

**THE CONTRADICTORY OF AUSTRALIA PACIFIC SOLUTION  
TOWARD THE 1951 UNHCR CONVENTION AND  
1967 PROTOCOL RELATING TO THE STATUS OF REFUGEE  
(2001 – 2007)  
UNDERGRADUATE THESIS**



**Written by**

**Yuritia Anggraini Puteri**

**20070510140**

**INTERNATIONAL RELATIONS DEPARTMENT  
SOCIAL AND POLITICAL SCIENCES FACULTY  
MUHAMAMDIYAH YOGYAKARTA UNIVERSITY**

**2011**

**UNDERGRADUATE THESIS**

**THE CONTRADICTION OF AUSTRALIA PACIFIC SOLUTION  
TOWARD THE 1951 UNHCR CONVENTION AND  
1967 PROTOCOL RELATING TO THE STATUS OF REFUGEE  
(2001 – 2007)**

Presented as partial fulfillment of the requirements for the Degree of *Sarjana Ilmu Politik* (S.IP) in the International Relations Department, Social and Political Sciences Faculty, Muhammadiyah University of Yogyakarta

**Compiled and Written by:**

**Yuritia Anggraini Puteri**

**20070510140**

**Advisor: Dra. Nur Azizah, M.Si**

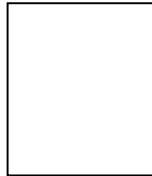
**INTERNATIONAL RELATIONS DEPARTMENT  
SOCIAL AND POLITICAL SCIENCES FACULTY  
MUHAMMADIYAH UNIVERSITY OF YOGYAKARTA**

**2011**

## **ENDORSEMENT PAGE**

This Undergraduate Thesis Entitled:

**The Contradictory of Australia Pacific Solution Toward The 1951 UNHCR  
Convention and 1967 Protocol Relating to The Status Of Refugee (2001 – 2007)**



**Compiled and Written by:**

**Yuritia Anggraini Puteri**

**20070510140**

This Undergraduate Thesis has been examined and endorsed by the Examiner Board  
from the International Relations Department, Social and Political Sciences Faculty,  
Muhammadiyah University of Yogyakarta

On

Day/Date: Thursday, July 21 2011

Time: 10.30 am

Place of Examination: Lecturer's Hall (International Relations A)

Acknowledged by:

Dr. Sidik Jatmika, M.Si

Chief Examiner

Dra. Nur Azizah, M.Si

Examiner

Wahyuni Kartikasari, ST., S.IP., M.Si

Examiner

## WISE WORDS

“Imagination is more important than knowledge. Knowledge is limited. Imagination encircles the world.”

-Albert Einstein

“You always know the right thing to do. The hard part is doing it.”

- Gen. Norman Schwarzkopf

“Verily, along with every hardship is relief.”

(Ash-Sharh 94:5)

“Being defeated is often a temporary condition. Giving up is what makes it permanent.”

- Marilyn Vos Savant

“And seek help in patience and *As-Salât* (the prayer).....”

(Al-Baqarah 2:45)

## ACKNOWLEDGMENT

السلام عليكم ورحمة الله وبركاته

First thing above the all praises, the Writer would like to express thankfulness to Allah SWT that always give blesses and lucky through so many ways. In the end of this writing, the Writer fully realizes that without Allah's hand, this Undergraduate Thesis would not be accomplished easily. "Shalawat" and "Salam" hopefully always flow from us to our Rasulullah, Muhammad SAW, who successfully guide us from darkness to lightness by Al-Quran and Al-Hadits as his legacy to all human being.

As the highest appreciation of the accomplishment of this Undergraduate Thesis and the 4 years magnificent journey of education in the Muhammadiyah Yogyakarta University, the Writer would like to deliver thanks to:

**Mr. Ir. H. M. Dasron Hamid, M.Sc.**, as the Head of Muhammadiyah Yogyakarta University.

**Mr. Ahmad Nurmandi, M.Sc.**, as the Dean of Social and Political Sciences Faculty.

**Mr. Dr. Ali Muhammad, MA.**, as the Head of International Relations Department.

**Mrs. Dra. Nur Azizah, M.Si.**, as the Writer's Undergraduate Thesis Advisor. Thank you so much for your guidance, advice and support in finishing the Writer's Undergraduate Thesis, Ma'am...The Writer is very proud to be your student.

**Mr. Dr. Sidik Jatmika, M.Si., and Mrs. Wahyuni Kartikasari, S.IP., S.T., M.Si.**, as the Writer's Undergraduate Thesis Examiner. The Writer would very thankful for your recommendation and suggestion to make the Writer's Undergraduate Thesis Advisor better. It is a pride for the Writer to be your student.

**Mrs. Atik** as the officer in IC administrative. Thank you for your help and support for the Writer. IC student is very delight to have you with us.

**Mr. Djumari, Mr. Waluyo, and Mr. Ayub** as the officer in International Relations Department Office. Thank you for all help and support for the Writer especially for making the administrative thing became easier. All of you had succeeded to make the Department feels like the Writer's second Home.

**All International Relations Lecturer of Muhammadiyah University of Yogyakarta**, that can't be mentioned one by one by the Writer. Thank you so much for the knowledge shared during the Writer's study.

Next, the Writer would deliver big thanks to all 2007 IC Student of the International Relations Department of UMY. Thanks for the togetherness and memories we share. It would be long if I've to mention all of you one by one, but has a chance to know you were a gift I won't forget. Especially for my best friend, **Sat Fitriarningsih, S.IP (Aat)** and **Isti Puspitasari, S.IP (Neng)** who always stay with me (finally, I can finish this..Thank you for your support, care, pray and advice,, thank you so much. You are my best. I miss every moment we share together☺).

For my greatest friend forever since my high school, **Mbak Puput, Adek Dinda and Mas Dian**, all of you are like my sister and brother. Although we're in distance, I believe that you always pray and support me, thank you so much. I'll always remember you☺.

The last is the Writer's great grateful send to the most important people of the Writer's life. For the entire Writer's family, all of the Writer's aunt, uncle and cousins, thank you for the support and pray. Especially for my parents, **Mr. Barlian, SH., MH., and Mrs. Anita Barlian** and my sister, **Julia Istiqomah Puteri**, thank you for your support, love and pray for me. For **Ardhian Yoedistira Putra, S.IP.**, my lovely partner, thanks for your care, love and patience to support me. All of you are the most valuable gift of my life. I hope I'll always make all of you proud☺.

والسلام عليكم ورحمة الله وبركاته

Yogyakarta, August 2011

## ABSTRACT

Immigration is one of the crucial issues for Australia as a migrant country. There are several reasons why Australia is regarded as the migrant destination country. Not only for economic motive, the immigrant claims themselves as refugee and asylum seekers also make Australia as their destination migrant country. Moreover, the ratification of UNHCR 1951 convention and 1967 Protocol relating to the Status of Refugee make Australia has an international obligation to help UNHCR in solving refugee problem. There are some actions done by Australian government to fulfill its international obligation. This paper is more concern about the immigration problem in Australia especially for refugee problem. One of the most important events related to the refugee problem in Australia is Tampa Affair and the implementation of Pacific Solution. Yet, the action of Australian government in Tampa Affair and the implementation of Pacific Solution under Howard administration was assessed as a broken of Australia international obligation under the Convention. This paper aims to analyze the factors that influence the Australian government in making the decision to implement Pacific Solution. Decision making theory was used to gain the purpose of this study. There are three factors that influence the Australian government in making Pacific Solution policy. Not only about domestic politic related to the tension among parties and administration at that time, the economic and military capabilities that consider refugee as a threat also play role in influencing the decision makers. Moreover, the rise of refugee number globally in international arena also became the factor behind Australia government decision to implement Pacific Solution.

*Key Words: Australia, Howard administration, Immigration, Pacific Solution, 1951 UNHCR Convention and 1967 Protocol relating to the Status of Refugee, Tampa Affair.*

## TABLE OF CONTENTS

<b>TITLE PAGE</b> .....	<b>i</b>
<b>ENDORSEMENT PAGE</b> .....	<b>ii</b>
<b>WISE WORDS</b> .....	<b>iii</b>
<b>ACKNOWLEDGMENT</b> .....	<b>iv</b>
<b>ABSTRACT</b> .....	<b>vi</b>
<b>TABLE OF CONTENTS</b> .....	<b>vii</b>
<b>LIST OF FIGURES</b> .....	<b>x</b>
<b>CHAPTER I: INTRODUCTION</b> .....	<b>1</b>
A. The Reason of Title Selection .....	1
B. Background of the Problem .....	2
C. Research Question .....	8
D. The Purpose of The Research .....	9
E. Theoretical Framework .....	9
F. Theory Application .....	10
G. Hypotheses .....	13
H. Method of Research .....	14
I. Range of Research .....	14
J. System of Writing .....	15
<b>CHAPTER II: AUSTRALIA IMMIGRATION PROBLEM</b> .....	<b>17</b>
A. Australia as Migrant Country .....	17
1. Immigrant Background .....	20
B. Australia Immigration Problem .....	21
C. Australia Immigration Program Recent Time .....	23



<b>CHAPTER III: AUSTRALIA’S IMPLEMENTATION OF THE 1951 UNHCR CONVENTION AND 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEE .....</b>	<b>30</b>
A. UNHCR Profile .....	30
1. History of UNHCR .....	30
2. UNHCR’s Structure .....	31
3. UNHCR’s Work .....	33
4. UNHCR in Australia .....	36
B. 1951 UNHCR Convention and 1967 Protocol Relating to the Status of Refugee .....	38
1. The 1951 Convention Relating to The Status of Refugee .....	38
2. The 1967 Protocol Relating to The Status of Refugee .....	39
3. The Main Provisions of the 1951 Convention and the 1967 Protocol Relating to The Status of Refugee .....	40
C. The Implementation of the 1951 UNHCR Convention and 1967 Protocol....	41
1. Australia’s Obligation Under The 1951 Convention and 1967 Protocol Relating to The Status of Refugee .....	41
2. Australia’s Implementation Under The 1951 Convention and 1967 Protocol Relating to The Status of Refugee .....	43
3. Problem Arise after Australia’s Ratifying on the 1951 UNHCR Convention and 1967 Protocol Relating to The Status of Refugee .....	45
 <b>CHAPTER IV: THE DETERMINANT FACTORS BEHIND THE AUSTRALIA PACIFIC SOLUTION POLICY.....</b>	<b>47</b>
A. International Context.....	47
1. The Rise of International Conflict .....	47
B. Domestic Politics .....	51
1. Tensions among Parties .....	51
2. John Howard’s Administration .....	55
C. Economic and Military Capabilities.....	59
 <b>CHAPTER V: THE IMPLEMENTATION OF AUSTRALIA PACIFIC SOLUTION.....</b>	<b>63</b>

A. Tampa Case .....	63
B. The Implementation of Pacific Solution .....	65
1. The Excision Territory from Migration Zone .....	65
2. The Interdiction at the Sea .....	66
3. The Removal of the Refugee into the Third Countries .....	68
C. The Contradictory of Australia Pacific Solution and 1951 UNHCR Convention and 1967 Protocol.....	69
1. Detention Centre .....	70
2. Interdiction of Vessel .....	71
D. Critical Analysis of Australia Pacific Solution .....	72
<b>CHAPTER VI: CONCLUSION .....</b>	<b>74</b>
<b>BIBLIOGRAPHY .....</b>	<b>78</b>
<b>APPENDIX.....</b>	<b>85</b>

## LIST OF FIGURES

Figure 1.1: How The Determinant Factors Influence The Foreign Policy Action ....	10
Figure 1.2: How The Determinant Factors Influence The Implementation of Pacific Solution .....	13
Figure 2.1: Australian Population Growth Component .....	18
Figure 2.2: Map of Australia and South Pacific.....	19
Figure 2.3: Top 30 Overseas Birth in Australia .....	21
Figure 2.4: Australia's Immigration Program.....	23
Figure 2.4: Humanitarian Program visas Outcome (1977-1978 to 2008-2009) .....	29
Figure 3.1: UNHCR under UN Structure .....	31
Figure 4.1: Number of Refugees and IDPs Protected/Assisted by UNHCR (1998-2007) .....	48
Figure 4.2: Refugee Population by Region (2007) .....	49
Figure 5.1: Australian Map of Territory Excision from Migration Zone .....	66
Figure 5.2: The Number of Boats Stopped by Operation Relex .....	67
Figure 5.3: Number of detainee in Manus Island and Nauru (2001 – 2003) .....	69