Australian Senator Sarah Hanson-Young, the immigration spokesperson for the Greens, berated the government for signing "an open-ended deal with one of the most corrupt nations of earth." Of particular concern to Hanson is the fate of unaccompanied refugee girls. Cambodia's recent track record of increased incidence of rape and sexual exploita-

tion led her to conclude that "the moment these girls step off the plane, they will be put at risk."

Terming Cambodia as "completely unsuitable place for refugees," Australia's Refugee and Immigration Legal Centre expressed concern that the agreement "risked violating rights and endangering lives. ... The reality is refugees will be forced to live a life of danger and despair on the margins." Amnesty International accused Australia of "putting the short-term political interests of the Australian government ahead of the protection of some of the world's most vulnerable people." "It makes Cambodia complicit in Australia's human rights breaches and seriously flawed offshore processing system," Amnesty noted.

Ou Virak, Chair of the Cambodian Centre for Human Rights, said: "How irresponsible is it for Australia? Cambodia cannot protect its own people and violates every possible right they have. Australia is moving its burden offshore, knowing that the country cannot protect the refugees." A section of Cambodian Buddhist monks also expressed anger that Australia was burdening with refugees a poor country that is struggling to provide basic amenities to its own people. "If they are not good enough for Australia, why are they being dumped in Cambodia?" This question was raised by demonstrators at a recent rally in front of the Australian Embassy in Phnom Penh.

In order to assuage public concerns the Australian minister underscored the voluntariness of the scheme. What Mr. Morrison did not state is that those who would refuse this re-settlement offer would continue to remain in atrocious conditions in Nauru, where they are currently based. Senator Hanson-Young observed that the Abbott government was forcing refugees "to choose between cruelty in Nauru and cruelty of Cambodia."

Australia's practice of transferring asylum seekers to Nauru and Manus Island has amounted to refoulement -- 'sending them to countries where they are subjected to human rights violations.' The practice breaches the country's obligations under both international refugee and human rights law and standards. Following a visit to Manus Island in November 2013, Amnesty International reported that asylum seekers were subjected to deliberately harsh and humiliating conditions. Those were designed to pressure them to return to their country of origin, regardless of whether or not they were refugees. In November 2012, Amnesty found that refugees and asylum seekers in the Australia-run detention centre in Nauru "were living in cramped condition, suffered from both physical and mental ailments, and routinely had their human rights violated."

Minister Morrison's assertion that those who chose to go would "be afforded all the same rights under the Cambodian law and those under Refugee Convention" has further aggrieved refugee rights activists. Cambodia has a track record of flagrantly contravening provisions of international refugee convention, an instrument that

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it ratified. In 2009 it deported 20 ethnic Uighurs back to China although members of the group received letters of protection from the UNHCR. Those who returned faced secret trials and several were reportedly sentenced to long prison terms. It is worthwhile to note that Cambodia was awarded \$1 billion in loans and grants by China within days of the return of the Uighurs. Earlier in 2002, three persons in receipt of UN protection were refouled to their countries of origin. Two sent to China were members of the Falun Gong movement and another was a dissident monk in Vietnam. The Cambodian authorities meted out the same treatment to hundreds of ethnic Montagnards minority fleeing persecution in Vietnamese authorities during 2001-2004.

The Abbott government's latest decision has been termed as "inappropriate, immoral and likely illegal" by a consortium of organisations that included Unicef, Amnesty International and Refugee Council of Australia. Explaining the position of the consortium Alastair Nicholson, former Chief Justice of Australia's Family Court, stated that "it is inappropriate because Cambodia has no capacity within its social sectors to take an influx of refugees; immoral because these vulnerable people are Australia's responsibility; while we await the detail, it appears illegal in contravening Australia's humanitarian and refugee obligation to vulnerable children and families".

It is an irony that Australia has decided to work out this arrangement with a government that itself has criticised in the recent past. January 2014 witnessed violent crackdown on workers and activists that resulted in the death of at least four people with scores gone missing. The hypocrisy of the Australian policy is laid bare as the country only recently expressed concern about Cambodia's human rights situation, "restrictions on freedoms of assembly and association, particularly recent disproportionate violence against protesters, including detention without trial." In February 2014, the Australian Senate adopted a motion condemning the use of violence and excessive force against demonstrators and a repeal of a ban on demonstrators.

The latest Australian decision to outsource refugee protection will set a dangerous precedent. Refugee protection has struck a new low. At a time when the world is faced with the highest number of asylum seekers, refugees and stateless people since the Second World War such shortsighted nationalist xenophobic policies only betray the fact how insensitive the current leaders of the so-called free and liberal world has become when comes to upholding the lofty principles of human rights and humanitarianism.

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Let the silent majority speak

SHIFTING IMAGES



MILIA ALI

motion had a hypnotic quality, conveying a powerful spiritual message.

However, my feeling of elation was transitory in the face of daily negative news about the Islamic State's (ISIS) beheadings and other atrocities perpetrated by extremist Muslim groups around the globe. It's not easy to be a Muslim these days with a constant "media war" being waged against Islam in the West. But let's admit that the ammunition for the attacks has been supplied by the outrageous deeds of Muslim extremists, acting in the name of Islam.

Rational readers will justifiably argue that sectarianism and violence are not exclusive to radical Islamic groups. The recent brutalities of Israel in Palestine, the grisly acts of Hindu nationalists against minorities, Buddhist monks leading lynch mobs in Sri Lanka and Myanmar are all examples of sectarian violence. I, too, condemn these acts but maintain that the violence perpetrated by the "other" groups should not be used for condoning the brutalities of Islamic extremists.

In my view, the critical difference is that most radical Muslim movements claim that their actions are sanctioned by Islamic Sharia. In contrast, other sectarian groups avoid putting a religious label on their cruel excesses, even when their agendas are driven by a religious doctrine. For instance Zionism is anti-religious in its European origins but its basic goal -- redemption of the "Promised Land" -- is rooted in theological notions. As is true of the Hindutva philosophy of the RSS in India. Yet neither group cites the Torah or the Geeta to justify its killings and atrocities.

Most Muslims are understandably frustrated and conflicted because they can find no correlation between the core Islamic tenet of respect for human life and the actions of radical Islamists who kill on the basis of their flawed interpretation of the Quran. However, the "Islam" tag attached to the actions of extremists makes all Muslims "guilty by association." Moreover the specious claims made by these radical groups provide fodder to critics like American comedian Bill Maher and author Sam Harris who allege that Islam is inherently a violent religion and that it incites its adherents to wage armed "Jihad."

Fortunately, there are now dissenting voices that are protesting against the stereotyping of Muslims. Recently, academic Raza Aslan refuted Maher's attacks by accusing him and the media of "painting all Muslims with a broad brush." Others, including journalist Glenn Greenwald, actor Ben Affleck, religious scholar Karen Armstrong and columnist Nicholas Kristof, have cautioned against the pitfalls of attributing the ongoing turmoil to a single factor, namely religion. They underscore the complexity of the problem, drawing attention to the years of political, social and economic exploitation by dictators in Islamic countries and the western nations, especially the United States, turning a blind eye to the adverse policies of their "favoured" Muslim dictators and monarchs.

This debate notwithstanding, it may be useful to ask why matters have come to a point where we Muslims are constantly compelled to defend our religion using arguments from the Quran and the Hadith. Perhaps, we need to go through some soul-searching and introspection. An appropriate starting point would be to put ourselves in the mindset of the critics. How would we view the kidnapping and forced marriages of adolescent girls by the Boko Haram; the tortures on women and killings by Isis; the shooting of an academic in Karachi University for simply stating that Islam allows its women to marry non-Muslims? Would we not condemn these excesses, wholeheartedly? Would we not question the "religious rationality" of these brutal acts?

It is time that the numerous tolerant Muslims who want a life of peace and harmony take cognisance of the fact that "Islam" cannot act by itself. It is owned by its followers and can become what they make it. In the words of Nicholas Kristof (The New York Times): "The great divide is not between faiths but one between intolerant zealots of any tradition and the large numbers of decent, peaceful believers likewise found in each tradition." True. But then, why are the "large numbers of decent, peaceful" Muslims silent? Why are they not speaking out and questioning the validity and tenacity of the claims made by the "intolerant zealots" who pretend to be the flag bearers of Islam?

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Will the Indo-Pak leaders listen to the message of peace?

HARUN UIR RASHID

LEADERS in India and Pakistan traded blame on October 9 for cross-border attacks that officials said have killed at least 18 civilians in recent days and forced thousands to flee from their homes.

An unusually intense spate of mortar shelling has gone on for more than a week along the border, one of the most highly militarised zones in the world. It is one of the worst confrontations between the nuclear-armed neighbours since a 2003 cease-fire.

India's Defence Minister, Arun Jaitley, called on Pakistan to stop "unprovoked" attacks and issued a warning. If Pakistan persists with this adventurism, then our forces will continue to fight," Jaitley said at a news conference in New Delhi. "The cost of this adventurism will be unaffordable."

In Pakistan, a military spokesman said 10 Pakistani civilians had been killed and more than 42 injured during the shelling. "During the last three days, Indian troops are repeatedly resorting to unprovoked firing," the spokesman said. Pakistani troops are meeting the fire with "an effective response," he added.

Pakistan Foreign Office Spokesperson Ms. Tasneem Aslam spoke to NDTV and said Pakistan would like to see an end to the border skirmishes as soon as possible and that Pakistan wanted an assurance from India to end the firing.

The United Nations has expressed concern about "the recent escalation of violence." The U.N. secretary general wants both nations "to engage constructively to find a long-term solution for peace and stability in Kashmir," his spokesman said in a statement Thursday. Meanwhile, on October 10, Thorbjorn Jagland, the

chairman of the Norwegian Nobel Committee, declared that the panel "regards it as an important point for a Hindu and a Muslim, an Indian and a Pakistani, to join in a common struggle for education and against extremism."

In that spirit, Ms. Malala Yousafzai from Pakistan and Mr. Kailash Satyarthi from India agreed to work together to help children and to heal the rift between their countries.

The Pakistani girl once shot by the Taliban for daring to want an education just like the boys, celebrated being the joint winner of the peace prize with her classmates at Edgbaston High School for girls in Birmingham. She said: "I felt more powerful and more courageous because this award is not just a piece of metal or a medal you wear or an award you keep in your room. This is encouragement for me to go forward and believe in myself and know there are people who are supporting me in this campaign."

Malala reportedly said: "I'm also really happy that I'm sharing this award with a person from India, whose name is Kailash Satyarthi. His great work for child's rights and against child slavery totally inspires me. I'm really happy there are so many people working for children's rights and I'm not alone. He totally deserves this award and I'm really honoured that I'm sharing this award with him."

"We are the two Nobel award receivers -- one is from Pakistan, one is from India. One believes in Hinduism, one strongly believes in Islam. It is a message to people -- a message of love for people of Pakistan and India and between different religions. And we both support each other. It does not matter the colour of your skin, what language you speak, what religion you believe in. It is that we should all

consider each other as human beings and respect each other. We should all fight for our rights, for the rights of women, for the rights of children, for the rights of every human being."

Malala said she had a telephone conversation with fellow Nobel peace prize winner Kailash Satyarthi, 60. "I want both countries to have dialogue, to talk about peace ... rather than fighting with each other. I really believe in peace, I really believe in tolerance and patience, and it is really important for the progress of both the countries that they have peace and they have good relationships," she said.

She added that both winners would request the prime ministers of India and Pakistan to attend the ceremony when they are presented with the peace prize in December in Oslo.

Malala and Satyarthi have demonstrated peace and harmony through their work and the Norwegian Nobel Committee have implicitly sent a peace message to the leaders of India and Pakistan by awarding Nobel Peace Prize to a Pakistani and an Indian citizen. Is it not paradoxical, considering the existing situation at the border?

The peace award is being seen as a symbolic act to end the rivalry between the neighbours, who have been firing on each other on the disputed border over the past week. "What irony! While India and Pakistan fight with each other at the border, an amazing Indian and a brave Pakistani share the Nobel Peace Prize," tweeted filmmaker Pritish Nandy from India.

Hopefully, the leaders of India and Pakistan will receive the signal and engage in peaceful resolution of the disputed border.

The writer is a former Bangladesh Ambassador to the UN, Geneva.

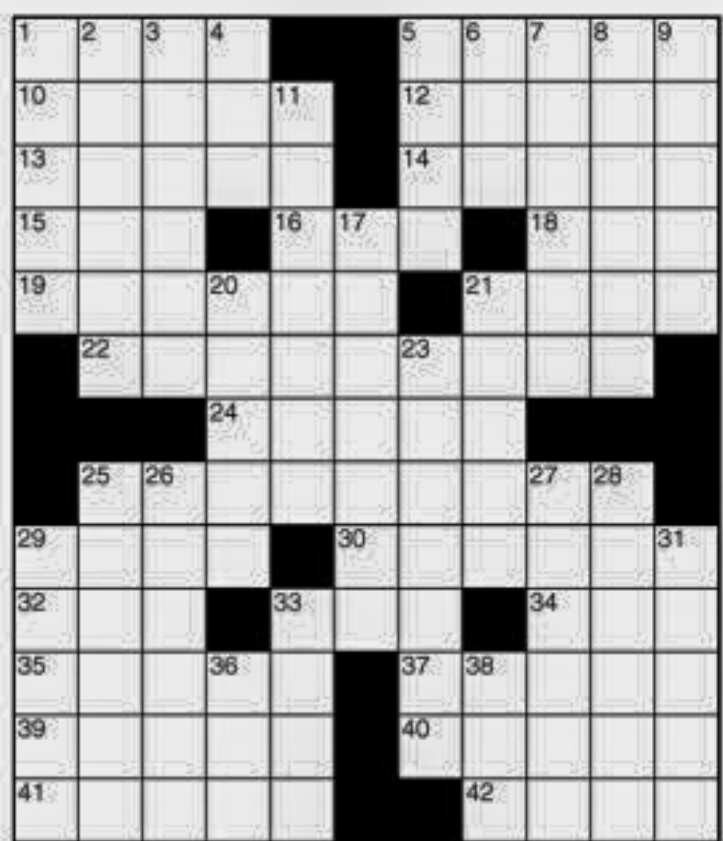
CROSSWORD by Thomas Joseph

ACROSS

- Moral flaw
- Hotel workers
- Put a cap on
- Quartet doubled
- Bridge bid, briefly
- Green sauce
- Toothpaste type
- Palmas
- Hankering
- Furtive ones
- Rocket part
- Result of a bad at-bat
- Singer Della
- Result of a good at-bat
- Paris' home
- Checked out
- Nonsense
- Hauler's unit
- Mer makeup
- Not out of it
- Origami creation
- Spoof
- Canvas holder
- Used up
- Towel embroidery

DOWN

- Online journals
- Sheets and such
- Frittata
- Malleable metal
- Swabbing tools
- Whiz
- Dress shop comment
- Hate
- Cherry center
- Gandalf's creator
- Requested one's presence at
- Place in order
- Seasonal songs
- Gist
- "Don't be a baby!"
- Turn
- Relaxed
- Less civil
- Golf bunkers
- Formal fights
- Circus setting
- Darling of baseball
- Fan sound



Yesterday's answer

SPIELTOWAINTIPINTOOWNED OCTETTOTAL UNOUPCLOSE SITSCROTTED ECHORYACHT EEARLIE AGREEAMPS SITORBYAP TROOPER SRI ABODEACTOR KEVINWHILE EDENS LACES

EID MUSINGS



by E R Ronny

