

FEAR POLITICS AND AUSTRALIA'S ASYLUM POLICIES

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Abstract

Although the politics of fear is not a new tool used by governments for political gain, it's application to asylum seekers reaching Australia has been intensified since the 1990s. This article broadly traces the use of the politics of fear between the late 1990's and 2001 and its negative impact on asylum seekers.

Between this period, the Australian government has negatively portrayed asylum seekers as people who associate with 'criminals' and/or 'potential terrorists' and who are not worthy of Australia's compassion and assistance. Through the creation of a sense of anxiety and insecurity against the arrival asylum seekers, substantial changes were made to Australia's asylum policies, which continue to provide a significant barrier for asylum seekers to overcome. It is argued that such a negative portrayal of asylum seekers are convenient images that are used to 'justify' the governments' intention of curbing the rights of asylum seekers.

The Politics of Fear

The use of fear for political gain is not new (Jamrozik: 2001, McCulloch: 2006). Fear of difference is a recurring theme in Australian political discourse. Since white settlement, Australia sought to restrict other 'races' of people from entering Australia and gaining membership through the adoption of various measures including the imposition of head taxes on every Chinese person entering Australia (Irving 2002:11).

At Federation, Australian governments promoted fear of neighbouring Asian countries (Castles 1995: 303). *The Immigration Restriction Act 1901* (also termed the 'White Australia Policy') sought to exclude the immigration of Asian settlers and to ensure social cohesion and a homogenised Australian identity by way of a dictation test administered in

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any European language (Victory 1995:34, Larbalestier 1999:149, Stratton 1999:175). Australian national identity was constructed as 'white, British and Australian' (Stokes 1997:121) or as stated by McMaster (2001:41) "*the collective national desire to remain British in political principles and institutions and more importantly to remain white was the underlying ideology of the White Australia Policy*". The White Australia Policy enabled respective Australian governments to portray an image that Australia was under threat of being 'invaded' by Asians ('The Yellow Peril') who were intent upon 'threatening' and 'polluting' Australia's superior white race (Dunn. et.al.: 2004). Successive Australian governments built the Commonwealth's immigration policies on the White Australia Policy (Mason: 2002: 4).

During the 50' s and 60's attention also focused on fear of certain political groups (such as the Australian Communist Party). In recent times, fear has been 'dressed' with contemporary issues and concerns. These include land claims by Indigenous communities, portrayed as claims which would absorb large areas of Australia, being swamped by terrorists or asylum seekers or the so called dangers of Asian/Muslim gangs. Often, the fear is 'manufactured' to justify coercive legislation which curtails peoples' freedoms and civil liberties (Jamrozik: 2001). Recent examples of such legislative changes include the raft of legislative reforms made to the Migration Act in 1999 and 2001 in order to restrict the rights of asylum seekers, the introduction of anti- terror legislation in 2002 and 2005 and the introduction of new legislation after the incidents at Cronulla* .

The reason for increased resort to fear politics since the 1980s is related to economic globalisation and a retreat from the welfare state. McCulloch points out that the reduction of services and programs by westerns governments (things which can be measured) have been replaced by the promotion of security and/or safety (things which are harder to measure and quantify). Under a neo-liberal philosophy, problems such as crime or unemployment have been portrayed as problems which are engaged in by individual choice and that coercive legislation and punishment, rather than state assistance being the answer to solving these problems. Groups or individuals (eg youth, asylum seekers, refugees, immigrants) who were once considered as being 'at risk' and considered as requiring the support of the state are now portrayed as groups/individuals who are a 'risk' to society (McCulloch: 2006). Citizenship and belonging are portrayed as a privilege rather than a right. The social consequence is that a sense of anxiety and insecurity is created amongst the community (McCulloch: 2006). Solutions

* Discussion of anti terror legislation and legislation introduced in response to the Cronulla riots is beyond the scope of this paper.

to this anxiety are presented in the form of coercive legislation and a powerful political campaign which “*emphasises a return through cultural renewal to a more secure – often mythical – idea of community*” (Jayasuriya: 2006, p. 3). In this process, the target group (for example minorities or asylum seekers) are marginalised and ‘criminalised’.

Re-conceptualisation of Asylum

The end of the Cold War radically changed conceptions of security and resulted in asylum seekers to be viewed from a security perspective rather than a humanitarian one. The refugee and asylum policies of most western states were formulated after World War II with the growing East and West tension in mind (Shukre 1995:135). Refugee policy was to a large extent an instrument of foreign policy. The admission of refugees and the acceptance of asylum seekers was predominantly, a part of the struggle against communism (Martin 2000:4). The admission of refugees from communist states and the provision of asylum for such refugees, especially from the communist regimes (though comparatively small in number when compared to the world wide refugee population) enabled Australia to not only publicise the failure of the communism and the ‘repressive character’ of communist states; but also to promote the so called ‘liberalism’ in its own system (Carter 2001:104, Shukre 1995:135).

The collapse of communism after the end of the Cold War (1989-1992) brought a new political world order and, as a result, new economic relationships. The ensuing emergence of new states, coupled with civil wars and conflicts around the globe on the one hand (Inglis 1994), and economic restructuring in the former eastern bloc countries, on the other, resulted in considerable population displacement and the emergence of new patterns of immigration (Gould 1994, Held et.al. 1999). This not only caused difficulties in differentiating between ‘economic migrants’ and refugees, but also resulted in a reassessment of the particular types of migratory flows required by each state (Gould 1994).

The nature of asylum also changed with the collapse of communism. Previously, asylum seekers mainly comprised small numbers of people who escaped communist regimes. Given their small numbers and their welcoming by western states for political and economic benefits, the formal permission to seek asylum as required today was not imposed on these former asylum seekers. In contemporary times, enactment of legislation by these states has blocked the asylum route (McMaster 2001:11). The fall of communism saw the arrival of asylum seekers who did not possess a geo-political value for western industrialised states (for example from Iran, Iraq and Afghanistan in the late 1990s) (McMaster 2001:11, Loescher 1999:173). Since the end of

the Cold War, Islamic terrorism has replaced the communist threat. Unlike anti-communist refugees who fled eastern European communism, refugees from Islamic countries have not been welcomed (Manne & Corlett 2004:79). The 'large' flows of 'unmanaged' or 'unauthorised' people movements since the 1980s has challenged the ability of states to regulate their borders, resulting in the concept of security to be defined more broadly.

Fear Politics and the Politicization of Asylum in Australia

Since the 1990s, migration and asylum have become highly politicised through the government's deliberate exaggeration of the arrival of asylum seekers. In particular, the Howard government has engaged in the politics of fear to curtail their social and citizenship rights (Castles 2003:20) through their portrayal as 'exploitative' people whose aim was to 'abuse' industrialised nations. A number of new legislation was enacted in 1999. In July, the *Migration Legislation Amendment Act (No. 1) 1999 Cth* created new offences for migrant trafficking and reduced the right of detainees to make complaints. It also repealed the Government's obligations to provide unlawful non-citizens with visa and refugee status information unless explicitly requested (Parliament of the Commonwealth of Australia: 2003: 86-87). In October 1999, the Migration Amendment Regulations (No 12) created a new **Temporary Protection Visa (TPV)** for successful on shore asylum seekers (Subclass 785). The TPV was the centrepiece of the government's deterrence strategy. The Government justified the introduction of the TPV on the grounds that it would curb the "increasing misuse of Australia's onshore protection arrangements by organised people smuggling rackets (DIMIA Fact Sheet No. 77).

The Government also entered a regional cooperation agreement with Indonesia which allowed for the interception, detention and screening of asylum seekers who travelled through Indonesia en route to Australia (UNHCR: 2000). Part 6 of the *Border Protection Legislation Amendment Act 1999 (Cth)* sought to prevent 'forum shopping'. Unsuccessful applicants who had been removed from Australia were barred from making a second application in the future. Amongst other things, the Border Protection Legislation empowered Australian authorities to intercept boats suspected of people smuggling.

Public discourse initiated by the Government depicted asylum seekers as people who 'abused' Australia's refugee determination process and 'threatened' the Australian community. These presumptions were also the basis for the Government's policy response. Although such constructions were (and remain) unsubstantiated, they suited the Government's longer-term asylum policy agenda. The government manipulated the increased

arrivals of boat people to move its policy agenda forward. Pickering, tracing asylum seeker issues through two Australian news papers (The Brisbane Courier Mail and the Sydney Morning Herald between January 1997 and December 1999), demonstrates that the terms 'illegal', or 'illegal' entrants or 'queue jumpers' had been used widely in public debates and that this had led to the 'criminalisation' of 'unauthorised' arrivals (Pickering: 2001).

The post 2000 period saw the conjoining of asylum to security matters. The Government exploited the 'integrity' of Australia's national borders and fears of security to strengthen its chances of winning the forthcoming November 2001 Federal election. The government further hardened its asylum policy in August 2001 by refusing the MV Tampa asylum seekers entry onto Australian mainland. Instead, the Government transported this group of asylum seekers to Nauru for processing. Through their 'association' with people smugglers, asylum seekers and refugees were depicted as criminals (Shaw: 2001). During the Tampa standoff, the government's labelling of asylum seekers as a 'threat' or 'common enemy' enabled it to powerfully and effectively draw upon nationalistic discourses (Dreher 2001, Van Acker & Hollander: 2003). These negative discourses worked to de-legitimise asylum seekers, thereby 'ensuring' that in the public arena, they were not seen as 'genuine' refugees who were 'worthy' of Australia's compassion. The adoption of heavy handed policies by Australia in 'protecting' its national borders can be viewed "in the context of an older national (and global) discourse relating to the phenomenon of 'boat people' who arrive without authorisation" (Butterworths 2002: 76). The arrival of boat people has brought out historical anxieties of invasion from the North with contemporary concerns (Philpott 2002:64).

While direct reference to race or religion has been unacceptable since the inception of multiculturalism (Poynting & Noble: 2004) (Edmund Rice Centre: 2005), the Howard Government engaged in 'dog whistle politics' and described those on the Tampa as people who jumped queues, payed people smugglers, associated with criminals and terrorists and that such people were not welcome in Australian society (Van Acker and Hollander: 2003, McCulloch: 2006). Societal messages were perpetuated through public discourses on immigration, multiculturalism, refugees and citizenship (Henry et.al. 2000). Although 'race and racism' are value-laden notions and appear contrary to democratic societal values, racism against asylum seekers was articulated without denouncing democratic principles and through transformation into more 'legitimate' and contemporary concerns (McCulloch: 2006).

Resort to fear politics has facilitated and promoted a new racism in Australia. Following the implementation of multiculturalism, the '*old racism*' in which ethnic communities were viewed as inferior has been

largely replaced by ‘new *racism*’ (also termed ‘cultural racism’). With the advent of this form of racism, ethnic communities and asylum seekers are differentiated as being a ‘threat to the cultural integrity’ of the Anglo Celtic host society (Dunn et.al: 2004). Questions as to who does/does not belong to Australian society, what/who is/is not Australian are integral aspects of the intolerance to some groups and the new racism in Australia (Dunn et.al: 2004). The answers to these questions have changed with time: Asians and Indigenous Australians have historically been identified as the other. Most recent examples include asylum seekers, Arabs and Muslims (Dunn et.al: 2004). Essentially, the key element of ‘old *racism*’, the so called ‘incompatibility’ of different ethnic groups and their ‘inability’ to co-exist, remains as an integral aspect of ‘new *racism*’ (Corlett: 2002).

After September 11, the war on terrorism became a major issue around the world and became enmeshed with immigration and asylum issues (Hugo 2002:39). As most of the boat people arriving in Australia between 1999-2001 were of Islamic backgrounds (mainly Iraqi and Afghanis) (Hugo 2002: 38, 39, Parliament of the Commonwealth of Australia 2003: 93) and Islamic terrorists were implicated with the bombings of September 11, this allowed a so called connection to be made between asylum seekers and terrorists in public discourse and marked a shift in the way asylum seekers were represented from a cultural threat to that of a potential terrorist threat. The then Defence Minister Peter Reith warned that refugees arriving by boat could “*be a pipeline for terrorists to come in and use your country as a staging point for terrorist activities*” (cited in Kyriacou 2002:9).

In public discourse initiated by the Government, asylum seekers continued to be depicted as people who ‘abused’ Australia’s refugee determination process and ‘threatened’ the Australian community. Through the linking of democratic citizenship to notions of self determination and state sovereignty as a ‘tool for exclusion’, the Australian government enacted harsher measures designed to not only exclude asylum seekers from membership to Australian society, but also from the Australian mainland – what Brennan refers to as ‘*closing of Australia’s national borders*’ (Brennan 2003: iv). Australia’s post 2001 deterrence policy consisted of four main components: (1) granting authorities extended powers of interception at sea (2) ‘excising’ certain Australian islands from its national immigration law and processing asylum seekers there, (3) subcontracting the detention to poorer neighbouring states (the Pacific Solution) and (4) rules denying permanent protection in Australia to virtually all refugees who were in third countries prior to arrival (Human Rights Watch 2002: 1). Collectively, the

new laws made radical legislative changes to Australia's protection system, which continue to serve as a powerful barrier for refugees to overcome[†].

The Government justified the enactment of the new laws on the basis that they would constitute an "*important step towards deterring the activities of people smugglers*" (DIMIA 2002:1). Underlying these changes was the Australian Government's insistence that Australia was a sovereign country who would decide who can and who cannot stay in its territory[‡]. Playing on people's feelings of insecurity (Hugo 2002:39) allowed the Government to win the election with the asylum seeker/security issue, border protection and Australia's sovereignty being crucial to its victory (Taylor 2002:125-126, Gibney 2004: 193).

The blocking of the asylum route through comprehensive border control policies coupled with the conjoining of security matters with asylum policy through discursive labelling has served to recast asylum seekers in the public mind. This has been achieved through discourses which are presented in binary form: 'good' versus 'evil' or 'legal' versus 'illegal'. By the post 2000 period, the status of asylum seekers has been lowered from a person worthy of respect and therefore assistance, to people who 'associate' with people smugglers, criminals and even terrorists.

Taylor (2002) argues that government policies have led to the creation of an environment in which the distinction between asylum seekers and terrorists and the distinction between security concerns and the obligations owed to asylum seekers have become blurred and enmeshed. Writing specifically about Canada, though equally applicable to Australia, Adelman points out that there is no conclusive evidence which links global terrorism and refugees. With some exceptions, global terrorists have not made resort to the refugee system as the refugee determination system exposes claimants to authorities who conduct thorough investigations into the backgrounds of all claimants. Any potential or actual terrorist would steer clear of such exposure (Adelman: 2002).

[†] See generally, Migration Amendment (Excision from Migration Zone) Act 2001 (Cth), Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Act 2001 (Cth), Border Protection (Validation and Enforcement Powers) Act 2001 (Cth), Migration Legislation Amendment (Judicial Review) Act 2001 (Cth), Migration Legislation Amendment Act (Nos. 1 & 5) 2001 Cth.

[‡] Department of Immigration Multicultural and Indigenous Affairs (DIMIA): Factsheet 2002 No. 70, Border Control, Minister for Immigration and Multicultural and Indigenous Affairs and Minister for Foreign Affairs, Government Rejects UN Report on Arbitrary Detention, Joint Media release, Parliament House, Canberra, : www.minister.immi.gov.au/media_releases/rudduck_media02/r02107.htm, accessed 2 December 2003.

Distinctions between asylum seekers who cross the border with or without ‘authorisation’ reinforce a sense of insecurity (Maksimovic: 2001) and present a visual display that the state retains control over the ‘illegal’ movement of people and people smuggling. Yet, it is also the case that government branding of asylum seekers as ‘illegal refugees’ or ‘queue jumpers’ are convenient images that match the objectives of the policy process (Watson 1998). As Wazana states *“creating such categories becomes the only way of justifying in the face of international condemnation, the acceptance of some and the refusal of others. This discourse of fairness and unfairness resonates intensely with the average citizen, which no doubt explains the government’s reliance on it. It also helps to situate the illegal refugee in a context of lawlessness and degeneracy, juxtaposed with the nation itself, seen as lawful and civilised”* (Wazana: 2004).

CONCLUSION

The fear politics pursued by the Howard government has had a massive impact on race relations in Australia (Poynting & Noble: 2004). The fear politics (through promotion of the so called refugee crisis and the war on terror) resorted to in the lead up to and during the 2001 federal election campaign has revived the new racism in Australia and has led to the dehumanisation, demonisation and marginalisation of asylum seekers and people from Muslim and Arab backgrounds (Henry et. al: 2000). Resort to the politics of fear has enabled the government to ‘justify’ to some people that asylum seekers pose a ‘threat’ to the nation. This in turn has resulted in the adoption of policies of containment at the domestic level. Such politics and policies do nothing to address the world-wide refugee crisis and Australia’s international human rights standing. The negative and deliberate portrayal of asylum seekers as the ‘other’ needs to be replaced with more inclusive and accommodating policies and practices.

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