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Refugee and Asylum Seeker Issues in the Australian Region: Media Framing and Border Policing

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Outline

- Research context – literature and theory
- Research problem
- Research objectives and questions
- Australian perspectives, policies, media discourses and narratives
- Malaysian perspectives, policies, media discourses and narratives
- Conclusion
Research Context

• Increasing numbers of people being displaced in recent years due to factors such as conflicts, climate change, natural disasters, economic crises (GFC), ethnic cleansing, politics of race etc.

• Rapid process of globalisation - flow of ideologies, cultures, products and people intensified by media technology (Giddens 1990; Appadurai 1996).


• Wide range of issues on refugees, asylum seekers and immigrants played out in the public domain impacting public policy and opinion.

Research Problem

- Asia pacific region - 1/3rd of the world’s refugees and asylum seekers (AS) (UNHCR)
- Australia and Malaysia among the most politically and economically stable states in the region, attracting large numbers of displaced people from troubled neighbouring states – in search of a ‘safe haven’ and a ‘lucky country’
- Immigration, citizenship policies and human rights issues- comparative perspective
- Nationalism, cultural protection, territoriality, race and political projects – media key player?
Research Objectives

Project sets out to:

• Identify and compare refugee and asylum seeker policies and regulatory frameworks in Australia and Malaysia;

• Deconstruct national agendas and official discourses on managing issues pertaining to displaced people;

• Determine how the issues have been played out in differing public/media spheres.
Key Research Questions

• To what extent are official discourses on the issues of refugees, asylum seekers and immigrants nationalistic and racialised?

• In what ways do nation-building projects (in Australia and Malaysia) impact approaches taken to managing refugees, AS and immigrants?

• How are the issues played out in the Australian and Malaysian media?
Refugees are persons fleeing persecution and in most cases are being persecuted by their own government. Refugees may also be forced to flee due to rapidly deteriorating situations and do not have time to apply for travel documents to travel through authorised channels (www.asrc.org.au).
Asylum Seekers

• An asylum seeker (AS) is a person who has left his/her own country to seek sanctuary in another state and who is applying for the right to be recognised as a genuine refugee (Henry & Kurzak, 2012).

• AS include people who have arrived in Australia with a valid visa and lived in the community prior to making a claim for protection and who have also arrived without a valid visa by sea or air (Henry & Kurzak, 2012).

• Those arriving without a valid visa are subject to mandatory detention (introduced by Keating Govt. in 1992).
Australian Immigration Policy & National Identity

• Until 1970s immigration policy largely excluded non-European nationalities - White Australian policy.

• Immigration restriction Act 1901 controlled non-white immigration until abandoned in 1973.

• Current policy allows people to migrate regardless of ethnicity, colour or country of origin. Highest level of migrants to Australia are from: NZ (20.2%), China (11.5%), UK (8.6%), India (8.3%).

(Source: Henry and Kurzak, 2012)
Australia: Humanitarian Program

• Department of Immigration and Citizenship: 2 main types of visas under the humanitarian program:

• Refugee category visas (people subject to persecution in home country, outside home country and in need of resettlement and referred to by UNHCR) 6004 visas in 2011-12.

• Special humanitarian program (people outside home country subject to substantial discrimination amounting to gross violation of human rights, ‘onshore’ and families of such persons).

714 offshore and 7041 onshore visas in 2011-12

(Source: Henry & Kurzak, 2012)
Australia, USA, Canada, Nordic countries, Netherlands, New Zealand and the UK are considered ‘traditional’ resettlement countries because of their long-standing and sizeable programs for refugees transferred from the country of asylum to a third state and admitted on a permanent basis with the prospect of becoming naturalised citizens (UNHCR, 2011).
Refugee Determination Process

Flee from country of origin

→ Enter Australia

→ Apply for Protection Visa

→ Early Health Assessment

→ DIAC Decision

   - NO
   - YES

→ Review of case at Refugee Review Tribunal

→ RRT decision

   - NO
   - YES

→ Appeals to Minister
   (Humanitarian grounds, e.g. stateless)

   - NO
   - YES

→ Leave Australia

→ Federal Magistrates Court
   (error in law)

   - NO
   - YES

→ Police Checks
   Health Checks

   - NO
   - YES

→ PROTECTION VISA!!!

Source: http://stublogs.wordpress.com/2012/04/22/but-words-will-never-hurt-me/
Australia: Refugee Policy Has Haunted Successive Governments

• Fraser Government: Refugees arriving by boat from Indo-China.
Tampa, Children Overboard
The Rudd & Gillard ALP Governments

• Rudd: dismantled ‘Pacific Solution, removed TPV a ‘compassionate policy’. More arrivals.
• Gillard; Arrivals continue, Malaysian Solution (High court ruled invalid 31/8/12) - Maritime disasters, deaths; arrivals continue. Appoints expert panel. Reinstates Pacific solution, no advantage test. Processing stopped.
• Rudd 2: Questioning of Refugee convention, and detention of children.
Tragic Shipwreck off Christmas Island
Australian Refugee Policy

Refugee policy: a classic wicked problem of vital electoral importance. Rittel and Webber

• argue that governments face vast ‘wicked’ problems almost impossible to solve.

1. There is no agreement on what the problem is, its causes or whether there is a problem at all.

• There is no problem, Australia faces small numbers of arrivals compared to other countries.

• It is caused by push factors such as foreign wars.

• It is caused by pull factors. Government policy.
Australian Refugee Policy

2. No agreement on solutions
   • Process quickly in Australia.
   • Mandatory detention/community placement.
   • Pacific solution, No advantage test.
   • Tow boats back.

3. Many factors are outside the control of the Government.
   • Push factors, war, oppression, Indonesian Government Policy, Refugee convention.
Australian Refugee Policy

4. Each solution causes a wave of new problems.

• Keating faced a party back-lash.

• Howard, self harm, mental health problems among adults and children in long-term detention. Voter backlash on detention of children.

• Rudd: Increasing boat arrivals.

• Gillard record numbers of arrivals continue, loss of life at sea. Strong voter dissatisfaction.
Australia: election campaigns and border protection

• Since the 2001 federal election campaign: refugees, AS and border protection predominant issues.

• ‘Boat people’ - focus of media attention

• Howard’s political advertising campaign slogan: ‘We decide who comes to this country..’ (Howard, 2001)

• Binary system of representation – belongingness and otherness (Hall, 1992)
Political Priority: Border Protection

• Julia Gillard - dealing with asylum seekers, carbon pricing and mining tax among 3 priorities on becoming PM in June 2010.

• Since then AS numbers have increased including series of drowning. In May 2012 alone 1061 arrivals – highest so far.

(Source: The Australian, 22/5/2012)
Political Leanings and Public Opinion in Australia

(Source: www.theaustralian.com.au)
Australia’s Ideological Campaign on Asylum Seekers

**Boatpeople campaign**

- ‘No Advantage’ campaign followed the failed ‘Malaysia solution’ diplomatic agreement signed between the Australian and Malaysian governments in July 2011 and ruled invalid about a year later (High court held Malaysia improperly designated ‘safe’ country and Gillard govt. exceeded power under Migration Act 1958) (Pastore, 2013)

- Who are the target audiences of this campaign?”
Australia: Media narratives

Helen Young, *The real reason you're scared of boat people.* *The Punch*, Thursday 21 October, 2010


Mark Oberhardt, *People smugglers blame government policy.* *The Courier-Mail*, Wednesday 8 June, 2011


Lindsay Murdoch, *Australia imprisons boys.* *The Age*, Tuesday 14 June, 2011

Charles Richardson, *Border 'security': how inconvenient is the new deterrence.* *Crikey*, Saturday Thursday 2 June, 2011

Australia: Changing Media Images and Narratives

- *queue jumping, no advantage test, unaccompanied children, irregular, sinking boats, drowning, detention, fence, jail, smugglers, handouts, suicide* – debates in the Australian media are becoming more compassionate - ‘Fair Go’ nation

- Role of NGOs and charities more prominent
- Images of refugees – powerless
- Host and hospitality?
- Gift of compassion vs. sovereignty of nations and management of borders

ABC 4 Corners: Inside offshore processing centres
Malaysia: What do you mean ‘refugees’ and ‘asylum seekers’?

- Malaysia is not party to the 1951 UN refugee convention or its 1967 protocol and does not have an asylum system in place to regulate the status and rights of refugees. Malaysian law makes no distinction between refugees and undocumented migrants (http://www.unhcr.org/pages/49e4884c6.html).

- Malaysia has no refugee law

- 1959 immigration Act (amended 2002) made no distinction between refugees and illegal immigrants

- No open door policy, processed on a case-by-case basis (http://www.refworld.org)
Refugees in Malaysia?

• Rise in inflow of immigrants in recent decades.
• Foreign workers estimated at 2.8 million in Malaysia with undocumented estimated at 1 million and over 100,000 within this category refugees and AS (Kaur, 2008)
• Refugees and AS: UNHCR estimate in 2008 - 39,700 and mostly from: Vietnam, Cambodia, Philippines, Bosnia, Indonesia and Myanmar (Kassim, 2009) and Sri Lanka recently.
• Refugees mostly in the Eastern state of Sabah and estimated 57,000-70,500 Filipinos alone (Kassim, 2009).
• Controversial issue in state of Sabah – citizenship and votes for Barisan Nasional (BN)
Malaysia Immigration policy

• SBS Dateline: Malaysia’s illegal immigrants
• UNHCR refugees not recognised in Malaysia.
• 1979 – Mahathir Mohamad’s controversial ‘shoot the boat people’ media remark which was later corrected by then PM Hussein Onn.
• June 15 1979 “Vietnam boat people face harsh shoot-on-sight orders”
  “Malaysian authorities say they will ship out to sea the 76,000 Vietnamese refugees now sheltered in its territory and offered to enact legislation to shoot on sight any Vietnamese boat people entering Malaysian waters. We will be harsh with them said deputy prime minister Mahathir Mohamad”(http://news.google.com/newspapers)

• This shoot and shoo (Operasi Nyah) discourse continues with detention and corporal punishment, deportation and other alleged human rights abuses.
HRW condemns Malaysia for deporting Uighurs
Malaysia: Media narratives

- ‘Malaysia-Australia refugee deal sparks local concerns’, *The Malaysian Insider*, 9 May 2011
- ‘Najib sets Australia media straight on asylum issue’, NST, 31 Oct 2011
- ‘Malaysia swap deal still on’ NST, 22 Dec 2011
- ‘Refugee swap deal with Malaysia best to beat people smugglers’, NST 24 June 2011
- ‘Deaths due to no refugee deal’ NST 3 Nov 2011
- Malaysia Deal best way to fight people smuggling’ NST 22 May 2012
- ‘Protests ahead of Australia, Malaysia deal’, Malaysiakini, 24 Jul 2011
- ‘Fire at immigration centre ahead of swap deal ruling’, Malaysiakini, 31 Aug 2011
- ‘Countdown is on to Australia-M’sia refugee swap’, Malaysiakini, 1Aug 2011
- ‘HRW condemns Malaysia for deporting Uighurs’, Malaysiakini, 4 Feb 2013
Conclusion

• One would expect a signatory to the 1951 refugee convention and its 1967 protocol to be more humane and compassionate than a non-signatory, thus:

• The ‘failed Malaysia solution’ swap appears an arrangement reflecting Australia’s humane attempt at offering a home to the UNHCR-recognised 4000 (mostly non-Muslim?) refugees and Malaysia’s compassion for 800 (mostly Muslim?) unrecognised/irregular boat people from Australia, while trying to defeat people smugglers.

• Race and religion seem to underpin the failed bilateral deal. Little or no concern for the rights of the AS.
In Australia, media offer rational space for debate, and recent narratives appear more compassionate. Yet the issues are political tools and projects in Australia, and deeply influence national and federal election agenda (common history, territory, identity).

In Malaysia, media do not generally offer a rational space for debate, other than the grassroots, alternative tone of online news portals such as Malaysiakini. The issues are prominent at local, state (Sabah) level more than national level.

Regardless, (alternative) media in Malaysia and media generally in Australia tend to express concern over Malaysia’s lack of compassion for and abuses of immigrant rights, including minority rights, and appear appalled at Gillard’s interest in Malaysia as a solution to managing offshore processing and human trafficking in the region.
Both Australia and Malaysia are immigrant, multi-ethnic nations with indigenous and non-indigenous citizens. Both grapple with nation building policies and projects that need to recognise and account for the rights of indigenous and non-indigenous people. In this process, ‘boat people’ add to the everyday politics of ‘us’ and ‘them’ and tend to be used as symbols and tools in the ideological construction of nationhood and race.
Thank you
Terima kasih

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