Securitization Of Australia Policies in Managing Unauthorized Boat Arrivals After the Tampa Incident (2001-2007)

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Abstract

Australia’s immigration and security policy has reached its harsh turning point in the aftermath of Tampa Incident in 2001. It is shocking that a country with strong record of protecting civil and political rights has chosen to put the problem of boat people as a matter of security-emergency instead of humanitarian one. This research will seek further explanation of why and how the securitization process on the matter of unauthorized boat arrivals has influenced Australian security policy especially after the Tampa incident. Within the time frame of 2001-2007 it can be seen that a security logic wherein boat arrivals are treated as threat had widely legitimized, apparent from public opinion regarding the issue. Politician had often thrown speech act by framing the boatpeople as “them” who misused Australian generosity and threatening national border. This type of research is descriptive research with a qualitative approach that explains the phenomenon profusely. Data collection techniques used in this study are documentation. Documentation involves various journals and books as references in describing the problem. Data reduction, data display, and conclusion drawing/verification are used to analyze the data. This research concludes that the securitization process which takes place for years has shifted the discussion about boat arrivals from human rights protection to political commodity and then to a matter of border protection. Within the time frame of 2001-2013 it can be seen that a security logic wherein boat arrivals are treated as a threat has widely legitimized.

Keywords: Boat people; securitization; policy making

I. INTRODUCTION

On 26th August 2001, MV Tampa, a Norwegian cargo vessel, rescued 438 people from Indonesian fishing boat “Palapa.” Palapa was stranded off Christmas Island while trying to carry Asylum seekers, mostly from Afghanistan to Australian shore. While the closest port was Indonesia’s territory, the Asylum seekers persuaded the captain to head on to Australia instead. Upon hearing this, Australian Government under John Howard leadership refused to permit the Tampa from entering Australia’s water and delivering the rescued Asylum seekers. After several days of standoff on the edge of Australia’s territory, Captain Arne Rinnan ignored radio warning and entered Australian water forcefully, in which Australian government responded with dispatch of Australia Special Air Service (SAS) to intercept and seize the Tampa (Fox, 2013).

Ever since the incident, the issue of unauthorized boat arrivals has continued to rank high in Australia political-security agenda as shown by all the policies introduced after. Canberra’s policy concerning asylum seekers has constantly garnered wide criticism from human rights supporter. Waever (2007) presented that security is a speech act. A matter can be called “securitized” only if and when the audience accepts it as such (Buzan et al., 1998).

Australia is currently party to a number of international conventions and protocols designed to protect the rights of refugees and asylum seekers, such as the 1951 Convention and Protocol Relating to the Status of Refugees (Refugee Convention), the 1966 International Covenant on Civil and Political Right (ICCPR), the 1989 Convention on the Rights of the Child (CRC), and the 1984 Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment (OPCAT). It is shocking that a country with strong record of protecting civil and political rights has chosen to put the problem of boat people as security-emergency instead of humanitarian one.

In light of that contradiction, this research will seek further explanation of why and how the securitization process on the matter of unauthorized boat arrivals has influenced Australian security
policy especially after the Tampa incident.

II. METHOD

This type of research is descriptive research with a qualitative approach that explains the phenomenon profusely. Descriptive method is used to solve the problem under study based on the facts that exist, explore in-depth information about the object under study. The purpose of this method is to describe the condition of a particular community or group or a description of social phenomena. Data collection techniques used in this study are documentation. Documentation involves various journals and books as references in describing the problem. To analyze the data used qualitative data analysis. Data analysis in qualitative writing is done when the data collection takes place and after the data collection is completed within a certain period. The activities in question are data reduction, data display, and conclusion drawing/verification.

III. RESULT AND DISCUSSION

Boat people and contemporary forced migration

The term “boat people” was first introduced to Australia’s dictionary in 1970s. The war between North and South Vietnam resulted in massive flow of Vietnamese refugee to the Region in which Australia was pledging to support. More than 100,000 Vietnamese refugees were resettled after residing in UNHCR camps in various Asian countries. During this period, Australia found its first boat people with the arrival of five Indochinese men on the shore of Darwin in 1976. Total 2059 Vietnamese reached Australia by boat in the following five years, with the last arriving in August 1981 (DIAC, 2014). This period was called the first wave of boat arrival, the time in which boat people was receiving sympathy from Australian public (Parliament of Australia, 2013).

The second wave began with the arrival of 27 Indochinese asylum seekers in November 1989 and continued for nine years with an average 300 arrivals every year (DIAC, 2013). In this period, political elite started to label the boat people as “illegal immigrants” rather than refugees or asylum seekers. Starting from 1992, Paul Keating government introduced detention policy for people arriving without valid visa, as it was believed that those people, including the boat people, possessed threat for Australia’s state sovereignty (Watson, 2009).

Another wave of boat arrivals began in 1999, boarded mostly by asylum seekers from destabilized countries such as Afghanistan, Iraq and Sri Lanka. These Asylum seekers sail mostly from Indonesia with the help of people smugglers using unseaworthy fishing vessels. Arriving with larger number and clandestine method, these boat people have quickly become centre of public attention, with allegation such as “queue jumper” and “bogus” (Parliament of Australia, 2013).

Contemporary boat people comprises of refugees and non-refugees alike; they travel together with the help of people smuggler. Other type of forced migrants, either economic or ecological migrant, took advantage of asylum system since they know that refugees, and indirectly asylum seekers, are subject to exception of otherwise strict immigration procedures. Even when there are refugees onboard, their identity is still doubted. General opinion is that asylum seekers who actively choose their destination countries, are not genuine refugees; their motive are not fleeing persecution but for economic opportunity or family reunification. Hence, boat people identity as refugees is doubted because their behavior closely resembles those of economic migrants, not refugees (Watson, 2009).

Most of the boat people travel into their destination countries using services of people smugglers, they have to pay huge amount of money in return. That choice, however, put significant drawback in their claim. Many governments have doubted their claim; even label them as criminal not only for breaching national border but also for seeking help from international criminal group.

People smuggling in asylum system is arguably not new, but currently is it turned out to be more complex and carefully planned. People smuggling is defined by United Nation Protocol against the Smuggling of Migrants by Land, Sea and Air:

“The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a
The same UN protocol also mention in Article 6 that the act of people smuggling is criminal activity, as well as requiring states to criminalize producing, obtaining or possessing fraudulent travel documents for the purpose of enabling people smuggling. The fact that people smuggling are commonly used in facilitating asylum seekers to go to their destination countries make this criminal act closely linked and discussed in the context of refugee protection. But this activity is not to be confused with people trafficking. Different from people trafficking, people smuggling is conducted with consent from people being smuggled. They pay some amounts of money for their journey to a promised destination. Thus the profit of this business comes from payment, not their exploitation (Graycar & Tailby, 2000).

DIMA has noted that some key citizenship can be found regularly since 1999 boat arrivals in Australia. This is called the source countries where the asylum seekers mostly originated, such as Afghanistan, Iran, Sri Lanka, and Myanmar (Rohingya originated from Myanmar is recorded as state less individuals). The countries mention are bound almost with the same circumstances: poor country with widespread violence and general insecurity, frequent political or ethnic-religious related persecution, high rate of sexual and gender based violence. In migration, those factors are called the push factors which trigger people to leave their home and seek refuge elsewhere.

On the other hand, Australia is a very popular destination country for those seeking refuge as well as those trying to seek for a better life. It possesses politic and economic stability, comparatively better than most of its neighbors. At the same time, Australia has ratified both the 1951 Refugee Convention and its 1967 protocol. As western democratic country Australia was also famous for being the protector and upholder of human rights.

Those images of Australia are either obtained from the people smuggler or through social network. In fact few of the asylum seekers know about immigration policies in their destination countries. The pull factors keep attracting asylum seekers and migrants to come to Australia through legal or illegal means (Spinks, 2013).

\[\text{Source Countries} \rightarrow \text{Australia} \]

\begin{itemize}
  \item \text{Push Factors}
  \begin{itemize}
    \item Widespread violence and general insecurity,
    \item Political or ethnic-religious persecution
    \item Sexual and gender based violence
    \item Economic instability
  \end{itemize}

  \item \text{Pull Factors}
  \begin{itemize}
    \item Political security
    \item Economic stability
    \item Signatory of 1951 Refugee convention and 1967 protocol
    \item Record of protecting civil and political rights
  \end{itemize}
\end{itemize}

\textbf{Figure 1}

Review Push and pull factors in Migration and Smuggling to Australia

Australia as destination country is not very welcoming at this point. Continuous boat arrivals since 1999 were seen as threat for national security, especially regarding political, economic, and social stability. Australian government seems to take stance to protect its border in the name of national sovereignty, by increasing its border and immigration control.

The shift from Politicization to Securitization

Increasing number of asylum seekers arriving by boat since 1999 had the government worried for the possibility of collapsing detention system in Australia. Migration Amendment Act 1992 ruled that every unauthorized person arriving on Australian shore should be put in detention. However, continuous arrival, coupled with difficulty of deporting failed asylum seekers had put the number of people in detention close to maximum capacity (ABC Lateline, 2001). Government had stated its uneasiness with the situation but stated that the chances of Australia to turn back the boat would be remote. Prime Minister John Howard confirmed this on Melbourne radio station 3AW several days before the Tampa:

"The only alternative strategy I hear is really the strategy of in the sense using our armed..."
forces to stop the people coming and turning them back. Now for a humanitarian nation that really is not an option (Howard, 2001a)).

Prior to the Tampa incident, boat arrivals had attracted heavy media attention. In 2001 alone (prior to the Tampa), Australia witnessed other 31 boat arrivals with total people aboard reaching 3,563 people (DIMIA, 2004). Watson (2009) recorded that during 10 days prior the Tampa incident, major Australian newspaper frequently featuring the stories of the boat people; for example: Sydney Morning Herald featured fifteen stories, Herald Sun featured seventeen stories, and Daily Telegraph featured ten stories. The featured stories were mostly screaming sense of crisis with the use of hyperbolic language, such as “flooded” and “invaded.” The use of such language, coupled with frequent coverage had produced the image of crisis.

Another pressure for the Government was coming from the Opposition who accused the Government as weak and incapable of guarding Australia’s border. In several occasion, Labor immigration spokesman Con Sciacca accused the Government to “have failed miserably to stem the numbers of asylum-seekers arriving on our coastline” (Saunders, 2001a) and “had lost control of the situation” (Saunders, 2001b).

Approaching the first semester of 2001, Liberal/National party performed horribly. Australian booming economy, contributed by its highly growing export, was stopped and even went backwards since 2001 (Garnaut, 2003). Implementation of Goods and Services Tax (GST) went wrong and the compensation package was inadequate to keep voters from retirees and small business to support the government. Business confidence was low and Australian dollar was in slump (Australian Politics, 2001).

Many said that Howard Government would need a miracle to overturn the situation (The Economist, 2001). The miracle was indeed happened with the occurrence of the Tampa Incident which, not only changed the election result, but also became a breaking point that triggered Australia’s hostile treatment towards the asylum seekers for the next decade.

On 26 August 2001, the Norwegian cargo ship MV Tampa which rescued 433 boat people from the distressed Indonesian fishing vessel Palapa, off the coast of Christmas Island, Australia (Mares, 2002) was denied entry to Australian water. The condition was soon escalate became days of standoff at the edge of Australian territorial waters (Marr & Wilkinson, 2003). On August 29, 2001, the MV Tampa ignored radio warnings and finally headed to Australian territory. This act was responded by the dispatch of Australia’s Special Air Service (SAS) to intercept and take control over the ship.

The use of SAS to counter asylum seekers was, at that time, an extraordinary measure (Watson, 2009). Every unauthorized arrival prior to the Tampa was to be put in detention centre while waiting their claim to be process. This system had been applied ever since the introduction of Migration Amendment Act 1992 during Paul Keating leadership term (Bem et al., 2007). Responding to that, Prime Minister John Howard stated that ‘the government was left with no alternative’ other than responding to the boat arrival outside of the “normal” manner (Grattan, 2001).

There are several reasons behind Government unusual tough response to MV Tampa. First, MV Tampa was a unique occurrence. Preceding arrivals of asylum seekers used unseaworthy fishing vessels which turning them back was considered not humane (ABC, 2004). On the contrary, MV Tampa was a large and sturdy commercial vessel who picked up the survivors of the shipwrecked, capable to reach the nearest port of call in Indonesia, and yet changed its direction to Australia. MV Tampa was not seen as conducting a search and rescue mission but facilitating a people smuggling operation (Marr & Wilkinson, 2003).

Second, the government was faced with the fact that detention facilities was at the breaking point (Watson, 2009). Letting the vessel landing on Australian shore would trigger the application of the 1958 Australian Migration Act which would provide the asylum seekers opportunity to submit asylum claim and access to Australian courts of law. During the process, asylum seekers had to be brought to detention centre which, given the condition in Australia’s detention centre, was not possible. Third, during the time of incident the Liberal/National government was under pressure both from opposition and media. By denying entry permission of the Tampa and showing a tougher stance against asylum seekers, the government was able to topple criticism from the opposition while at the same time regaining electoral support.

On October 7th, 2001, another event called “the Kids overboard Affair” made headlines
The Immigration minister, Philip Ruddock, gave statement that the asylum seekers aboard the SIEV 4, which had been intercepted by the Navy, had forced Australian Navy to launch rescue effort by throwing their children to the sea. He claimed that it was a ‘clearly planned and premeditated’ effort for them to make an asylum claim in Australia. On October 9th, Prime Minister John Howard added fuel to the fire by declaring, ‘I certainly don’t want people of that type in Australia, I really don’t’ (ABC, 2004). On the next day, the “evidence” was released by the Defense minister, Peter Reith, showing photographs of children in the sea wearing life-jackets. Response from media and politician to this event was harsh. Asylum seekers were depicted as blackmailer that trying to abuse Australian decency and generosity (Clennel & Sarah, 2001).

Eventually after the election, Senate inquiry finally revealed that the allegation was false and the photographs were actually taken in October 8th, 2001 when Australian Navy rescued the asylum seekers, including adults and children, after SIEV 4 sank. Military officers were aware that the allegation was untrue and had tried to reach the ministers for clarification. Yet, the truth was only revealed after the election and no apology was made by the government to the asylum seekers who had been framed (Mares, 2002).

The popular belief was that the actions of asylum seekers had threatened Australia’s humanitarianism by undermining the long-standing humanitarian system that had been established. Throughout the crisis, the asylum seekers were given many names such as the “queue-jumpers,” “rorters,” illegal arrivals, and “manipulators of the system.” Philip Ruddock stated that huge number of arrivals would disrupt Australia’s proper resettlement program which had long been major pillar to Australia humanitarianism (Mares, 2002) Thus, the Government argued that the only way to restore Australia’s humanitarianism was to deter subsequent arrivals of asylum seekers.

Ever since the 9/11 terrorist attacks in the United States, politician and public had tried to draw link between terrorist and asylum seekers. Newsprint media commentators, prominent talkback-radio hosts and legions of talkback-radio callers and writers of letters to the editor expressed fears that asylum seekers had links to Osama bin Laden and terrorist networks (Kofahi, 2001). The accusation, however, was not proven and the government admitted that the risk of such occurrence is relatively low (Graycar & Tailby, 2000).

Legitimization of action

Government’s decision to refuse entry of the Tampa was a popular policy and supported by Australian. Survey conducted by the Herald Sun on 29 August 2001 presented that out of the 13,572 respondents, 98.5% said they “support turning away the boat people” (Voteline/Survey, 2001). Subsequent survey on 30 August 2001, showed that out of 11,454 respondents, 93% of agreed that “Australia should stand firm and not accept the illegal immigrants” (Voteline/Herald Sun, 2001).

The Tampa incident was an overturn event leading to the final result of election 2001. On the early 2001, the ALP was more confident than ever to take the Government position from National/Liberal Coalition. The polls opinion polls always showed result favoring the ALP, and the latest election in Queensland demonstrated ALP’s political power. Yet, during Tampa incident, the Opposition found itself trapped and not being able to execute its main function as Government’s critic (Watson, 2009).

Months leading to the election, opposition had regularly advocated tougher action and accused the Government for not being tougher. Thus, when the Government had suddenly toughened up the immigration policy, they ended up supporting the government’s securitizing move. It was apparent with statement from the leader of the ALP, Kim Beazley, on August 30th, 2001, “in these circumstances this country and this parliament do not need a carping Opposition” (Price, 2001). The situation made it seems like the Labor was following leadership from the Coalition and the voters were slowly drifting away.

Terrorist attack in United States on September 11th, 2001 further exacerbated Australian’s fear towards asylum seekers and many opted to support government policy to tighten the border. Most of the polls conducted after the Tampa showed that voters were increasingly sided with National/Liberal Coalition, such as seen in tables below.
Securitization Of Australia Policies in Managing Unauthorized Boat Arrivals After the Tampa Incident (2001-2007)

Table 1

<table>
<thead>
<tr>
<th>Survey</th>
<th>Coalition (%)</th>
<th>ALP (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>40</td>
<td>60</td>
</tr>
<tr>
<td>4-6 May</td>
<td>44</td>
<td>56</td>
</tr>
<tr>
<td>25-27 May</td>
<td>43</td>
<td>57</td>
</tr>
<tr>
<td>10-12 August</td>
<td>47</td>
<td>53</td>
</tr>
<tr>
<td>21-23 September</td>
<td>57</td>
<td>43</td>
</tr>
</tbody>
</table>

Table 2
Newspoll: Primary Vote April–September 2001 (Clune, 2002)

<table>
<thead>
<tr>
<th>Survey</th>
<th>Coalition</th>
<th>ALP</th>
<th>One Nation</th>
<th>Democrats</th>
<th>Greens</th>
</tr>
</thead>
<tbody>
<tr>
<td>20–22 April</td>
<td>38%</td>
<td>42%</td>
<td>3%</td>
<td>9%</td>
<td>4%</td>
</tr>
<tr>
<td>25–27 May</td>
<td>41%</td>
<td>40%</td>
<td>6%</td>
<td>6%</td>
<td>3%</td>
</tr>
<tr>
<td>29 June–1 July</td>
<td>39%</td>
<td>45%</td>
<td>4%</td>
<td>6%</td>
<td>3%</td>
</tr>
<tr>
<td>27–29 July</td>
<td>43%</td>
<td>39%</td>
<td>4%</td>
<td>8%</td>
<td>3%</td>
</tr>
<tr>
<td>10–12 August</td>
<td>40%</td>
<td>42%</td>
<td>3%</td>
<td>7%</td>
<td>4%</td>
</tr>
<tr>
<td>24–26 August</td>
<td>40%</td>
<td>40%</td>
<td>5%</td>
<td>6%</td>
<td>5%</td>
</tr>
<tr>
<td>31 August – 2 September</td>
<td>45%</td>
<td>39%</td>
<td>4%</td>
<td>6%</td>
<td>3%</td>
</tr>
<tr>
<td>7–9 September</td>
<td>44%</td>
<td>40%</td>
<td>4%</td>
<td>5%</td>
<td>3%</td>
</tr>
<tr>
<td>21–23 September</td>
<td>50%</td>
<td>35%</td>
<td>3%</td>
<td>5%</td>
<td>3%</td>
</tr>
</tbody>
</table>

Government actions during the Tampa had been criticized internationally by refugee advocates and NGOs, such as the Australian Association of Churches and the Australian Council for Refugees as constituting ‘serious moves to restrict civil liberties and human rights’ (McMaster, 2002) Australia policy to perpetuate mandatory detention, including to the children, was also dubbed as ‘modern day torture’ (Rogalla, 2003). The Victorian Council for Civil Liberties, together with lawyer Eric Vadarlis, even filed applications to the Federal Court of Australia, seeking a writ of habeas corpus to stop expulsion of the Tampa. The application, however, failed upon the appeal (Phillips, 2012).

Australian reaction to those supported the refugees was not welcoming. Refugee advocates and politician who oppose government actions were labeled as “do-gooders,” or as the “chattering classes” (Cock, 2001). Some even received threatening parcels containing bullets and detonators (ABC AM, 2001). Howard succeeded in winning the 2001 election with his infamous slogan, “we will decide who comes to this country and the circumstances in which they come.” The triumph had put him as one of the longest serving Australian Prime Ministers. Ever since then, the use of military forces to secure foreign vessel, which during Tampa case was seen as an extraordinary response, was regularly employed in subsequent boat arrivals.

Shortly after the Tampa, Australian Federal Court ruled that the actions from the Government were unlawful. While the accusation was failed after appeal, the government viewed that it was necessary to prevent future intervention from the court in policy related to asylum seekers and border protection. Thus, the Border Protection Act was formulated under a “privative clause” meaning that judicial review for the Act was eliminated and it could not be challenged in any court (Morris, 2003).

The Border Protection Act contained number of clauses with aim to smoothen government actions in deterring arrival of asylum seekers and changing their perception of Australia being the soft touch. The clauses includes: narrowing the definition of people who would qualify for protection; limiting judicial appeals to failed refugee claims; the excision of parts of Australian territory; authorizing the use of force against the asylum seekers; and limited court action against the government for its response. The Border Protection Act made the government’s use of force against the Tampa and subsequent boat arrivals legal (Morris, 2003). With the introduction of Border Protection act, the judiciary cannot challenge any subsequent policies formulated in the name of border protection. For this, the government had eliminated one party that could challenge the securitization on the matters of policy related to asylum seekers and refugees.

Securitization process in Australian debate on asylum seekers involves multiple actors. Table below summarize the process of securitization of asylum debate during this period.
IV. CONCLUSION

For more than a decade, security discussion in Australia had been dominated by insecurity against the arrivals of boatpeople. The discussion had evolved over a matter of choosing between its international obligations or controlling its national borders which, for most of time, the second choice had always been prioritized.

This research concludes that boat arrivals occupied prominent position in Australia security discussion because of the process of securitization. Politician had often thrown speech act by framing the boatpeople as “them” who threatened national identity and national security. Tampa incident was the turning point in which the government responded to boat arrivals in extraordinary manner, by dispatching Australian SAS to intercept MV Tampa. The Tampa incident has become precedent for subsequent governments to keep asylum seekers at distance.

Securitization on the issue has been institutionalized, meaning that the problem of increasing boat arrivals has been consistently present in Australia policy making discussion and the state has established a long standing bureaucracies and procedures to deal with the threat. The last uncontested policy under Howard government showed that a security logic treating boat arrivals as threat has widely legitimized with no sign of serious contestation.

Increasing level of securitization has influenced the way policies responding to the boat arrivals were formulated. When it comes to the issue of boat arrivals and people smuggling, there is an evolving pattern that policy makers in Australia tried to apply the mindset similar to those usually used in responding to military threats. Increasingly the issue has been responded with more militaristic approach even though normatively the issue should be treated under provision of civilian law. Australia’s logic of security has triumph the logic of compliance to its human rights obligation pressure both from opposition and media. By denying entry permission of the Tampa and showing a tougher stance against asylum seekers, the government was able to topple criticism from the opposition while at the same time regaining electoral support.

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