REFUGEE POLICY
A highly charged political issue
The concept for this issue cover design, ‘Refugees: A highly charged issue’ is drawn from Rittel and Webber’s 1973 notion of ‘wicked problems’. Wicked problems pertain to social or cultural problems that are difficult or impossible to solve, because of incomplete or contradictory knowledge due to the number of people and opinions involved, the large economic burden, and the interconnected nature of this problem with other problems. That is, policy difficulties of wicked problems can be:

... distinguished from problems in the natural science, which are definable and separable and may have solutions that are ‘findable’, whereas the problems of governmental planning—and especially those of social or policy planning—are ill-defined; and they rely upon elusive political judgment for resolution. Not ‘solution’. Social problems are never solved. At best they are only re-solved—over and over again (1973: 136).

Many are the wicked problems that plague our world and our cities, such as poverty and inequality on a global scale, climate change and related developments, which undermine environmental sustainability. The refugee plight falls into the category of a wicked problem – a problem involving immense human suffering that is difficult to solve for international organisations and national policy makers alike.

The rough hand-drawn image on the cover aims to capture the human dimension of the refugee plight, their future bleak, peering out from various secret enclosures—hidden from view. They are asylum seekers, hungry, tired, alone and abandoned – they are disadvantaged, displaced persons – a plight that is not the ownership of one country alone but rather is a worldwide issue. The idea behind the image is to question the viewer—to ask if we have become de-sensitised to the suffering of refugees and asylum seekers—in order to understand, and foster empathy with, the plight of our fellow humans.

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ISSN: 0155-0306

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Social Alternatives analyses, critiques and reviews contemporary social issues and problems. The journal seeks to generate insight, knowledge and understanding of our contemporary circumstances in order to determine local, national and global implications. We are committed to the principles of social justice and to creating spaces of dialogue intended to stimulate social alternatives to current conditions. Social Alternatives values the capacity of intellectual and artistic endeavour to prompt imaginative solutions and alternatives and publishes refereed articles, review essays, commentaries and book reviews as well as short stories, poems, images and cartoons.

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Refugee Policy: A highly charged political issue

Julie Matthews

The challenge to humanitarianism posed by the vexed question of refugees and asylum seekers lies at the core of articles in this issue. In Western nations its demise is dramatic. Fanning the flames of xenophobia and racial prejudice to deflect attention from political issues is now a common ploy of governments. The problem is such that in 2012, The Council of Europe passed a resolution concerning the portrayal of refugees during election campaigns. The resolution noted Europe’s long history of emigration and its need for immigrants at a time of population ageing and a general public perception that refugees erode European cultural traditions. The Assembly regarded xenophobia to be responsible for ‘challenging democratic principles and respect for human dignity’ and felt that a strategy was needed to combat xenophobia during election campaigns. The problem was the habitual tendency of some candidates and political parties to present ‘migrants and refugees as a threat to and a burden on society’ (Parliamentary Assembly 2012). The Assembly also pointed out that the use of racist representations as an election ploy encourages the rise of xenophobic populist parties and feeds into more radical government anti-immigration policy. The resolution called for an ‘enhanced ethics in politics to help reduce racist tendencies in society’ (Parliamentary Assembly 2012) and urged politicians to take responsibility for the elimination of negative stereotyping and the stigmatisation of minority or migrant groups in political discourse and election campaigns.

That the Council of Europe, a leading human rights organisation which includes 47 member states, should feel it necessary to comment on the tendency of governments and politicians to incite and inflame irrational fears during election campaigns is indicative of a shameful abdication of political responsibility. In a world where countries with far fewer resources than Western nations host far more refugees and asylum seekers, and where the only long term solution to refugee crisis is the resolution of those conflicts that result in large scale population displacement – making political capital out of misery is simply indefensible.

‘Refugees’ and ‘asylum seekers’ are emotive terms in many nations, and refugee policy is a highly charged political issue. In Australia, as in other industrialised states, refugees and asylum seekers have come to represent a whole gamut of fears and insecurities including threats to cultural identity, threats to immigration control, threats to jobs, and threats to nation-state sovereignty. Unfortunately governments, politicians and campaign strategists frequently fail in their ethical duty to maintain human rights and the rule of law. The 2001 Tampa affair in Australia is a case in point. The government of the day failed to provide truthful and factual information about asylum seekers and refugees to the general public and played on xenophobic rhetoric to secure and retain political power. The political controversy over the Tampa affair is mentioned in several articles in this issue of Social Alternatives. Suffice it to say here that the Australian government’s decision to turn back the Norwegian ship MV Tampa carrying rescued Afghani refugees prompted legal changes and the creation of the Border Protection Bill. Government policy and practice negatively informed public opinion towards refugees arriving by boat and led directly to the re-election of the Howard Liberal-Coalition government (who incidentally were trailing in the polls before the election). Since that time, neither an Australian Liberal-Coalition or Labor leader has spoken out on behalf of refugees and asylum seekers. Nor has any political leader sought to challenge the damning labels such as ‘queue jumpers’ and ‘illegals’ used by the popular media to refer to those who arrive on Australian shores by boat.

This issue of Social Alternatives discusses refugee policy and the ways various governments respond to asylum seekers and refugees. It is not simply concerned with the conflicts and conditions that have brought about mass population displacement, but how and why societies deal with refugees and asylum seekers as they do. It is worth noting that refugee studies is a relatively new interdisciplinary field. Emerging in the early 1980s it draws from sociology, anthropology, politics and international relations, development studies and law, and more recently from psychology, psychosocial studies, cultural Studies, gender studies, critical legal studies and environmental science. Discussions of policy agendas have tended to focus on the management of migration: regulation, containment and exclusion (Marfleet 2007) rather than broader ethical, theoretical, political or historical matters. On the latter count Marfleet (2007) argues that while the formal politics influencing events that give rise to population displacements have been well documented, the human dimensions of political histories have been
neglected or forced to rely on fictional works. Despite the interest in oral history and testimony, there remains a need for alternative political histories and interdisciplinary studies able to challenge the national histories, national narratives and the political and social cultural arrangement that continue to sustain normative and problematic social and political arrangements. As argued elsewhere:

Refugees and asylum seekers are important people in the context of democracy because they are, as Arendt (1967) and Agamben (2005) have previously argued, beyond the limits of community, human and nation: their presence tests the limits of political organization (Palmer & Matthews 2006: 29).

Several articles in this issue focus on Australia, a country that has taken an increasingly hard line on refugees who arrive by boat.

Linda Briskman in Voyages of the Damned delivers a concise and insightful account of the key policy events and political discourse that culminated in the sacrifice of basic human rights to achieve political gain in the prelude to the 2013 Australian elections.

An account of Australia’s ‘wicked’ refugee policy problems is offered by Sarah Davies in Protect or Deter? The Expert Panel on Asylum Seekers in Australia. Davies argues that what is needed is regional cooperation and policy development for the protection of refugees and asylum seekers, rather than the current policy focus on deterrence.

An unsettling description of the way racialisation plays out in the everyday lives of refugees is provided by Peter Run in Unnecessary Encounters: South Sudanese Refugees’ Experiences of Racial Profiling in Melbourne. The article describes how being racially targeted by the police as threatening and suspicious engenders fear and distrust in the Sudanese community; a situation that may well lead to racial conflict and social exclusion.

Palestinian Refugees, the Nation and the Shifting Political Landscape addresses the fraught question of Palestinian refugees and is set in the historical and political context of the establishment of the Israeli state and the ongoing Palestinian national struggle. Despite its bleak picture of conflict and war Randa Farah points to the negativity, distortions, absence of rationality and critical debate in media discourse and the need to nurture public humanitarianism.

Gilchrist points to the negativity, distortions, absence of rationality and critical debate in media discourse and the need to nurture public humanitarianism.

This issue closes with a personal reflection on media representations of refugees in the ‘heat’ of the last Australian election. In A Personal Reflection on the Recent Australian Discourse on Asylum Seekers Michelle Gilchrist points to the negativity, distortions, absence of rationality and critical debate in media discourse and the need to nurture public humanitarianism.

The large-scale displacement and forced migration of human populations is not a new phenomenon. What is new is the massive scale and numbers of people who have been forcibly displaced. In the contemporary era conflicts such as the Second World War, Soviet influence in Central and Eastern Europe, Arab-Israeli wars, the Vietnam War, dictatorships in Latin-America, decolonisation and civil war in Africa and the American-Iraqi war have all created refugees and internally displaced populations. Refugees and asylum seekers, like returnees, stateless people and internally displaced persons (IDPs) are part of a growing group of people worldwide who have experienced forced population displacement. At the end of 2012 there were some 45.2 million forcibly displaced people. This includes some 15.4 million refugees and 28.3 million IDPs (UNHCR 2012).

People do not choose to leave their homes and families. While globalisation and new developments in technology, transportation and telecommunication may have escalated the means and scale of human migration, refugees are forced to leave their homes by wars and violent conflict. Ethnic and religious conflict, state building and collapse, persecution and human rights violations are inherently violent and lead directly to mass forced migration and population displacement (UNHCR 2012). The major source countries of refugees (2008-2012) were Afghanistan, Somalia, Iraq, Syrian Arab Republic, Sudan, DR of Congo, Myanmar, Colombia, Vietnam and Eritrea. Pakistan hosted the highest numbers of refugees (1.6
to protect those persecuted by the Nazi regime, and later the UN definition of refugees was developed post-WWII (UNHCR n.d.). They will be expected to return to their country of origin to international protection and assistance, otherwise found to have valid claims, some refugees will be entitled as asylum seekers, not all asylum seekers are refugees. If not recognised, as political refugees they may be entitled to asylum in the first place. However, refugee policy in most industrialised states is predominantly concerned with border protection and limiting the numbers of refugees able to enter the country.

Those seeking protection outside the country of their nationality are judged by criteria set out in the 1951 Refugee Convention. This document defines a refugee as:

Any person who owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country. (UNHCR, n.d. 1951)

To be recognised as a refugee under the Refugee Convention a person must have fled their country due to a well-founded fear of persecution. Other conditions such as civil war and environmental disasters are not recognised. Asylum seekers are those who seek international protection as a refugee, but whose claim has not yet been assessed by the country in which they seek protection. So while many refugees are, or have been, asylum seekers, not all asylum seekers are refugees. If found to have valid claims, some refugees will be entitled to international protection and assistance, otherwise they will be expected to return to their country of origin (UNHCR n.d.).

The UN definition of refugees was developed post-WWII during the Cold War to protect those fleeing Communism. It was never intended as a universal standard. The problem with the current definition of refugees is that most people do not flee specific violence or persecution. Rather, they flee the general insecurity of violent conflict and seek asylum because the state is unable to protect them. Problematically, the definition does not include or protect those who are unable to leave their country of nationality. IDPs are persecuted in their own countries, but because they remain within the country of their nationality they cannot be defined as refugees or protected under the Convention.

Most conflicts today are fought on ethnic and religious lines and are intra-state, not inter-state. Violence is not perpetrated by state armies against other soldiers, but by militias and mercenaries against civilians. Population displacement is a strategic goal and modern weapons, including the use of landmines, kill and terrorise civilians, leaving them with no option but to leave their land and country (UNHCR 2012). Since the 1960s, new refugee populations have been generated as a result of the decolonisation of Africa, the birth of countries like Bangladesh in Asia, and the war in Vietnam. In the 1990s large refugee movements were the result of conflicts in Bosnia, Kosovo, Rwanda, Mozambique, Iraq, Afghanistan and East Timor. In 1990, the UNHCR estimated that there were about 17 million refugees worldwide although by 2005 the number had reduced to 8.4 million because people were able to return home due to the abatement of many conflicts.

In the West, state governments, politicians and the media determine the fate of asylum seekers who enter their territory. Western nations all too frequently sweep aside ethical and humanitarian matters of rights and protection, and Western politicians and the media all too frequently whip refugee issues into a frenzy of ill-informed political concerns. Certainly, Australia has become internationally renowned for its callous efforts to deter those coming by boats to its shores and its international obligations as signatories to the International Declaration have been weakened by its efforts to use the issue as a political vote catcher. Punitive measures taken against those who arrive in Australia by boat such as mandatory detention, offshore processing, trading people for aid, and using military force to turn boats back to sea are inhumane and unacceptable by any standards, particularly when the same measures are not taken against those who arrive by air.

The climate of public concern about refugees reached alarmist proportions during the 2013 Australian federal election when it was amplified in the media to exaggerate the idea of an impending crisis. The newly elected Liberal-Coalition government is currently pursuing a ‘military solution’ to refugees who arrive by boat from Indonesia. However, efforts to turn back the boats have already proven disastrous with the confirmed drowning on 28
September of at least 22 people, most of whom were children (Sun Herald 2013).

People who undertake the perilous journey by sea are likely to have suffered terror, torture or wrongful imprisonment and been exploited, ill treated and deceived. Desperation and despair, not villainy and greed, compel people to undertake such an expensive and hazardous journey. A failed claim for asylum may be desperate or optimistic but it is unlikely to be dishonest. ‘People who have seen members of their families killed or mistreated, or who themselves have suffered terror, torture or wrongful imprisonment, need to be treated with sympathy’ not hostility (Dummett 2001: 39). Policy solutions that intensify discrimination and prejudice by identifying powerless refugees and asylum seekers as law-breaking enemy invaders are not solutions. They simply enable extraordinary, undemocratic and authoritarian measures to be presented as justifiable regulations necessary for the management and containment of undesirable outsiders, and detract attention from the major political issues of our era – namely the responsibility of wealthy nations to contribute to proactive and durable solutions to the international conflicts that give rise to refugee crisis in the first place.

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Associate Professor Julie Matthews is a sociologist of education and interdisciplinary researcher with a background in education, sociology, anthropology and cultural studies. Her work brings socio-cultural perspectives to bear on a broad range of contemporary issues and problems. She has expertise in postcolonial, Foucauldian and feminist theory and an interest in innovative research methods. Dr Matthews is currently Associate Director of the Sustainability Research Centre: Transforming Regions at the University of the Sunshine Coast. At the end of 2013 she will relocate to the School of Education at The University of Adelaide. She is convener of the Sociology of Education thematic group in the Australian Sociological Association (TASA) and a member of the Australian Association for Research in Education (AARE) and the International Sociological Association (ISA).

Mangrove: low-tide forensics

Adrian Flavell,
Stirling, SA
Voyages of the Damned

LINDA BRISKMAN

Politicians in Australia opportunistically portray the tragedy of deaths at sea as necessitating ‘stopping the boats’. Under the guise of compassion, drownings are perceived as a ‘crisis’ and followed by policies that aim to deter asylum seekers and their agents. The vast majority of asylum seeker boats and passengers arrive safely in Australia but government and media misinformation provides justification for infliction of cruelty. This is most evident in the reopening of offshore detention facilities. The article analyses critical events in Australia’s approach to asylum seekers that explain the discursive and policy trajectory.

Introduction

The title of this article is drawn from the 1970s book and film based on the fate of the MS St Louis, a ship carrying almost one thousand Jewish refugees from Germany to Cuba in 1939. Banned from entry into Cuba and then the US, they returned to Europe and many passengers subsequently lost their lives in Nazi concentration camps.

The themes of fear, flight, rejection and sometimes death resonate with contemporary refugee flows and nation state responses. I use the term Voyages of the Damned to explain the Australian context. Despite the tragedy of asylum seeker deaths at sea, most Irregular Maritime Arrivals (IMAs), more commonly known as boatpeople, arrive safely – 99.2% of boats and 97.3% of their passengers (Kevin 2012). It is after their arrival that suffering through policy is most apparent – asylum seekers in Australia are alive but not well.

This article highlights a number of critical events in Australia’s approach to asylum seekers in order to analyse the discursive and policy trajectory of asylum seeking. The events selected in this article help explain the ascending hyperbole which reached a crescendo in July 2013 when not only offshore processing took increasing hold but the right to be processed and settled in Australia was eliminated. This particular month will be highlighted later in this article as a contemporary case study of how human rights can be discarded for political gain. During the pre-election period of July 2013 the denigration of boatpeople and their agents reached fever pitch with the two major political parties vying for votes at the expense of vulnerable human beings. ‘Deaths at sea’ were used falsely and opportunistically and a persistent mantra of ‘stop the boats’ entered the political, media and public lexicon.

The central tenet of ‘stop the boats’ deterrence is a preoccupation with the security of national borders and denial of the security of fleeing asylum seekers. Rather than viewing the border as a porous region through which to engage in trade and cultural exchange, Australia’s borders are viewed as a site of demarcation and defence (Mason and Hayes 2012: 2). Although asylum seekers are seeking security by flight, they are cast as threats to security in the responses of nation states (Lester 2010: 327). When deaths occur, there are rhetorical expressions of regret at such tragedies. However, a humanitarian approach is discarded in favour of increasingly harsh policies.

Troubled waters

Weber and Pickering (2011: 2) tell us that for every dead body that washes up on the shores of the developed world there are at least two others that are never recovered. Although deaths of asylum seekers and other irregular migrants, denoted by Weber and Pickering as ‘illegalised travellers’, occur in a variety of ways, drowning is by far the most frequent cause of death. What is particularly potent is the assertion that deaths in a number of contexts arise from foreseeable consequences of border protection policies. The deaths are ‘not only the outcome of border protection policies but also have utility as justification for those policies’ [emphasis added] (Weber and Pickering 2011: 7).

Although acknowledging that rescue in treacherous seas is not easy, there is mounting evidence that Australia does not engage in sufficient diligence in rescue efforts. Former Australian diplomat Tony Kevin (2012) has analysed responses to rescue over many years and points to systemic flaws. This raises questions about Australia’s adherence to international norms of rescue at sea. Kevin’s arguments are supported by media investigations and coronal scrutiny. Illuminating are revelations from a classified report released in July 2013 to the Coroner’s inquest in Western Australia into the sinking of a boat known as Kaniva (SIEV 358) on 21 June 2012 on which...
more than 100 men died. Harsh criticism was levelled during the inquest of the Australian Maritime Safety Authority for handing over responsibility for the stricken boat to its Indonesian counterpart which had limited rescue capacity; this was despite more than 16 calls for help in the two days preceding the capsize (O’Brien 2013).

In Australia, deaths at sea received minimal political and media attention until relatively recently. When the boat known as the SIEN X sank en-route to Australia in 2001 resulting in the deaths of 353 children, women and men, apart from initial publicity and some empathy the tragedy quickly left the public domain and is rarely discussed except by committed and compassionate advocates, academics and artists.

The policy trajectory

Globally, border enforcement strategies deter asylum seekers from entering nation states. Strategies include detention, interdiction en route to destinations and pushing of sovereign border enforcement away from territorial boundaries to third countries (Coddington et al. 2012: 28). Despite the relatively low number of asylum seeker arrivals in global terms, Australia has introduced a variety of such strategies underpinned by a fortress mindset. The foundation of these is mandatory detention.

The detention of people deemed unauthorised has grown enormously in scope and scale in the past three decades and many nations hold irregular migrants in prison-like facilities outside the mainstream of the law and in inhumane conditions (Wilsher 2012: ix). Mandatory detention was introduced in Australia by legislation in 1992. All unauthorised men, women and children are held in immigration detention facilities until found to be a refugee or removed from the country. Since the introduction of mandatory detention in Australia, a raft of tough measures has complemented this cornerstone of asylum policy. Below, I discuss critical events and discursive opportunities that have shaped policies and discourse towards IMAs. This brief policy scan reveals that increased numbers of boat voyages to Australia are foundational to the building of harsh responses.

It is noteworthy that issue of deaths at sea first arose and then fell from public attention in 2000. Nakhoul (2011: 120) suggests that claims made about boat sinkings in 2000 were indicative of ‘wishful sinking fantasy’, arguing that Australia’s war on people smuggling resulted in the official mood appearing to be ‘wishing to see a disaster unfold, in the hope of using it as a decisive deterrent to asylum seekers and people smugglers alike’ (Nakhoul 2011: 120). It was at this time that attempts to present deaths, fact or fiction, for political purposes emerged. Former Immigration Minister Phillip Ruddock claimed in 2000: ‘We believe that 350 people were lost in the period of April and May of this year’ (ABC Radio 2000). In a 2002 speech to parliament, Ruddock reiterated that hundreds of asylum seekers may have lost their lives trying to reach Australia between December 1999 and June 2000 (Briskman, Latham and Goddard 2008: 29). Yet such claims are unproven and according to Tony Kevin (2012) lack veracity because no bodies were found and there had been no media reports of relatives expressing concern about any persons who had allegedly drowned. Despite the wishful thinking fantasy, deaths at sea did not play a key part in deterrence policies for another decade.

No deaths occurred of any asylum seekers rescued by MV Tampa. This 2001 rescue was a pivotal moment for asylum seekers, not only for providing the rationale for the harsh policy regime that followed but also for the unrelenting media coverage that drew the public gaze to asylum seekers in a more forceful way than ever before. The Tampa was a Norwegian vessel that rescued 438 asylum seekers from their floundering boat. The Australian government refused to allow the rescued Afghans ashore on the Indian Ocean Territory of Christmas Island but instead deployed a military response to keep them away, reinforcing perceptions of dangerousness. From this incident the so-called Pacific Solution arose whereby, apart from 131 people immediately accepted by New Zealand, the rest were sent to Nauru following a hastily constructed agreement with that country. This first formulation of the so-called Pacific Solution, which Caroline Moorhead (2005: 108) refers to as ‘a strategy with a gentle name and terrible consequences’, continued with the opening of detention facilities on Manus Island in Papua New Guinea (PNG). In 2001, unlike the reformulation of the Pacific Solution more than a decade later, this ‘solution’ was not depicted as a way of stopping deaths at sea as the September 11 attacks in New York soon after provided the discursive opportunity for the policy to remain entrenched.

The 2001 version of the Pacific Solution precipitated two other major policy deterrence shifts – excision which removed numerous islands from Australia’s migration zone and the construction of a maximum security detention facility on Christmas Island, 2,600 kilometres from the nearest Australian mainland city of Perth. Not long after Tampa, the militarised Operation Relex was put in place. The invention of Operation Relex in 2001 comprised a new surveillance operation at sea and involved naval vessels and aircraft. The aim of Relex was to detect and prevent asylum seekers from entering Australian waters, with the ultimate goal of deterring others and those who facilitated their journeys (Briskman et al. 2008: 32).

Relex achieved some immediate results. Within two weeks of commencement, three Suspected Illegal Entry
Vessels (SIEVs) were intercepted and asylum seekers were transported to Nauru when naval attempts to turn them back to Indonesia met with resistance. Passengers on one boat, which carried 129 people without lifejackets and included 54 children and a heavily pregnant woman, were held onboard for ten days (Briskman et al. 2008: 32). Overall however, Relex was unsuccessful in achieving its goals. Of twelve boats intercepted, four were turned back, three sank (two passengers died) and the remaining five boats were transported to Australia. Potentially hazardous and death-inducing, a new militarised approach that will be even more forceful than Relex and which is mooted to involve pushbacks, is to be adopted by the newly elected conservative Coalition which gained office in September 2013. The Coalition’s policy will be implemented by Defence authorities and named Operation Sovereign Borders, a title that reveals the extent to which borders trump hospitality and obliterates an ethical response which would share Australia’s privilege and wealth.

Christmas Island boat tragedy

A turning point in Australia’s discursive and policy trajectory came in December 2010 when a boat known as SIEV 221 carrying around 100 asylum seekers smashed into rocks on the Australian Indian Ocean Territory of Christmas Island and where residents witnessed many of the 50 deaths that eventuated.

Although there were other presumed and counted deaths preceding and following this event, they did not involve the imagery of the boat crashing into the rocks at Christmas Island, repeatedly witnessed on television news. It is interesting to speculate why this incident received extensive and continuous publicity when other deaths were less mourned. Arguably, it is because for the first time ‘we’ Australians saw people die on ‘our’ shores and ‘we’ don’t want such deaths disrupting our comfort (Briskman and Poynting 2013). The dominant narrative was ‘our’ suffering as Australian citizen observers.

The Malaysia ‘Solution’

The Malaysia swap deal arose in late 2011, the year following the Christmas Island boat tragedy, when the Australian government proposed to send 800 people who arrived in Australia by boat to Malaysia in exchange for taking 4,000 UNHCR approved refugees from that country. They were destined to be at ‘the back of the queue’ in a country that is not a signatory to the 1951 Refugee Convention. This measure was struck down by the High Court of Australia mainly because of the lack of legal protections for asylum seekers in Malaysia.

In arguing the case for the Malaysia deal, Immigration Minister Bowen stridently played the ‘avoiding tragic deaths at sea’ card – an approach that has been increasingly used since then, ‘The type of arrangement we negotiated with Malaysia is an effective deterrent which could prevent tragic deaths at sea’, Bowen claimed (cited in Sydney Morning Herald 2011).

Expert Panel on Asylum Seekers

The convening of the Expert Panel on Asylum Seekers on 28 June 2012 was another turning point in Australia’s approach. The Panel was established shortly after the sinking of the SIEV 358 detailed earlier. The Expert Panel held community consultations for a six week period and was tasked with providing policy options to the federal government to prevent asylum seekers ‘risking their lives on dangerous boat journeys to Australia’ (Australian Government 2012: 9). Although the panel made 22 recommendations, the government immediately seized upon those that advocated re-opening detention and processing sites on Nauru and Manus Island. This was described as a ‘circuit breaker’. A controversial ‘no advantage’ principle was applied whereby asylum seekers would gain no benefit by seeking protection other than through established mechanisms, although no timelines were provided. The contested Panel recommendation – few of the submissions recommended such a measure – set the scene for increased punishment and inhumane treatment.

July 2013: Pre-election case study

In the months leading up to the September 2013 election, deaths at sea still surfaced in the political domain but were intertwined with references to the smuggler ‘menace’ (discussed later in this article) and the border security imperative which sought to convince voters of the multiplicity of reasons for tough approaches to deterrence. The highly contested election created a climate for both political parties to compete for harshness in policy responses on asylum seekers.

Those arriving after 19 July 2013 would, we were told by government, be sent to Papua New Guinea for processing which was to have a detention capacity of 3,000. After processing in that country, those assessed as refugees were to be resettled in PNG or other countries not yet specified. A similar deal was subsequently struck with Nauru, a tiny impoverished island nation of 21 square kilometres and with a population barely reaching 10,000. The coercion of both nations to take on Australia’s human rights responsibilities in effect constitutes a bribe disguised as foreign aid. The measure is a reinvention of previous attempts that show that Australia is capable of country shopping as it did in the period immediately after Tampa, when alternatives discussed included a disused leper colony in Fiji, newly independent East Timor and the islands of Tuvalu, Palau and Kiribati (Perera 2009: 55).
An advertising campaign began soon after the PNG policy announcement. By July 27, the government had spent $3m on an advertising blitz that bombarded 15 newspapers, with overseas advertisements to follow (Aston 2013: 4). In an unusual and usually discredited method of deterrence by public authorities, photos were released of asylum seekers ostensibly in shock at being told of the new provisions. One pixelated image depicts a woman with her head in her hands, and is captioned: ‘A female asylum seeker comes to terms with the fact she won’t be settled in Australia’ (Metherell 2013). As Fiske (2012: 17) notes, asylum seekers and refugees are rarely accorded a voice of their own and are typically presented as a blank screen upon which others’ agendas and narratives can be projected. Gerhard Hoffstaedter (2013) observes: ‘From the theatrics that came with the announcement, as well as the media onslaught via YouTube and social media, this announcement is deemed by the government (and grudgingly by the opposition to some degree) to be the “silver bullet” to end the flow of the boats’.

Just as the new Pacific Solution was taking hold, fire and property destruction occurred in the Nauru camp on 19 July 2013. Such protest is not uncommon in detention settings where weary incarcerated asylum seekers are devoid of hope and lack opportunities to express verbal outrage at their treatment. The events in Nauru enabled the immigration authorities to release pictures of destruction and thereby to create political advantage for promoting harsh policies through a discourse which criminalises asylum seekers. Criminalisation extended beyond pictorial visualisation to ensuring they were charged with offences and subsequently held for extended periods in sub-standard prison facilities in Nauru at the behest of the authorities in that country.

The Fijian Foreign Minister commented that Australia’s offshore policy was high handed and arrogant and had the potential to destabilise Melanesian societies (Hall 2013). Similar criticism emerged when the Pacific Solution was established in 2001. Oxfam (2007: 61) argued that there was a legal fiction that Nauru and Australia, as sovereign states, were equal partners in the Pacific Solution. The arrangement ignored the fundamental power imbalance in the relationship where Nauru is reliant on Australia for aid funding (Oxfam 2007: 61). Corlett (2007) asserted that rather than focusing on the future development of countries like Nauru, aid was directed at Australia’s immigration outcomes. In yet another and more recent coercive act in Australia’s interests, Indonesia was convinced in 2013 to prevent Iranians being granted visas on arrival.

The discursive trajectory
The most recent policy stage, although denoted as stopping deaths at sea, is connected with others mentioned in this article. It is not an easy task to clearly match discourse and policy, so this section will simply map some of the rhetorical devices in order to show how the constant theme of stopping boats is played out in slightly different guises to create hardship for those seeking safe haven.

Political spin changes at the convenience of the polity. In 2001 the attacks in New York, shortly after Tampa, produced a new and almost decade-long conflation of asylum seeking and terrorism. In the weeks following September 11, ministers of the Australian government overtly linked asylum seekers to terrorism (Klocker and Dunn 2003: 71). In anxious times as Zagor (2007) argues, sovereignty is jealously guarded. Moreover, governments may manipulate fear of terrorism to achieve their political goals (Aly 2011: 120).

Receiving states capitalise on the ‘crises’ generated by smuggling events to implement increasingly restrictive measures (Mountz 2010: xv). Minister Ruddock’s 1999 assertions that whole villages were packing up to come to Australia is indicative of the way rhetorical outbursts form images in the public’s mind and gain legitimacy through a belief that the nation is in a state of perpetual crisis.

Criminalisation takes hold and events such as those in Nauru described earlier serve to reinforce the discursive power of the state. Grewcock (2009: 154-155) points out that ‘illegality’ has been a focus of refugee entry with an emphasis on the threat posed to the integrity of Australia’s refugee program and risks to national security. Once people are criminalised for a legal activity they are treated harshly as revealed by interdiction and detention in maximum security environments. The deployment of the SAS in 2001 in response to the Tampa sent a signal to the wider community that harsh responses were an essential part of Australia’s armory of deterrence and defence.

In April 2009 following a fatal asylum seeker boat explosion, Kevin Rudd proclaimed that people smugglers were the absolute scum of the earth and should rot in hell (ABC News 2009). His statement built upon the approach taken since Labor took office in late 2007 where the rhetoric of blame shifted away from asylum seekers to a focus on people smugglers; however, the effect remained of punishing those seeking asylum. Attempts to eliminate the people smuggling trade are increasingly a key facet of Australia’s border protection policy. Yet as Mountz (2010: xv) notes, human smuggling is in many ways routine and an historical phenomenon that has existed for centuries. The notion of a ‘people smuggler business model’ referred to in government-speak does not stack up. Researcher Sue Hoffman (2010: 118) describes the
smuggling networks that began in Indonesia from the late 1990s as loose and fluid. One only has to read the story of Ali Al Jenabi and his ‘smuggling’ activities to understand the chaotic nature of people-moving endeavours (De Crespigny 2012). But Australians have now come to expect deaths at sea and to see people smugglers as the main issue (Kevin 2012).

Overall we have seen a labelling trajectory from asylum seeker queue jumpers, to then Prime Minister John Howard’s proclamation that ‘we decide who comes into this country and the circumstances in which they come’, to evil people smugglers with their business model, to deaths at sea. But one builds on the other and in what has become known as the political race to the bottom this compounding permits policies far harsher than those evident in other countries. Stepping back in time Fleay (2010: 98) reinforces the view that Australia’s responses to asylum seekers reflect Australian interests rather than those seeking asylum. Since British settlement in 1788 Fleay argues, there has been a consistent emphasis on controlling who can enter and stay in Australia; this sentiment is underpinned by fears of being invaded by the ‘Other’.

Using the deaths of asylum seekers for political purposes however, is a relatively recently phenomenon that has increasingly and unconscionably taken hold.

Australians have had enough of seeing people drowning in the waters to our north. Our country has had enough of people smugglers exploiting asylum seekers and seeing them drown on the high seas (Prime Minister Rudd, cited in Eltham 2013).

The principles I joined the Labor Party for did involve making sure that you don’t see the sorts of horrors that we’ve seen in the Indian Ocean (Immigration Minister Burke, cited in Eltham 2013).

Responding to the pre-election political environment, the peak advocacy body The Refugee Council of Australia stated:

The negative, distorted and myopic political debate on refugees and asylum seeker policy has been allowed to go on for far too long. It is time for a new approach which focuses on protection rather than punishment, on facts rather than fear mongering and on long-term solutions rather than short-term political gain (RCOA 2013).

State of exception

A new cartography of deterrence occurs in the detention sites on Nauru and Papua New Guinea. Agamben’s state of exception is often used as an explanatory framework for detention camps. These geographic zones are outside the norms of the law (Agamben 2005) and where people in these spaces are relegated to what Agamben calls ‘bare life’ following a perceived crisis. Noll (2003: 5) explains that the word ‘exception’ is derived from the Latin ex capere which means to ‘take outside’. The policy of processing asylum seekers in remote island locations like Manus and Nauru is to take the asylum seeker outside of the state that he or she is seeking protection from (Briskman and Dimasi 2010: 146). Furthermore as Noll argues, asylum seekers fall into a ‘zone of indistinction’ where their future depends completely on the Australian government’s civility and ethical sense. A state of exception is further evidenced by the adoption of measures that defy normative state actions such as excision, militarisation for political purposes and agreements with other sovereign nations. Casting aside core human rights results in justification of mandatory detention and the introduction of pragmatic legal provisions where the power of the sovereign nation to do what it will with those seen as posing a threat becomes axiomatic, particularly when images of death emerge.

In reality, death is random and defies deterrence approaches. Haunting but often hidden imagery reveals the failure of politicians to humanise. Boat deaths evoke images of loss of life and the loss of hope. Journalist Cameron Stewart (2013: 15) writes:

On a concrete slab in the newly expanded Christmas Island morgue lies the body of a baby boy, only months old. His name, if it is known, has not been released by the government.

We are told nothing about the fate of this boy’s mother or father, whether they are still alive or whether they were among the eight other people who drowned when their boat sank off Christmas Island a week ago.

The official namelessness results in dehumanisation depicted in Woody Guthrie’s ‘Deportee’ that tells the story of a plane crash that took the lives of men being deported from the US to the Mexican border ‘And be called by no name except “deportees”’. 

Policy accumulation creates accumulated harm

Policy is cumulative. The discourse of You Won’t Be Settled In Australia occurred before that of No Advantage had run its course. These two alone add to ‘a confusing array of arrangements which subject different asylum seekers to different treatments depending on the exact mode and date of arrival’ (Metherell 2013). Deterrence measures have been largely unsuccessful and even if boats are temporarily stopped in Australia, the ‘problem’ simply shifts geographic focus. Afghanistan expert William
Maley (2013) points out in relation to former Prime Minister Rudd’s approach that those fleeing the Taliban will still die, but they will die by drowning in the Mediterranean or by suffocation in overcrowded trucks. He argues that the real message of the Australian approach is: ‘Go and die somewhere else’.

For those who have and will make it to Australian shores, there is increasing documentation of harms done to detained asylum seekers and mental health concerns caused by long-term detention are significant. The policies have been so harsh that I have previously argued that they constitute inhuman and degrading treatment specified in the 1975 UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Briskman, Zion and Loff 2010). Although Australia’s policies are consistently criticised by human rights bodies such as Amnesty International, the Australian Human Rights Commission and United Nations committees, these have been to no avail. Seemingly the ‘we shall decide who comes to this country’ political refrain extends to ‘we will decide the policies of this country’, no matter what the consequences for vulnerable asylum seekers.

As this article is being finalised (September 2013) a Coalition government led by Tony Abbott has just taken over government and the military ‘solution’ will now trump and extend the Pacific ‘solution’. Humanitarian interests will remain secondary as the perception of crisis of nation will be continued in the political landscape. Of little interest to the new government is the fact that Australia is breaching its obligations despite being one of the wealthiest nations on the planet (Neumann 2013). Australia should be ashamed that countries with far less resources, such as Pakistan and Iran, take the lion’s share of the world’s refugees.

As journalist David Marr observes:

...refugees will always use the sea. They always have and always will. It’s a surprise to no one but Australians. And while both sides of politics in this country argue for the one extreme outcome – no boats at all – we will continue to be tempted by extreme solutions such as dumping all boat people in PNG (2013).

Burke’s argument is resonant. Dominant forms of modern political and strategic reason understand action in an instrumental way and ‘masculinist imagery lauds toughness, decisiveness and aggression as political values’ (Burke 2007: 214). This could at least explain in part why Rudd, who invoked the moral philosophy of Dietrich Bonhoeffer when he took office, was unable to politically sustain this ethic.

Forensically examining deaths at sea illuminates potential hazards for asylum seekers but it is the failure of durable solutions that causes people to take perilous boat journeys to which officials and the populace are expected to respond. Some basic humane measures would overcome this such as increasing the intake from Indonesia, which is a staging post for Australian journeys, using chartered aircraft in order to stop both deaths and the inhumanity inflicted by Australia. As a precursor, the ‘stop the boats’ language needs to be erased. Authorities ought to cease seeing asylum seekers as depersonalised security threats rather than as fellow human beings ‘pleading for our succour and compassion as they risk their irregular sea journeys to Australia’ (Kevin 2012: 127).

History will judge nation states on their treatment of the most vulnerable. Universal global criticism of the turning away of fleeing refugees from the MS St Louis in 1939, depicted in the Voyage of the Damned, may well be visited upon Australia in years to come.

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Refugee Cosmopolitans: Disrupting narratives of dependency

CAROL REID AND AHMAD AL KHALIL

This article provides an alternative framing to so-called ‘illegal refugees’ in comparison with those dominating public discourse currently in Australia, drawing upon ‘cosmopolitan social theory’ and ideas of a shared humanity. It distinguishes between contemporary refugees and the nation-building approach to immigration policy, and the tensions in current humanitarian policy responses to refugees. It draws upon original research among refugees in Australia, providing narratives/stories which allow refugees to speak their own experiences in the host country of Australia.

Introduction

The movement of people across countries either as refugees or immigrants has become a worldwide phenomenon with increasingly diverse characteristics, especially in Western societies. This global migration is often accompanied by duality of citizenship and raises critical issues about the ability of national and local authorities to deal effectively with the task of constructing new civic communities that reflect the diversity of citizens and at the same time acquire shared values and norms (Banks 2008: 130).

Historically, Australia has catered for the needs of migrants under its multicultural policy. Following assimilation and ‘White Australia’, multiculturalism was a ground-breaking and culture shifting moment because it focussed on valuing, rather than erasing, difference. The times are now different. The movement of people has changed. Mass migration to Australia with permanent settlement as the aim is now only one pathway. Increasingly, people come on short term work visas, while others come and go multiple times while retaining dual passports. This form of circulation migration is becoming more common (Hugo 2003). The arrival of refugees in Australia is not new either but their relationship to Australia is different from the times when permanent settlement was the only aim. Now, processes of globalisation enable the mobility of ideas and people that serve to maintain and strengthen the continuation of ties to more than one place. Multiculturalism as a policy to manage diversity, with its focus on the nation, seems problematic when viewed through the lens of increasing diversities, mobilities and rapid social and cultural change. Understanding and explaining conditions such as these, or what has been called a ‘cosmopolitan condition’ (Fine 2007), requires a complex framework.

This article will be presented in three parts. The article first outlines the ways in which cosmopolitan social theory might be useful when talking about the movement of people, such as refugees, in these globalising times. This is to say that cosmopolitanism might become ‘a means whereby national and global cultures can be mediated’ (Vertovec and Cohen, 2002: 17). Secondly, the legal meaning of the word ‘refugee’ is discussed to reveal the ways in which Australian society generally looks at refugees so that this can be compared with the perspectives of refugees and how they view themselves as human subjects who want to live and act as others do. Refugees’ perspectives reveal that they believe that they are equal to others; they have goals in life to fulfil through using their life experiences, including professional and educational experiences. The third part of the article concludes with a brief discussion about the relative merits of a cosmopolitan theoretical approach. The argument put forward draws strongly on four conceptual dimensions of a cosmopolitan imagination as outlined by Delanty (2009).

Cosmopolitan Social Theory and Refugees

Cosmopolitan social theory is a diverse field. In this article, there is a focus on what Sobe has referred to as ‘actually existing cosmopolitans’ (2009: 6-7). The practical focus on what people do is in contrast to a focus on debates about the theoretical origins of cosmopolitanism in the Enlightenment and elsewhere (Fine 2007; Vertovec and Cohen 2002). These debates are extensive and focus on the epistemological and ontological locatedness of various cosmopolitan traditions and ‘world varieties of cosmopolitanism’ (Delanty 2012: 425-550). Suffice to say that the concept exists in many languages and cultures and thus presents a unique basis, or creates potential, for dialogue between nations and disciplines about...
how issues of difference, equity and mobilities might be understood and addressed.

In this article, vernacular cosmopolitanism (the local, the everyday, the situational) drives and underpins the discussion. The reason for this is that a focus on the vernacular allows a reading of cosmopolitan practices in a way that is not a-mobile (Urry 2003). While refugees can be seen as transnationals, Sobe (2009) argues that this term is inadequate for understanding more than border crossing whereas vernacular cosmopolitanisms allow for ‘describing the positioning of the self and community amidst local and global assemblages’ (2009: 6) or actually existing practices (Robbins 1998). A focus on transnational border crossing can also focus too much on the generation of hybrid identities (Nyers 2003) so losing the political dynamics shaping the contemporary situation of refugees.

Werbner (2008) has suggested that a cosmopolitan disposition has a rootedness that is not necessarily related to place but is concerned with a shared humanity. Moving beyond the old cosmopolitan ideas of the rootless elite, Werbner argues that refugees are cosmopolitans from a bottom up perspective and that there are ‘many, different cosmopolitan practices in late modernity, with their own historicities and distinctive worldviews’ (Werbner 2006: 497). Refugee camps, replete with the horrors of displacement, are also sites of new practices amongst the assemblage of the local and global. To move forward and imagine a future requires working with and across spaces: linguistic, cultural and physical. In the old utopian cosmopolitanism, the individual is detached from the world, superior and free of commitments, whereas in the new kinds of cosmopolitanism the individual belongs to the world by being connected to multiple places and identity groups; the focus here is on the particular rather than universal (Goellnicht 2012: 207).

At a less abstract level and one that does not elide the political status of refugees is the concept of ‘abject cosmopolitans’:

... these migrants are increasingly cast as the objects of securitised fears and anxieties, possessing either an unsavoury agency (i.e. they are identity-frauds, queue jumpers, people who undermine consent in the polity) or a dangerous agency (i.e. they are criminals, terrorists, agents of insecurity) (Nyers 2003: 1070).

To unsavoury agency and dangerous agency we could add lack of agency. While the dominant negative discourses of panic (Marr 2011) surrounding refugees in Australia relate to concerns about race, disease and danger, there is also a strong public discourse about the cost to the nation (Coorey 2012; Sheehan 2012). Dependence on welfare and the cost to the public purse have emerged alongside the traditional concerns about race, disease and dangerous ‘Others’. The most recent report on social cohesion in Australia (Markus 2012) reveals asylum seeker issues are now the third highest issue of concern to Australians. Support for ethnic specific services such as cultural maintenance is divided with those who are Australian born (30%) or of English speaking background (25%) backing these initiatives compared to non-English speaking background (52%) and arrivals since 2000 (72%). Clearly the discourses of panic outlined by Marr (2011) are having a profound impact.

The purpose of considering cosmopolitan social theory in this article is to focus on raising some ideas about the ways in which refugees might be constructed less as victims – lacking agency – and more as people who are developing ‘techniques for living and forming solidarities outside the local, as well as strategies for knowing forms of belonging connected with estrangement, displacements, and/or distance from the immediate local’ (Sobe 2009: 6). Contemporary writing and reportage of refugees are replete with stories of trauma and torture. In Nam Le’s book ‘The Boat’ he recalls his father’s rhetorical question: ‘Sometimes it’s better to forget, no?’ (2008: 25) while others have argued that we ought to move away from feeding ‘capitalist exploitation of the traumatic past’ (Goellnicht 2012: 203). Indeed Goellnicht (2012) draws strongly on Troeung’s argument that ‘we need to pay more attention to the value of forgetting traumatic pasts rather than always valorising their memories’ (Troeung 2010: 91). This is not to say, as Robbins (1998: 3) points out, that the focus is on detachment, as in the old cosmopolitanisms, but rather on (re)attachment or multiple attachments. The focus is on the lived, actually existing experiences of migration and on differences and connections, always tracing the difficult engagements and negotiations (Goellnicht 2012: 211). An approach such as this gestures towards ‘abject cosmopolitans’ as potential sites of a critical cosmopolitanism (Delanty 2006; Goellnicht 2012; Nyers 2003) in ‘how they contest and reshape traditional forms of political community, identity and practice’ (Nyers 2003: 1070).

One example of ‘developing techniques for living and forming solidarities outside the local, as well as strategies for knowing forms of belonging connected with estrangement, displacements, and/or distance from the immediate local’ (Sobe 2009: 6) is the Amazing Family Day Care established by Deeqo Amar, a Somali refugee and former community worker. Deeqo was aware of women who had survived trauma, who had never worked and who had no husbands. The family day care business that Deeqo established employs 80 refugee women where children are cared for in homes. This business allows culturally appropriate care, income and other opportunities (Power 2012).
Such stories are not isolated. Hugo (2011) examined the economic, social and civic contributions of first and second generation humanitarian entrants and found that refugees were more entrepreneurial compared with other migrant groups and widely found in small and medium sized businesses. Further, there was a demographic dividend due to larger family sizes, a tendency to settle permanently in Australia and their contribution to regional and rural development (Hugo 2011: xxiii). This labour force participation and contribution to the wider society is a long-term rather than short-term outcome. Over time, participation converges with the Australian born, with the second generation most likely to have higher labour market participation than the first generation, often exceeding that of the second generation Australian born (Hugo 2011: xxiii). Clearly there is no lack of agency for many.

There are however gaps in these good news stories. Hugo (2011: xxiii) notes:

- Compared with other migrants, humanitarian settlers have a lower proportion with post-school education. Nonetheless, 47% had completed Year 12 or equivalent and over 20% had a post-school qualification, so there is substantial human capital embodied in this group which belies the perception of them being unskilled.
- There is evidence of ‘occupational skidding’ among humanitarian arrivals whereby arrivals do not get jobs commensurate with their qualifications, which means that their skills are not currently being fully utilised.
- The proportion of recent refugee arrivals aged between 15 and 24 attending an educational institution in Australia is higher than for other migrants and the Australia-born. Humanitarian settlers on average place high store on education for their children.

So there is strong educational need and desire, as well as educational non-recognition in Australia. Occupational skidding may be a factor in seeking further educational credentials. The propulsion into the status of refugee brings with it disruption, so it is also not surprising that education is either brief or disrupted. These are among the driving forces behind the uptake of further education and training among refugees once they have settled in a new place.

To capture the refugees’ agency and hope and desire for the future, the next section of this article examines a few existing practical cosmopolitan stances of refugees. The experiences of a small number of refugees reported here draws on doctoral research among refugees in South-Western Sydney. The research utilised interviews and narrative inquiry methods and was undertaken during 2012.

Are they still refugees?
The displacement of people as a result of persecution and wars around the globe and, especially in developing countries, is, along with poverty, one of the world’s most persistent and pressing dilemmas. The direct outcome of this is to be a refugee. The United Nations High Commissioner for Refugees (UNHCR) estimates that there were 43.7 million forcibly displaced people worldwide at the end of 2010, the highest number in 15 years. Australia has been settling refugees for at least 170 years as an international host. Australia formally accepted its legal obligations as a signatory to the 1951 United Nations Convention for the Status of Refugees in 1954. Since the Refugee and Humanitarian visa category was introduced in 1978, nearly 438,000 refugee-humanitarian settlers have arrived in Australia. At the 2006 Census, over a million Australians were either born in a country which has sent significant numbers of refugees to Australia or were Australia-born with an ancestry in one of those countries (Hugo 2011).

By brief definition and according to the 1951 Refugee Convention the UNHCR defines a refugee as any person who ‘owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality, and is unable to, or owing to such fear, is unwilling to avail him/herself of the protection of that country’ (UNHCR 2012). In other words, refugees are those individuals who have left their homes unwillingly, have not planned their migration and have been unable to bring resources with them in their migration (Hugo 2011).

Throughout their journey, migrants from different ethnic, linguistic and cultural backgrounds face a number of settlement experiences. These might include homesickness, language change and sociocultural changes, as well as new educational and political systems (Miller 1999: 152). Refugees, in particular, are in a disadvantaged situation because of the traumatic events that can be added to these challenges. Recent research on refugees’ settlement in Australia has focused on the difficulties refugees experience in adjusting to Australian culture, including social relationships, employment, housing, education, health and other aspects of life style. So, reaching the final destination in their refugee journey marks the beginning of a new journey or mission, in which refugees need to overcome different kinds of difficulties in order to establish a new life.

Recently, the refugee-humanitarian program in Australia has become selective and discriminatory: legal arrivals versus boat (illegal) arrivals, in a way that undermines claims to humanitarianism, the humanitarian rationale of the program. The media and some politicians have been using the issue of boat refugees for their own commercial and political agendas. Boat refugees have lately been
described as a ‘security threat’, ‘opportunities hunters’, ‘illegal arrivals’ or ‘queue jumpers’. On November 2012, the Australian government offered to increase Australia’s annual refugee intake to 20,000 places instead of 13,750 this year, in line with one of the recommendations of the expert panel on asylum seekers. As a reaction to this new offer, then Australian opposition leader Tony Abbott announced that a future Coalition government would cut Australia’s humanitarian refugee intake from 20,000 places to 13,750 (Cullen 2012). This is despite a previous offer by Mr. Abbott earlier that year to boost the original quota to 20,000. The decision to increase the pressure on the Government over the issue of border protection demonstrates the increasing politicisation of refugees in Australia in order to divide public opinion.

Then opposition leader Tony Abbott also claimed that cutting refugee numbers would save the budget $1.4 billion, which clearly contradicts Hugo’s (2011) findings on the economic returns refugees can bring to the local market and Australian economy in general. Mr. Abbott, and more recently former Prime Minister Kevin Rudd (Special Broadcasting Service (SBS) 2013), concluded that in accepting refugees arriving by boat Australia is sending the ‘wrong message’ to people smugglers. Anti-refugee sentiments and the accompanying strategies, from off-shore processing to the more recent denial of any chance of resettlement in Australia, affect the opinions of some segments of the Australian community through spreading negative attitudes towards refugees.

In the light of these highly politicised constructions of refugees in the popular media and by politicians an important question that needs to be asked is: how do ‘former refugees’ look at themselves as human subjects? Do they still consider themselves refugees? The narratives discussed here provide multiple answers to these questions. The participants were part of a study examining language acquisition and were asked about their sense of belonging in Australia. Some participants reported that they consider themselves Australians after many years of residence in the country regardless of their ethnic and cultural background. They have lived in the country for a long time, developed extended families, built businesses, and made significant contributions to Australia. Therefore, they argue that other members of the Australian community, who still treat them as refugees, need to recognise these facts.

Once refugees arrive in their final destination country, they start developing new material and symbolic resources in order to survive and establish roots in the new host community.

Heitham, as one of the participants, is a former physiotherapist and current businessman, who has lived in Australia for forty years. He speaks English very well and remembers much of the Australian history and old slang. Two of his children are sonographers and the other is a pharmacist. He does not like staying overseas for more than a month even in his original country, the West Bank. Once, he felt like a stranger there when he went to visit his brother a few years ago; people treated him as a foreigner including his nephews. Although he is an Arab and Muslim, he still thinks that he belongs to this place ‘Australia’.

A number of other participants describe themselves as Australians and Arabs at the same time since ‘being Arab is something you are born with’. However, they are still facing issues of discrimination and identity in Australia. They have made a contribution to their new country on the professional and family levels but they still miss their home country although they realise that they might not go back there again. This sense of multiple belonging and attachments is common.

Nameer, as another example, completed his postgraduate education in Australia, has worked in a variety of jobs with TAFE and community services, and is currently working as an employment consultant. Nameer believes that he is well integrated with the wider Australian community. However, he still feels that he is not fully accepted by some people, especially his work colleagues, who do not usually include him in their private conversations and daily gossips at work as well as some of their external social activities. He thinks that he is equal to his other colleagues in terms of education and other interpersonal skills, except he came from a different culture. Therefore, he believes that he would progress better on the professional level if he worked in the same field in his home country: Iraq or Iran. While his disposition is open, that of his workmates is closed.

On the other hand, some other participants neglected the issue of national identity and focussed instead on the fact that they have the capacity to contribute to the society around them. They feel that they belong to humanity as a whole, rather than to a specific geographic space called a ‘home country’.

Jamileh, for example, left Iraq more than 30 years ago to settle in Lebanon, England, and then Spain with her husband and kids before coming to Australia to re-unite with some of her sons and daughters. She speaks Arabic, English and Spanish and has spent her life serving her family and the community around her. Therefore, Jamileh has had colourful and rich life experiences. Although, Jamileh is more than 80 years old, she still enjoys doing volunteer work for the local community in one of Sydney’s South-Western suburbs and her photo
appears frequently in local newspapers describing her new initiatives and passion for cooking. Jamileh relied heavily on her resilience and energetic personality to educate herself and build her life the way she wanted. She strongly believes that she belongs to humanity regardless of where she lives but always refers to her beautiful memories, especially her childhood in Iraq. Jamileh now has an extended family of three generations who live in Australia and England.

These narratives of learning, social integration and ways of living reproduce former refugees as human subjects, agents and models of resilience with different levels of personal, educational and professional experiences. Although the search for settlement is like a circle of different places and events, and sometimes accompanied by traumatic events with lasting consequences, being a refugee is an exceptionally important life experience that enriches and strengthens the individual.

The participants see themselves as equal to other members of the host community and they do not consider themselves refugees anymore after these long years of residency in Australia. Being a human is not simply a matter of identity but an actuality; people have different identities but still have that human spirit and common human culture revealed in their practical stances (Sobe 2009). Therefore, as demonstrated by the participants, cosmopolitanism, in the broad sense of the term, is not only a matter of physical mobility and multiple identities, but also a matter of universal human experiences, which are shared or understood by other human subjects. Based on these narratives, subjective feelings and experiences can be labelled cosmopolitan if they are interpreted collectively to release them from their narrow personal perspective into the wider social and human context where they are able to reflect the human feelings of love, death, suffering, loneliness, beauty, discrimination, challenge, success and forgiveness. Similarly, in The Boat (Le 2008), the writer wants to convey the simple but important message that meanings and memories of wars, trauma, migration, spirits of family members or friends and other extreme social turbulences are in fact universal feelings and experiences which might be faced by any other person (Goellnicht 2012). The writer, Nam Le, was drawn to reproduce his father's original story and experience in a cosmopolitan framework. He presented that special Vietnamese ‘ethnic’ story from his point of view as a cosmopolitan figure. His main focus was not on materialistic description but on rich meanings embedded in the tragic events of war, death, loss, suffering, separation, massacres and destruction.

The stories of Jamileh, Nameer, and Haitham reveal that there are different forms of ‘outward-lookingness’, reflecting Appiah’s claim that cosmopolitanism ‘shouldn’t be seen as some exalted attainment: it begins with the simple idea that in the human community, as in national communities, we need to develop habits of coexistence’ (2007: xix). These habits of co-existence emerge in the actually existing practical stances (Sobe 2009) of refugees and reveal that they have agency, which produces new ways of living and contributes to Australian society.

**Conclusion**

In this article we have argued that a cosmopolitan framework can assist in moving forward in theorising the ‘actually existing practical stances’ (Sobe 2009) of refugees. The concept of ‘abject cosmopolitans’ (Nyers 2003) was analysed in light of narrative research to reveal the critical cosmopolitan outlook of refugees and thus their agency. The gendered and class dimensions of their lives also emerged in their strategies. These people were not elite cosmopolitans, nor were they identifying themselves in the singular term of refugee.

Drawing on Delanty (2006), a critical cosmopolitan imagination which emerges from lived experiences of marginalisation produces agency. This agency entails openness and self-transformation on the part of the refugee but also on the part of people working with and for refugees. Second, it is a learning process, for the displaced and the democratic cosmopolitan. This learning requires reflexivity; the recognition that all perspectives are culturally conditioned and contingent and that, in the case of refugees or ‘abject migrants’, their ‘situatedness is displacement’ (Nyers 2003 cited in Goellnicht 2012: 212). Delanty’s four dimensions of a cosmopolitan imagination – heterogeneity, local-global relationalities, territorial ambivalence, and global ethics (Delanty 2009: 7) – are useful when coming to understand the dynamics and dimensions of refugee experiences. Rather than a universalising world this is one that recognises society is in an ongoing process of self-constitution.

Refugees face the challenge of reshaping and positioning the self through re-defining essential concepts in social life such as security, belonging, individuality, and freedom. Living in a new country is not only a matter of adopting or adjusting to a new culture but also about how to position the self amid new local and global sociocultural changes (Sobe 2009). This process of rebuilding the wreckage of the self after previous traumatic experiences and uncertainty will lead to reshaping the refugee’s sociocultural identities where s/he can start to re-define the concept of belonging in order to present refugees as human subjects, agents, and models of resilience with different life experiences. In a time of panic about refugees (Marr 2011) it might well be the abject cosmopolitan, the refugee or asylum seeker who, as Goellnicht notes, transforms society through their ‘ethical and humane response to each other [because they] may model their choice and agency, rather than their victimage’ (2012: 219).
Note: Warm thanks to the reviewers who provided feedback that greatly improved this article.

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Ahmad Al Khalil started his career as an EFL teacher in secondary schools in Iraq after he completed his Bachelor degree in English language and literature. In 1997, Ahmad fled his home country Iraq due to the ongoing conflicts in the Middle East and began his refugee journey which ended in Australia in 2001 where he settled permanently. After Ahmad obtained his Master’s degree in Applied Linguistics (TESOL) from Macquarie University/Sydney in 2005, he continued his teaching career in the western region of Sydney as a Language, Numeracy and Literacy teacher teaching English for migrants and literacy and numeracy for native speakers who left school at an early age. One of the critical issues which Ahmad faced during his teaching career was the impact of social context on second language learning process; he observed a number of adult second language learners who had spent a considerable amount of learning hours in the class without any significant learning development noticed. Some of those L2 learners blamed themselves whereas the rest blamed the social environment which made it difficult for them to practise and learn English. These observations created in his mind a number of unanswered questions regarding the actual role of sociocultural dynamics in adult second language learning. Fortunately, these questions drove Ahmad’s current PhD studies at the University of Western Sydney.
Unnecessary Encounters: South Sudanese refugees’ experiences of racial profiling in Melbourne

PETER RUN

In 2011, a report on Lateline on the ABC (Australian Broadcasting Corporation) revealed that Victoria police were racially profiling South Sudanese refugees in Melbourne. Subsequent media attention allowed the community to share their experiences of unnecessary and intrusive encounters with the police that mimic the persecution they had fled. This article considers these experiences and places them in the conceptual frame of how racial profiling constitutes a double burden for refugees. It then examines the potential implication of such encounters, and – on the basis of these adverse brushes with the police – challenges the prevailing discourse of citizenship and social inclusion.

Introduction

The refugee experience, according to Barry N. Stein (1981: 320), begins with a threat to everyday life of would-be refugees followed by a decision to flee, exposure to danger, reaching a refugee camp and then resettlement. This trajectory encompasses dispossession and an extended period of vulnerability that makes the acquisition of the refugee status a significant burden. Stein (1981: 322) adds that even after resettlement, refugees have to struggle with acculturation as well as learning to shed survivalist behaviours acquired along the way. Such behaviours include watching out for threats. For Stein the threat can come from a variety of sources. However, since one of the onsets of most refugee experiences according to Article 1(2) of the Refugee Convention specifically points to ‘well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion’, one can expect refugees to be highly literate at decoding such threats. However mildly, racial profiling reproduces this fear of being targeted on the basis of race and adds a second layer of vulnerability to an already weakened group. The case of Sudanese refugees in Australia illustrates the impact of this double burden.

Race, religion and other social or political affiliations are ‘the root causes of Sudan’s civil wars’ – to use Douglas Johnson’s (2003) book title – that sparked the outflows of refugees soon after independence from Great Britain. The British decision to include South Sudan in an Arab-Muslim dominated independent Sudan without political inclusion triggered this identity-based conflict which culminated in the First Sudanese Civil War between 1955 and 1972 (Johnson 2003). The mutual distrust and inflated identities led to a second and more brutal civil war which broke out in 1983 and lasted until 2005. This war employed the kind of warfare that would later reappear in Darfur – indiscriminate air and ground attacks – on South Sudanese civilians leading to the death of an estimated two million people and displacement of more than four million (UNDP 2012). According to Francis Deng (2001) the government fashioned the war propaganda by accentuating the ‘racial and religious dimensions that eventually reached genocidal proportions’. The Sudanese refugees in Australia today are among the four million people who had to flee this genocidal conflict to refugee camps in neighbouring countries before resettling in Australia and other countries.

According to the Australia Bureau of Statistics – which tracks immigration figures by country of birth – almost 20,000 Sudan-born immigrants settled in Australia between the relaxation of the White Australia policy in 1966 and 2011 (Department of Immigration and Citizenship 2011). Most of these 20,000 Sudan-born immigrants came from refugee camps on refugee and humanitarian visas between 2001 and 2006. The statistical category ‘Sudan-born’ does not include younger Sudanese who were born to Sudanese parents in refugee camps in Ethiopia, Egypt, Uganda, Kenya and indeed, those born in Australia (DIAC 2007:4). All these people would experience racial profiling equally and are therefore considered Sudanese or South Sudanese in this article. Throughout the article, I use media and other reports (primarily those in which experiences and/or policies are articulated) and academic literature to shed light on racial profiling in Australia.

The article opens with an outline of community-oriented policing and how Victoria Police’s practice of this law enforcement strategy led to allegations of racial
profiling. These allegations are then assessed against a contemporary definition of racial profiling. Next, individual encounters with the police are examined, followed by a sketch of how these experiences fit into the community’s perception of racial and immigration discourses in the country. Then, these experiences and discourses are conceptualised in the context of how inherited notions about race affect policy approaches to social inclusion and finally, the discussion returns to the double burden of refugee status and being a marginalised minority in the country of resettlement.

Community-Oriented Policing
Racial minorities in some advanced liberal democracies like Australia tend to be subject to a particular policing strategy beyond the traditional – or reactive – role of law enforcement. In general, the police in these societies tend to adopt varied strands of a strategy which started to acquire the name community-oriented policing (COP) from the 1980s (Scambary and Meredyth 2013). The stated purpose of COP in the particular case of Victoria is to establish links with specific communities via Police Liaison Officers (PLOs). The role of PLOs, according to Victoria Police, is to help the police:

Ensure the needs of specific communities of interest remain a focus, such as the indigenous, multicultural, mental health and the disability, youth and new and emerging communities (Victoria Police 2012:3).

Let us leave why these specific groups are of interest and what their perceived needs are for the moment and, instead, elaborate on the contents of the document from which the excerpt comes, The Victoria Police Blue Print 2012-2015. The Blue Print stresses allocation of more resources to Police Services Areas, which are the community policing units within which PLOs operate. The key point here is that COP is an area of priority – priority number 4 on the 2012-2015 Blue Print – with more resources to be assigned to its implementation over the coming years. Researchers on policing in Melbourne have observed that these days, the PLOs ‘are more preoccupied with new migrant and refugee populations such as the Sudanese…’ (Scambary and Meredyth 2013:75). This preoccupation with the South Sudanese community, the ABC’s Lateline program revealed on 3 May 2011, led to the development of an internal document that was deemed tantamount to racial profiling (Fitzsimmons 2011).

Individual Experiences: ‘Stopping and Questioning’
The heading of this section – stopping and questioning– comes from a racial discrimination case which Haile-Michael and five other young African men brought against Victoria Police in a Melbourne federal court. The case summary details that,

They alleged that during the period 2005 to 2009… Victoria Police officers racially discriminated against them by stopping and questioning them, on the basis of their race, rather than for legitimate policing reasons [and]…that they were stopped and questioned in circumstances where a non-black or non-African member of the community would not have been stopped and questioned, or would have been less likely to have been stopped and questioned by police…(FCA, Haile Michael v Konstantinidis 2012).

This particular case was settled in February 2013, about eight years later. However, according to Kelly (2013:44) it was ‘one of many’ such law suits against Victoria Police and does serve as an important background to more recent stories of unnecessary and unpleasant encounters with the police that surfaced following the Lateline revelation of racial profiling. The following first person narrations of bad brushes with the police are excerpts from the media.

Excerpt 1: James, a young South Sudanese in Melbourne, told SBS (Special Broadcasting Service) Radio how he experienced racial profiling. In his words,

The first thing they [the police] do is slow down. They want to get attention. Then they want to talk to you. Then when you don’t want to talk to them it’s like you committed a crime (SBS Radio 2012).
It is important to remember that this happens to many Sudanese refugees in Melbourne and it happens repeatedly, as another South Sudanese refugee asserts.

**Excerpt 2**: Matiang, another South Sudanese refugee from Melbourne, related the following experiences to ABC Radio’s Background Briefing (2012) program:

> As soon as I jump out of the train, these guys from a distance, they start staring at me out of the whole train...And I'm like, 'Oh, here we go again.' As I'm walking towards them, they're walking straight to me and they've basically just come up to me and asked do I have a ticket. I pull out a Myki [the Melbourne travel card] and they ask do I have a concession. I pull out a concession and then they want to take my name. It really takes the freedom out of, you know, just being able to move around, like, to go where you want to go.

These two personal stories paint a small corner of what is a growing problem. According to one participant in Smith’s (2011:52) research, the practice of stopping and questioning, and the checking of identifying information, may be a build up of an ethnic minority database for CCTV and other surveillance purposes. In other words, ‘an eye has got to be kept on these people’.

While stopping and questioning free individuals on the street does not automatically constitute a breach of police duties in most Australian states, the practice does lead, according to Hopkins, to ‘temporary loss of liberty and freedom of movement and invasion of privacy’ (2007:224), under the Victorian Human Rights Charter. If targeted for questioning frequently because of race, the practice then ‘interferes with the right to equality before the law, freedom from discrimination, freedom of association and movement, privacy’ (Hopkins 2007:224). These marginalising practices operate in tandem with broader socio-political narratives. For instance, Smith (2011:50) found that the literature suggests politicisation of racial profiling turns it into a law and order issue, thereby producing simplified questions about who is ‘tougher on crimes’ among political parties. Gatt (2011:212) further points out that politics of fear about the ‘racial other’ have historically focused on ‘the easy target’ – the newest ethnic community like the Sudanese. Their refugee background, according to Loo (1994), is portrayed as a contributing factor to their purportedly violent nature. The net result of this positioning is the reawakening of the ‘well-founded fear of being targeted on the basis of race’ that these refugees fled in the first place.

**Community Experience: ‘Not Settling’**

In her contribution to a special issue on ‘Shifting Cultures’ in *Social Alternatives*, Melanie Baak (2011) examined one case of ‘diasporic mourning’ in a section of the Sudanese refugee community in South Australia in 2009. One particular point Baak raised is how experiences of violence bring out vulnerability and belonging in a people who consider (or at least considered) Australia a ‘safe haven.’ Baak (2011:10) further highlights that this is particularly so if ‘community narratives [of violence suggest] spontaneous racially motivated’ attacks. If random racist attacks can instil a sense of vulnerability into the refugee community, then what potential effects would racial profiling, which is a centrally planned policy by those armed by society to legitimately use violence, be likely to have? In Baak’s research, the vulnerability of individual South Sudanese inexplicably caused members of the entire community to come together, to belong and to collectively mourn a young man who could have been a stranger to some. The particular incident Baak describes is just one in a chain of what psychologists call ‘community traumas’ that South Sudanese refugees have experienced.

Perhaps the most high profile of these community traumas was the murder of Liep Gony in Noble Park, Victoria in 2007. Despite being a hate crime, as it later emerged, the incident was used to stigmatise the Sudanese refugees in the media and public discourse. Chief among those who exploited the situation was the then Immigration Minister, Kevin Andrews, who said the murder was an example of how the Sudanese were ‘not adjusting to the Australian way of life’ and suggested that refugee intake from Africa had to be cut for this reason (Farouque et al. 2007). The complete disregard for the facts in the media and from the top of the federal government gave the community a sense of vulnerability that was hitherto new to the political landscape.

Hate crimes, name calling, racial abuse and misrepresentation of Africans in the media had been documented earlier (Green et al. 2006) but few would have seen the seemingly isolated incidents snowballing so as to affect the future of the Sudanese community in Australia. As the sense of vulnerability increased, the need to belong was heightened; people tended to congregate and do things together (Victorian Human Rights Commission 2008). However belonging, coming together or forming something resembling a community, is the basis of community policing which leads to racial profiling. In other words, the need to belong can be seen as a product of racism and racial profiling, as Run (2011) has remarked, pushing the community not only to band together for protection but also to ghettoise.

Ghettoisation is often associated with slum formation or growth of ethnicised crime-ridden neighbourhoods which fuel public perception of risk from Sudanese refugees. At the same time, ghettos can be more than locations; they can be social categories that define and restrict the members of a given group (Frye 1983). Ghettoisation of Sudanese refugees is problematic because refugees are, to borrow Arendt’s words, those ‘who have been so unfortunate as to arrive in a new country without means
Jefferson wrote in *Notes on the State of Virginia* that after the loss of labour, as Thomas Jefferson once the chains were off was the second most important concern. As Thomas Jefferson wrote in *Notes on the State of Virginia* that, "The improbable loss of labour, ... possibility of imagination to be foreseen. Throughout the slavery versus emancipation debate, a question about what would happen 'once the chains were off' was the second most important concern after the loss of labour. As Thomas Jefferson wrote in *Notes on the State of Virginia* the, unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their advocates, while they wish to vindicate the liberty of human nature, are anxious also to preserve its dignity and beauty. Some of these, embarrassed by the question, 'What further is to be done with them?' join themselves in opposition with those who are actuated by sordid avarice only (1785: 166).

Without becoming too involved in American history one can draw a line from these fears, through the Jim Crow segregation laws to the arrest of Harvard professor, Henry Louis Gates Jr., at his house in Cambridge, Massachusetts (Trujillo 2009). Had he lived in a ghetto, Gates would have never been arrested at his house. His skin colour was simply assumed to be incompatible with the social class of his neighbourhood making it 'reasonable' for the police to arrest him there. In short, white America's need for the surveillance of the black 'other' is a product of that sordid history – the capitalism of slavery. How then, one might ask, did racial profiling develop in Australia? The well-known historical roots are twofold. First, postcolonial scholarship suggests racial profiling may be seen as a product of racist attitudes resulting from imperial relations between the conquerors and the conquered (Ahluwalia 2001). Since Australia is a former colony, the basis of its founding through *terra nullius* necessitated managing indigenous dispossession using various colonising techniques including surveillance and harassment to enforce the alleged inferiority of the conquered. According to Birzer the purpose of racial profiling in the United States has been to carry on the Jim Crow commitment 'to keep African Americans in inferior positions' (2013: 29). Racial profiling in Australia can equally be seen as a colonially minded attempt to maintain racial inequality.

Furthermore, socialist thinkers suggest that racial hierarchies underpinning discriminatory practices such as racial profiling have their roots in the socio-economic inequalities that liberal capitalism creates and perpetuates (Bramble 2006). Labour historians for example argue that 'whiteness as the phenotype of civilisation' (Bonnet 1983 cited in Hyslop 1999: 401) was extended to workers in the colonies, while in Europe, working class people, were presented as lacking defining characteristics in ascendant ideologies of whiteness and the working class was thus marginal to the symbolic formation of whiteness (Hyslop 1999: 401).

The conferral of whiteness on the working class peoples in the colonies enabled 'workers of European origin...to seek economic protection from the state by appealing to the idea that they were racial partners in empire' (Hyslop 1999: 405). It is this idea which has since evolved into various forms of racism that was behind racism against the Chinese miners during the Australian Gold Rush, and racism against the Kanaka (Pacific Island workers) and other non-white migrant workers (Hyslop 1999). This sentiment informed the White Australia policy between the 1900s and 1970s, which institutionalised racism and left the legacy that currently condones racial profiling.

**Experiences of Racial Profiling and Social Inclusion**

These two schools of thought explain how the Sudanese refugees' experiences of racism are part of a much older and complex social Darwinism underlying the White Australia policy and relations with Indigenous Australians. However, little is known about the effects these 'inherited categories of thought' (Darby 2006:1) about race have on the South Sudanese refugees or the black African community more generally. The inherited categories of thought include cultural designations of black people as crime-prone among other things. These replicated discourses have consequences. As Zwangobani (2008) has pointed out, reproduction of racist discourses from Europe and North America shadow real life experiences of African-Australians. He points to a clear lack of an African-Australian identity as a key point of vulnerability. Likewise, Run (2012) suggests that imported discourses do not capture the realities of race relations in Australia because of the different life journeys of South Sudanese refugees in Australia. Instead, he argues, such discourses only serve to hide the circumstances that forced them to flee and amplify those that justify social exclusion.

Social ex/inclusion is defined by the Australian Social Inclusion Board (established in 2008 by the Australian government to provide independent advice) as the absence/presence of 'access to civil, political and social rights' along with economic opportunities (Social Inclusion Board 2009: 3). From its establishment, the Board recognised discrimination as one of the causes of disadvantage and refugees as a social category with individuals that are vulnerable. However, the Board tended to focus on economic participation and therefore...
reported more on education and employment. These are important areas for all excluded groups, but there is also a need to identify racial profiling within both the social inclusion and the human rights framework as an affront to the integrationist discourse of liberal citizenship Australia currently promotes. Social inclusion was adopted as a melting pot alternative to multiculturalism. From the outset, social inclusion policies championed the idea of eliminating economic barriers to allow socio-political participation of responsible citizens (Mcfarlane 2010). There was no mention of eliminating racial barriers in this integrationist citizenship. Current integrationist rhetoric in Australia seems to be more in denial of existing diversity rather than reflecting a genuine desire for a coherent and inclusive national identity. As Woodhead observes, Australians ‘are comforted by this mantra every time... Australia is not a racist country’. The denial, she argues, seems to suggest,

some other, hard-to-define reason that explains why Australian institutions – the government, the police, immigration, the media – appear to not only devour the ‘racial and cultural divides’ invective, but also promulgate it (Woodhead 2010).

To this end, it is easy to see that racial profiling is an old problem linked to the very discourses that shape social inclusion policies and citizenship. As a social inclusion problem, racial profiling probably ranks at the top of how individuals and communities can experience social exclusion. However, by its nature, racial profiling and other problems that require change in the government bureaucracy tend to be overlooked. For instance, the Social Inclusion Board’s various publications identify groups that need help and suggest how the government can act to improve their lives. However, it fails to look beyond economics. Similarly, the race discrimination section of the Australian Human Rights Commission, which conducted a significant study into African refugee experiences between 2007 and 2010, has largely been focused on educating communities on rights – rights that recent revelations of racial profiling suggest to be only partly realisable depending on a person’s phenotype.

In the Australian Human Rights Commission’s early Race Discrimination report titled In Our Own Words... African Australians: A Review of Human Rights and Social Inclusion Issues, research participants raised the problem of racial profiling. The report called it ‘over-policing’ (AHRC 2010: 28). In other words, the report found what was ‘wrong’ with the African refugee community and accordingly endorsed community policing despite the obvious implications from the African refugees’ perspective that the police might also be in the wrong. The Human Rights Commission’s Agenda for Racial Equality 2012-2016 does not even mention racial profiling despite the debate this issue generated in 2011. Of course, avoiding racial profiling or deflecting from it, as social inclusion institutions seem to do, constitutes denial of racism, which is itself a form of insidious institutional racism (Nelson 2013).

Conclusion

This article set out to outline how South Sudanese refugees in Melbourne experience racial profiling and to examine the potential consequence of this policing practice on social inclusion. Using secondary data – narratives in the media, reports and academic literature – it was shown that the refugee experience is one marked by dispossession from having to leave home and shadowed by on-going vulnerability. Racially profiling Sudanese refugees therefore constitutes a major stumbling block in the settlement process as well as an additional burden on the refugee community’s experience of being racially targeted. This racial targeting of Sudanese refugees seems to have borrowed from colonial social Darwinism and history-laden categories and stereotypes from transatlantic race relations. These tendencies are perpetuated by an entrenched denial of racism. However, in the particular case of refugees, these attitudes are manufacturing a problem. Australia does not have the burden of history with its African immigrants and therefore has little need to put them under surveillance. The likely consequences of racially targeting an already persecuted group are likely to include reawakening the sense of vulnerability that can engender fear and distrust of the police. Secondly, racial profiling with targeted policing positions the group as a threat to the public and this manufactures racial conflict. These two consequences lead to a third – ghettoization. The policed group who are perceived as a threat must be avoided. In sum, racial profiling compounds the refugees’ burden and puts them on course for social exclusion.

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Protect or Deter? The Expert Panel on Asylum Seekers in Australia

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In June 2012 Prime Minister Gillard appointed an Expert Panel on Asylum Seekers to provide advice on policy options ‘to prevent asylum seekers rising their lives on dangerous boat journeys to Australia’. This article examines the establishment of that Committee against the backdrop of an increasing number of boat arrivals, of deaths at sea and the failure of Government policy responses to prevent them. It examines the recommendations of the Expert Panel and considers the punitive outcome of some of these recommendations including the ‘no advantage’ test. It evaluates Kevin Rudd’s Regional Resettlement Arrangement with Papua New Guinea and concludes that Australian and regional initiatives need to focus on protection of asylum seekers, not deterrence or avoidance of international obligations.

The Panel notes that the evidence on the drivers and impacts of forced migration is incomplete, and more intuitive than factual. As a result, the policymaking process is forced to rely on partial and largely qualitative information, rather than a solid base of measurement and analysis (Australian Government 2012: para.3.38).

On 28 June 2012, Australian Prime Minister Julia Gillard appointed a three member Expert Panel on Asylum Seekers to ‘provide advice and recommendations to the Australian Government on policy options to prevent asylum seekers risking their lives on dangerous boat journeys to Australia’ (Australian Government 2012). Since the election of the Australian Labor Party (ALP) in November 2007, there have been nearly 1,000 asylum seeker deaths at sea. During the previous Liberal-National Coalition government approximately 700 deaths occurred between 1996 and 2007. In 1998, 42 vessels arrived in Australian waters with 919 people, by 2011-12 the number of arrivals increased to 116 vessels carrying 8,092 people. Since the Expert Panel’s report over 20,000 people have attempted to reach Australian shores by boat (Australian Government 2012: 94).

The ‘Wicked Problem’

The increase of asylum seekers arriving by boat to Australia during the ALP’s term of government (2007-2013) has been described as a failure to protect Australia’s borders and deter illegal people smuggling activity (Sheridan 2013). Former Coalition Prime Minister John Howard claimed that a drop in arrivals from 2002-2008 (Australian Government 2012: 94) was a consequence of the government’s (1996-2007) adoption of excision zones. All territories in Australian waters not connected to the mainland were excised from the Migration Act (except for the state of Tasmania). This ‘Pacific Solution’ allowed asylum seekers arriving by boat to be processed offshore. If their refugee status determination was successful, they were granted a three-year temporary protection visa and reduced rights and benefits. To some extent these policies may be credited with reducing irregular migrant arrival (IMA) caseloads in Australia but it is also important to consider what asylum seekers were doing around the world at the same time. Global trends account for much of the Howard Government’s apparent ‘success’.

The destabilisation of Afghanistan and the intensity of the civil war in Sri Lanka during 2007-2008 led to the internal displacement of many civilians (UNHCR 2011). In addition, political instability in the Middle East – particularly in Iran, religious and ethnic tensions in Iraq, civil unrest in Bahrain and Yemen, and conflict in Syria – all resulted in an increased volume of asylum seekers seeking entry by boat into Australia. The difficulty in accessing a visa for entry by plane to Australia, combined with the low number of countries in the Asia Pacific region that are signatories to the 1951 Convention, means that seeking entry by boat is the only way people can reach a country with refugee status determination procedures (McNeven 2013a). Moreover, while the number of IMAs has increased in Australia since 2008, asylum seekers arriving by boat have had higher rates of acceptance than those who manage to enter by plane. In other words, those from Afghan, Iran, Iraq and Sri Lankan who arrive by boat are more likely to be granted refugee status than those who arrive by plane (Australian Government 2012: 98-99).

As such, the argument that asylum seekers’ passage to Australia is primarily attributable to domestic policies...
Australia was not alone in experiencing a decline in asylum seeker applications in 2003-2007. In 2011 UNHCR noted that during the first ten years of the 21st century, asylum seeker applications had halved. However, the decade of reduced asylum seeking applications was short-lived and there was a 60% increase in new asylum applications in 2011 (UNHCR 2011). Civil unrest in the Middle East, North Africa, Horn of Africa, Central Asia and South Asia after 2008 led to a dramatic increase in the global refugee population.

The Expert Panel’s Recommendations

Between 2008 and 2011 the increase of people attempting to reach Australia to seek asylum on unseaworthy vessels has resulted in an increased loss of life (Border Observatory 2013). This, and growing public disquiet with the volume of boat arrivals, led the Gillard government to pilot a bilateral deterrence solution and a Memorandum of Understanding (MOU) with the Malaysian government (The Age 2011). In Malaysia, 95,000 refugees are registered with the Kuala Lumpur-based UNHCR office (UNHCR 2012). The MOU agreed that Malaysia would accept 800-1000 IMAs in return for Australia accepting 4,000 UNHCR-processed refugees from Malaysian detention facilities. A similar bilateral arrangement was planned with the Indonesian government.

In June 2011, a day before it was due to be implemented, the Australian High Court struck down the MOU (Coorey 2011) on the grounds that it contravened Australia’s 1958 Migration Act. A signatory state to the 1951 Convention Relating to the Status of Refugees cannot transfer populations to a non-signatory state such as Malaysia. The Gillard government sought to amend the 1958 Migration Act to override the High Court ruling but failed to pass the legislation, and the Expert Panel was thus convened to address seven areas:

1) how best to prevent asylum seekers risking their lives by travelling to Australia by boat;
2) source, transit and destination country aspects of irregular migration;
3) relevant international obligations;
4) the development of an inter-related set of proposals in support of asylum seeker issues, given Australia’s right to maintain its borders;
5) short, medium and long term approaches to assist in the development of an effective and sustainable approach to asylum seekers;
6) the legislative requirements for implementation; and
7) the order of magnitude of costs of such policy options (Australian Government 2012: 9).

The Panel constituted an opportunity to generate national discussions about how to facilitate safe passage for those seeking asylum from transit countries and regional burden sharing options (Peake 2012). The report was released in August 2012 after six weeks of consultation with public servants, politicians, refugee law experts, non-government organisations, refugee advocates, international organisations, academics and refugee populations in Australia. Panel recommendations can be divided into three main areas: 1) greater regional cooperation and creation of a regional framework on protection and asylum; 2) a ‘no advantage’ principle; and 3) an incentivised humanitarian protection program. To have the desired effect, it advised that the whole package should be adopted. A year later, the general consensus was that half of the recommendations have been implemented (Australian Government 2013; Knott 2013). Recommendations were swiftly endorsed by the Gillard government, and swiftly condemned by those who had hoped for an end to the decade long paradox of treating the refugee status determination process for onshore arrivals differently to air arrivals (Pickering and Phillips 2013). Recommendations were presented as both increasing the attractiveness of waiting for resettlement from a UNHCR processing centre located in Asia, and deterrence. If asylum seekers sought passage to Australia they would be subject to offshore processing and a ‘no advantage test’ would be applied. This included a prohibition of family reunions and the return of temporary protection visas. It was suggested that increased humanitarian intake from within the region, and greater aid to governments and civil society organisations who assisted with the protection and settlement of asylum seekers across the region, would provide pathways towards greater regional cooperation.

The most notable unfulfilled recommendation is the so-called ‘Malaysia solution’. Under the rejected deal, one asylum seeker arrival to Australia would be transferred to Malaysia in return for four refugees currently held in a Malaysian detention facility. The Australian Parliament failed to pass legislation required to amend the Migration Act. Meanwhile, offshore processing was resumed on Manus Island in Papua New Guinea and Nauru. The no advantage principle was implemented in August 2012 and no onshore arrivals were processed for refugee status determination. Approximately 20,000 asylum seekers remain in detention or on bridging visas (which provide no right to work). None of these arrivals will be eligible to sponsor family members under the humanitarian
program, and mainland Australia has been excised from the migration zone.

Another set of recommendations required changes to the humanitarian intake scheme. These were to be implemented so that Australia could prioritise Humanitarian Program placements for refugees waiting in Indonesia and Malaysia for resettlement. There was to be an increase from 12,000 to 20,000 places per year. Meanwhile, efforts to return asylum seekers to their country of origin have been described as ‘work in progress’ with 802 people (from 20,000 arrivals) agreeing to return (Australian Human Rights Commission 2013). A review of refugee status determination was underway in July 2013 and a research fund into the ‘push and pull’ factors for asylum seekers was announced in May 2013 (ANU 2013). This law and order response to people smugglers has proceeded with increased funding to intercept smuggling activities (ostensibly with partner countries), and increased prosecution against those who coordinate smuggling activities from within Australia. Meanwhile, search and rescue agreements between Australia and Indonesia were finalised at Prime Minister Kevin Rudd’s visit to Indonesia in July 2013 (Grattan 2013).

A sizeable portion of the Expert Panel’s recommendations have progressed in substance. These include the regional cooperation and protection framework (Recommendation 1), capacity building initiatives in the region (particularly with UNHCR (Recommendation 3), enhanced cooperation with Indonesia and Malaysia (Recommendations 4, 5 and 10), ‘whole of government’ engagement with source and transit countries (Recommendation 6), and boosting regional cooperation in resettlement strategies (Recommendation 13). Successful regional engagements are mostly bilateral with Indonesia, Nauru and PNG and devoted to expanding the number of countries willing to assist Australia in deterring asylum seekers. For example under the Australia-PNG Refugee Resettlement Arrangement announced in July 2013, no asylum seeker seeking passage by boat would have their claim processed by Australian authorities. All boat arrivals would be transferred to PNG and if found to be refugees, resettled there and Iranians entering Indonesia by plane were no longer to receive a visa. Both initiatives can be broadly interpreted as regional cooperation strategies even though they are predominantly focused on deterrence and do not address the protection needs of those already in the region. For populations in the region, development assistance has been diverted to promote regional resettlement and encourage potential asylum seekers to remain at home (Australian Government 2012: Recommendations 1, 3, 6, 7 and 13; Knott 2013). No progress has been made on the MOU with Malaysia, who like Indonesia remains non-signatory to the 1951 Convention.

If cooperation with Indonesia is measured by boat arrivals, then 2012-2013 was a record year for onshore arrivals from Indonesia due to a five-fold increase, taking the figure to 20,000. The Indonesian government has agreed to tighten visa controls on those arriving in the country from Iran, and there is a framework in place regarding search and rescue coordination for vessels in distress in international waters between these two countries (Recommendation 4). Meanwhile, the options for engaging source countries to prevent departures (Recommendation 6) requires Australia to seek assurance from the country of origin that those who stay or are returned will not be prosecuted. It also requires people to believe that the benefit of staying in their home country carries less risk than seeking asylum in Australia.

As Table 1 indicates, the Expert Panel’s recommendations have introduced a punitive scheme that denies asylum seekers the right to be processed as refugees. It detains individuals for seeking refugee status (in contravention of the Australia government’s obligations under the 1951 Convention) and denies fundamental rights to refugees such as the right to work and family reunion (again, included in the 1951 Convention as part of a signatory state’s obligations). These recommendations may inspire a narrower interpretation of Australia’s processing and protection obligations under the 1951 Convention after the refugee status determination review (Davies 2013; Taylor 2013).

The announcement by Prime Minister Kevin Rudd on 19 July 2013 of a Refugee Resettlement Arrangement (RRA) with Papua New Guinea was a new development in the way Australia interprets its obligations under the 1951 Convention. A wealthy, developed country such as Australia has justified transferring all asylum seekers arriving by boat (but not, it should be noted, arrivals by air) to a neighbouring country ranked by the World Bank as a lower middle income country, struggling to improve living standards for its own population.

Historically, it was understood that burden sharing with respect to the 1951 Convention should operate in the opposite direction. Under the 1989 Comprehensive Plan for Assessment (CPA), for example, the Asia Pacific region developed a regional framework where developing countries such as Indonesia, Malaysia, Thailand and Philippines hosted Indochinese asylum seekers until they were UNHCR processed and then resettled in countries such as Australia, Canada, United States, France and United Kingdom. This switch of roles may become a strong feature in the proposed international conference on burden sharing that Prime Minister Rudd suggested to United Nations Secretary General, Ban Ki-moon.
Table One: Legislation passed in Australian Parliament pertaining to the Expert Panel Report 2012-2013

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<th>Introduced Bills</th>
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<th>Legislative Instruments</th>
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Australia’s success in evading its obligations to uphold the 1951 Convention, unsurprisingly, resonates in a region where there is a long history of disregard, skepticism and rejection of international refugee law (Davies 2008a). Despite agreement on the increased humanitarian intake scheme, there has been little reciprocal recognition of a regional responsibility to create intake schemes in other countries in the Asia Pacific, barring the recent Australia-PNG announcement of the Refugee Resettlement Arrangement (RRA). Anne McNevin (2013b) argues this is because there has been a failure of the government to creatively think about how to use aid programs to promote humanitarian intake schemes for countries in the region.

This is a valid point when considering that Philippines, Malaysia and Thailand have in the past taken thousands of refugees from Indochina (Philippines, Malaysia), Cambodia (Malaysia), Indonesia (Malaysia and Philippines) and Myanmar (Thailand) for permanent settlement in the 1970s, 1980s and 1990s. Therefore, it would be wrong to argue that the Southeast Asian region does not accept refugees because so few countries have signed the 1951 Convention (Cambodia, China, Japan, Philippines and East Timor are signatories, but only China, Japan and Philippines have acceded to the instrument). However, it is true to say that the region has very strict rules governing who is taken for resettlement (Crock et al. 2013), Japan being among the world’s least generous wealthy state in this regard.

Erika Feller (2011) has argued that the Asia Pacific is a region where creative interpretation of protection obligations is essential and regional cooperation must be as concerned with protection as it is with deterring asylum seekers from their only route of seeking refugee status determination in the region, people smugglers (Doughlas and Schloenhardt 2012: 6-7). Indeed, McNevin argues that despite Australia’s efforts, the Bali Processing Framework made no advances on the regional protection framework outlined in 2011 (McNevin 2013a). The Bali Process Office, created in Bangkok last year, has largely focused on data collection and discerning the number of vulnerable minors in need of immediate protection in the region (Refugee Council of Australia 2013: 8).
The Bali Process is a framework for cooperation on all areas of migration (originally and principally, irregular migration, people smuggling and trafficking) amongst migrant source, transit and resettlement states. It is co-chaired by the Australian and Indonesian governments and was established at the 2002 Bali Process Regional Ministerial Conference. In 2011 a Regional Cooperation Framework was concluded by participating governments. This non-binding agreement has been described as a crucial breakthrough in the region for three reasons (Feller 2011; Taylor 2012). First, it acknowledged that refugees and asylum seekers have a right to protection. This is novel in light of the region’s poor record of adopting the 1951 Convention. Second was recognition of the right to non-refoulement (Under Article 31 in 1951 Convention, as well as the Convention on Torture and International Covenant on Civil and Political Rights, refugees are not to be returned to their country of origin if in fear of their life or persecution). Third was discussion about the creation of arrangements to reflect the framework’s principles (see Figure 1 below). However, there has been little progress on protection principles in the Bali Agreement (Hosffstaedter 2013). The agreement recognises the need for asylum seekers to access refugee processing arrangements, and to have the chance to seek a durable solution such as voluntary repatriation, settlement in the region or resettlement outside the region. However, ‘practical arrangements’ for realising these principles are another matter and require engagement with source countries to prevent irregular movement and build capacity for processing.

The likelihood of the framework delivering on the protection goals identified in 2011 hinges on Australia’s performance as the country with the highest humanitarian intake scheme in the region, and its willingness to lead the region, rather than pursue its own domestic interpretation of arrangements promoted in the framework (Feller 2011; Taylor 2012). However, there are those who have expressed doubt that, given the ‘modest’ proposals outlined through the arrangements, it was ever possible to achieve much in terms of protection when the main purpose of the Bali Process remained focused on the deterrence of asylum (Douglas and Schloenhardt 2012: 13).

As Alexander Betts (2009) has argued concerning the Asia Pacific region’s sustained failure to achieve a regional protection framework, persuading states to protect asylum seekers may require more development assistance for those who take part in the framework, and may be achieved through linkages between the rise of asylum seekers and growth of illicit markets like people smugglers. However, the problem is not the absence of cross-issue linkage or development aid, but the absence of a built-in commitment to protection. In other words, systems based on deterrence are not likely to deliver the protection that is needed to end the market for asylum.

Figure 1: Bali Regional Framework Agreement

1. Ministers agreed that an inclusive but non-binding regional cooperation framework would provide a more effective way for interested parties to cooperate to reduce irregular movement through the region. Ministers agreed to a regional cooperation framework underpinned by the following core principles:
   i. Irregular movement facilitated by people smuggling syndicates should be eliminated and States should promote and support opportunities for orderly migration.
   ii. Where appropriate and possible, asylum seekers should have access to consistent assessment processes, whether through a set of harmonised arrangements or through the possible establishment of regional assessment arrangements, which might include a centre or centres, taking into account any existing sub-regional arrangements.
   iii. Persons found to be refugees under those assessment processes should be provided with a durable solution, including voluntary repatriation, resettlement within and outside the region and, where appropriate, possible “in country” solutions.
   iv. Persons found not to be in need of protection should be returned, preferably on a voluntary basis, to their countries of origin, in safety and dignity. Returns should be sustainable and States should look to maximise opportunities for greater cooperation.
   v. People smuggling enterprises should be targeted through border security arrangements, law enforcement activities and disincentives for human trafficking and smuggling.

3. Ministers agreed that in developing and implementing practical arrangements participating States should be guided by the following considerations:
   i. Arrangements should promote human life and dignity.
   ii. Arrangements should seek to build capacity in the region to process mixed flows and where appropriate utilise available resources, such as those provided by international organisations.
   iii. Arrangements should reflect the principles of burden-sharing and collective responsibility, while respecting sovereignty and the national security of concerned States.
   iv. Arrangements should seek to address root causes of irregular movement and promote population stabilisation wherever possible.
   v. Arrangements should promote orderly, legal migration and provide appropriate opportunities for regular migration.
   vi. Any arrangements should avoid creating pull factors to, or within, the region.
   vii. Arrangements should seek to undermine the people smuggling model and create disincentives for irregular movement and may include, in appropriate circumstances, transfer and readmission.
   viii. Arrangements should support and promote increased information exchange, while respecting confidentiality and upholding the privacy of affected persons.

Final Co-Chairs Statement, Fifth Regional Ministerial Conference, 2013
As Wagner points out:

It has been well documented that containment and restrictionist immigration and asylum policies in industrialized countries have a great impact on the incidence of irregular migration. The lack of regular channels of migration compels refugees, asylum-seekers, and other migrants to turn to irregular migration in their search for safety (Wagner 2013: 3).

This is the problem that plagues the Bali Process and past regional framework discussions (Davies 2008b) – regional cooperation is less the goal being pursued than the mode for transference and deterrence of a ‘problem’. In the last year this has become clearer as the Australian government has sought to reduce its obligations to protect asylum seekers and refugees by transferring populations to developing neighbouring states, policies that are likely to continue under the new government led by the new Prime Minister Tony Abbott. What is more, Australia remains the only country in the Asia Pacific to have a regular humanitarian intake scheme for refugees. This is vastly different to Europe, South America and Africa where refugees and internally displaced people have protections that extend beyond the 1951 Convention and 1967 Protocol. The Asia Pacific’s long established reluctance to engage in regional responsibility for the protection of asylum seekers and refugees dates back to the 1989 Comprehensive Plan of Action. Historically it fulfills protection obligations only when they are temporary.

Where To Now?

At a press conference on the Australia-PNG Regional Resettlement Arrangement, former Prime Minister Rudd suggested that, as a gesture of goodwill, his government would be willing to consider further increasing Australia’s humanitarian intake beyond the 27,000 suggested by the Expert Panel. The need for developing countries to stop ‘passing the parcel’, requires long term endurable commitments to global burden sharing by all developing and developed states. UNHCR processing centres should be the central conduit for refugee status determination and resettlement, but the people smuggling model has undermined its managed resettlement process. This is because the UNHCR must wait for a resettlement country to approve the transfer of people, usually waiting in detention camps, who have been processed as refugees. This can take years and as the delay in resettlement transfers increases, UNHCR processes fall behind. Asylum has become a supply-demand business in the region, and this benefits the people smuggling model (Barker 2013; McNevin 2013a).

This is not a new problem to the UNHCR. Its ‘Convention Plus’ initiative sought a more equitable division of responsibilities between North and South on resettlement, development assistance and irregular secondary movements (Betts and Durieux 2007). The initiative’s appeal was based on linking the concern of linking wealthy, developed Northern countries with rising rates of asylum seekers to the concern of poorer, Southern states with resettlement and development assistance. Problematically the Northern states were not convinced that building refugee protection capacity in the South would be ‘cost neutral’ and the South was not convinced that the development assistance promised would be delivered or compensate the costs of resettlement. Perhaps unfairly, it was suggested that the UNHCR was doing more to meet states’ interests than refugees’ needs (Betts and Durieux 2007).

Australia has done little domestically and at the regional and international level to signify its own investment in a regional protection arrangement. As the Expert Panel Report outlined, ‘Australia needs to engage in, and help facilitate, the development of practical strategies with regional states on protections, registration, processing of asylum claims and provision of durable outcomes’ (Australian Government 2012: 33). Over the last year Australia has witnessed the progress of many new initiatives, however there has been little delivery on the ultimate objective recommended by the Expert Panel regarding advanced regional cooperation on protection (Recommendations 1 and 3, Australian Government 2012). While there is a process for handling the ‘problem’, short-term and inhumane though it may be, there is still no regional process for the protection of those who are identified as the ‘problem’. The humanitarian intake is a vital start, but it occurs at a time when refugee arrivals are at their highest level since 1999 and resettlement quotas are at their lowest. Although the incoming Abbott-led government stated in opposition that the increased humanitarian intake would be repealed, hopefully it will not take such a backward step on such an important symbolic and substantial investment in a regional solution.

Unfortunately none of the Expert Panel recommendations facilitate discussion or engagement with the principles and responsibilities of all states in the region concerning protection. The Bali Process and its regional cooperation framework are about cooperation between states and seek to shift the problem rather than accept the shared responsibility of states to protect those who have no state protecting them (Feller 2006). Asylum seeker policy commonly expires due to ongoing financial and political cost. The Comprehensive Plan of Action was not sustainable because it relied on a large number of countries being willing to host Indochinese asylum seekers while they were processed. It required a large number of resettlement countries to commit to offering resettlement places to those processed in the region. Those arriving after a ‘cut off’ date (March 1989) were not be processed under this scheme but returned home.
Those who suggest a modern Comprehensive Plan of Action would do well to recall this.

The Asia Pacific region has achieved remarkable stability and prosperity; indeed this is why it has become a beacon for those needing protection and security. Regional cooperation must focus on protection, not deterrence and avoidance of international obligations. There are many imaginative ways in which the region could engage in a discussion and debate about shared protection and responsibilities (Jakubowicz 2013; McNevin 2013b). Unfortunately however, that discussion has yet to occur.

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NB: I would like to acknowledge the excellent research assistance of Katja Cooper in the preparation of this paper.

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Dentures

The spring's water's warmer on my arches than the Coral Sea.
The pockets of my shorts release three Japanese glass fishing floats, plunge me just that little farther. East, two toenails, one Great island, each white beach a rending upper denture

STUART BARNES
COOEY BAY, QLD

Laocoön

Was it the serpents' venom that killed Laocoön or was he strangled or crushed to death in their hot, fat coils? I want to know the nature of his suffering, the timbre of his cries, whether they were thick and muscular as from some engorged mammal or more like a newborn's first gelatinous howl as those umbilical snakes led him back through skin and hair and mud to be finally mesmerised and pulverised at his mother's breast.

MADELEINE BENDIXEN
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Uncertain Success: The Tibetan refugee community in South Asia

RUTH GAMBLE AND TENZIN RINGPAPONTSANG

More than 150,000 Tibetan refugees have fled their homeland for South Asia since 1959 since the first uprising against the Chinese. Despite fleeing to developing countries that were not signatories to the UN Refugee Convention, their high levels of self-reliance mean they are often described as a ‘successful’ refugee community. This success has generally been put down to the establishment of the Central Tibetan Administration (CTA), a government-in-exile that delivers services such as health and education to Tibetans. Along with the delivery of these services, however, the CTA has also maintained a policy that encourages Tibetans to continue living as stateless persons in South Asia. This they argue is a necessary basis for the preservation of their culture and society. Yet as no South Asian state is a signatory to the refugee convention or has domestic laws granting refugees status or rights, it has also led the Tibetan exile community into three or four generations of vulnerable statelessness. As this continuing unresolved status has had damaging side effects, this paper asks if it is time for a change to this approach.

Introduction: New Delhi, March 2012

In many ways the Tibetan protesters who gathered on New Delhi’s streets in late March 2012 personified this exiled community’s well-heralded ‘success’. They were a mixed group, but by the standards of the international refugee community, they were all relatively privileged. Some of them had grown up in South Asia – in India or the neighbouring countries of Nepal and Bhutan – as the second or third generation descendants of those who fled Tibet with the Dalai Lama after the 1959 uprising against Chinese rule. As the descendants of these ‘splittists’ they were not welcome back in the People’s Republic of China (PRC). Yet they had benefited from their parents’ and grandparents’ efforts to establish a viable Tibetan community in South Asia, which had subsequently been roundly praised for its self-sufficiency (Norbu 1994: 4; Kharat 2003: 281-320; Prost 2006: 235). In particular, they had received aid from the government-in-exile for Tibetans, the Central Tibetan Administration (CTA), which had provided them with health services and often granted their parents an income through its agricultural and economic projects (CTA Planning Commission 2013: 25-27, 28-30). Perhaps even more importantly, for the first time in the Tibetan people’s history, its policy of universal education had also ensured they all had at least ten years of education (Bangsbo 2008: 189-212).

Those amongst the group who had arrived more recently from Tibet had not received the same kind of life-long support from the CTA. These refugees belonged to a segment of the Tibetan exile community that was much more vulnerable than their more established compatriots. Members of this group had grown up in a very different society and were often the survivors of trauma, two conditions that made it much more difficult for them to adapt to South Asian society (Mills et al. 2005: 2). Yet although it might not have seemed like it to them, in comparison to many other refugees around the world they too were in a relatively privileged position. On arrival, for example, they would have been received by a well-ordered support network offering them financial and social assistance, including several years of education in Hindi and English, along with vocational and cultural training (MacPherson et al. 2008).

What was about to happen on the streets of New Delhi, however, showed that no matter what their community’s relative successes had been, as stateless people their position was still very insecure.

The protesters in New Delhi had congregated to register their anger at both the situation in their homeland and India’s invitation to one of the people they held most responsible for it: the then President of China, Hu Jintao. Hu Jintao had been the Governor of the Tibetan Autonomous Region before he became the President of the entire People’s Republic (Ewing 2003: 22-25) and was regarded with particular disdain by many exiled Tibetans. The protests began days before Hu’s arrival, and mostly consisted of marching, shouting and breaking through.
the police lines that had been formed around the venues Hu would visit (Burke 2012). But amongst the crowd was a 27 year old named Jampel Yeshi who had more tragic plans. On the second day of protests, before President Hu had arrived, he self-immolated in full-view of several television cameras. Days later, having suffered burns to 90% of his body, he died in a New Delhi hospital (BBC 2012). Self-immolation had been on the rise within the Tibetan areas of the People’s Republic of China (Mills 2012: 10-12), and had now followed the refugees from this restive region onto the streets of New Delhi.

Self-immolations and immolation attempts like this are perhaps the most tragically conspicuous modifier to the Tibetan refugee ‘success’ story, but they are not the only indication that this is a community under intense pressure. Other markers like elevated levels of mental disorders (Mills et al. 2005: 2-3), tuberculosis and other illnesses (Bhatia et al. 2002: 417) further reflect the trauma and insecurity its members experience. Moreover, although it was much less tragic and dramatic than the immolation, the police response to the protests also highlighted a primary reason for this sense of insecurity: the Tibetans’ tenuous legal status in South Asia.

Following this immolation and citing ‘international security concerns’, Indian paramilitaries and the New Delhi Police began a ‘law and order’ campaign in the capital aimed at the Tibetan community in general and particularly its youth (Burke 2012). Their first move was ‘the precautionary arrest’ of the Tibetan writer and activist Tenzin Tsundue. He was arrested during a tea break at a seminar in New Delhi because of his involvement with previous protests against Chinese political visits (Burke 2012). They then took up positions in New Delhi’s universities and colleges, only allowing Tibetan students out of their dormitories under police escort to attend exams (Stancati and Rana 2012). At the same time, they used a section of the Indian penal code developed to quell inter-communal violence to set up road blocks, patrols and curfews in Tibetan areas of town. Tibetan businesses and schools were ordered closed and the residents’ movements were severely restricted (Stancati and Rana 2012). Nonetheless, the protests still went ahead and hundreds of Tibetans who had not heeded their warnings were arrested and jailed (Burke 2012).

The removal of the right to non-violent protest in a democracy founded by a non-violent protest movement caused some discomfort in Indian civil society (Stancati and Rana 2012). These concerns led to a court case being brought against the police in New Delhi’s High Court, but the outcome of this case only further highlighted the Tibetans’ vulnerability. Its ruling condemned the police actions, but not in their conduct toward the Tibetans. Instead, acting Chief Justice Rajiv Sahai Endlaw admonished the police for ‘interrogating and harassing’ Indian citizens who looked ‘Tibetan by face’ (Lhagyari 2010). As India has no legal mechanism for recognising the Tibetans as refugees and therefore officially considers them ‘foreigners’, the court not only enforced the perception that the Tibetans were unpossessed of rights but suggested that ‘non-compliance [with the police instructions against protesting] will render them liable for prosecution under Section 14 of the Foreigners Act, 1946’ (New Delhi High Court Transcript 2012).

**Fleeing South**

To understand how this group of people – some of whom were second and third generation India-born and all of whom fulfilled the requirements for refugee status under international law (UNHCR 2012) – were deemed devoid of rights in the courts of the world’s largest democracy, it is necessary to trace their community’s history back to its inception. A few Tibetans lived in South Asia under British rule, and some of these were refugees from the old Tibetan regime (Mengele 1999: 63-75), but more began to cross the Himalaya in search of refuge after the Chinese Communist Party annexed the country in 1950. This number then increased exponentially following the 1959 uprising against Chinese rule, and the Dalai Lama’s subsequent flight into exile.

At this stage, there were four countries south of Tibet that were viable options for his life in exile: the three Himalayan kingdoms of Nepal, Bhutan and Sikkim (which was subsumed into India in 1975), and the world’s largest democracy, India. Thanks in part to a personal relationship the then young monk had with India’s prime-minister, Jawaharlal Nehru, he chose India. The Indian Government allowed his entrance into the country and granted him refugee, referring to him in later correspondence as an ‘honoured guest’ (Nalapat 2009). They then extended this sanctuary to the initial 30,000 refugees who followed him, providing them humanitarian aid at first, and afterwards land grants across the country on which they could establish agricultural communities (Bhatia et al.: 2002 411-422). Yet while the Indian Government gave the Tibetans refuge and substantial aid, they did not legally recognise them as ‘refugees’ as India has no legal mechanism to do this. It has never been a party to the United Nations’ 1951 Convention Relating to the Status of Refugees. Moreover, it has also failed to create any domestic laws that recognise the status of refugees.

Most of the refugees followed the Dalai Lama into India, but thousands also began to settle in the Himalayan Kingdoms. These kingdoms did not grant them any legal protection either. Along with these legal issues, there were also particular problems distributing aid within these jurisdictions. Governmental blocks to supply caused some of these problems, but they also lacked the basic infrastructure that would have facilitated it. Without any capacity to deliver aid themselves, the governments and
aid groups in these countries gave up their individual operations and began distributing their assistance through the CTA. Later, the Indian government adopted the same approach.

The CTA was established on the Dalai Lama’s arrival in India, and was conceived of as a continuum from his administration within Tibet (McConnell 2009: 343-352). It has been performing the role of primary aid-giver to the Tibetans since a few years after its establishment. Its stated goals were and remain twofold: ‘rehabilitating Tibetan refugees and restoring freedom and happiness in Tibet’ (McConnell 2009: 343). Initially, except for education, this idea of ‘rehabilitation’ was confined to relatively temporary goals; the Tibetans needed to remain healthy and supported, so that they would be ready to return to their homeland as soon as ‘the Tibet issue’ was resolved. Yet as the years turned into decades, the projects with which the CTA involved itself became more permanent and the tension between their two stated goals more apparent. On the one hand, if the refugees were to be truly rehabilitated they needed to develop permanent institutions and social structures. On the other hand, the establishment of permanent institutions and resettlements in countries other than Tibet could also be understood as capitulation to the Tibetan’s fate. The Tibetan authorities were trying to create a community that was at once healthy and economically secure, but at the same time ready to pack up that life and move back to an uncertain future in Tibet.

The working experiment that developed in response to this logistical conundrum was for the CTA to develop a network of organisations to aid Tibetan refugees, but to run these organisations with the express intention of preserving: ‘cultural and traditional wisdom, [the] Tibetan way of life, and above all [their foundation] the Tibetan language’ (CTA Planning Commission 2013: 10). Fundamentally, this approach required the Tibetans to form a community separate from greater South Asia society; educationally, socially, religiously, economically, politically and legally.

The circumstances in which this organisation was established were extremely difficult, and many have therefore acknowledged their successes and reach. One of the most resounding areas of this success has been education. Before going into exile, education in the Tibetan cultural sphere was generally limited to monks and aristocrats, and illiteracy was widespread (Bangsbo 2008: 192-211). Yet once in exile, thanks in the main to the Dalai Lama’s foresight and the direct intervention of the then Indian prime-minister Jawaharlal Nehru, separate Tibetan schools were established within the Indian education system (Bangsbo 2008: 189). This focus on education has seen the effective literacy rate rise from a very low rate pre-exile to 82.4%, a figure that is even more impressive considering that it includes the group of elderly Tibetans who received little or no education (Bhatia et al. 2002: 415).

The CTA has also achieved other successes in the establishment of livelihood and health programs for refugees. They run agricultural settlements and co-operative manufacturing enterprises (CTA Planning Commission 2013: 25-27), and hospitals, primary health centres and clinics across India and Nepal (CTA Planning Commission 2013: 33-35). Moreover, the CTA has also made democratic reforms to its own structure that it presents as a model for any future autonomous governance in Tibet (McConnell 2009: 343-352). These reforms have been introduced slowly since the early 1960s, and reached completion in September 2012 when the Dalai Lama officially removed himself from an administrative role within it (CTA Planning Commission 2013: 37-40).

Legal Limbos

Yet despite all these achievements in education, health, business and employment, agriculture, and democratic reform, there are also other substantial areas in which the CTA’s intentions have been less clear, and their outcomes more compromised. Many of these have resulted from the implicit tensions between their goals to promote the welfare of refugees and their work to resolve the Tibetan issue. Moreover, many of these issues have gone undiscovered because many within the community perceive any criticism of the CTA or their policies as an affront to the greater Tibetan cause (Editorial Board of the Tibetan Political Review 2013b). As these unresolved issues are various, and they are all intensified by the prolonged statelessness of Tibetans in South Asia, it is perhaps best to examine this underlying issue.

This is a particular desideratum considering this is one area more than any other in which the CTA has been less inclined to seek a resolution for its community. Rather than developing a policy and strategy to deal with the multiple and various legal situations of its constituents, it has obfuscated the true nature of the Tibetans’ situation and presented a confusion of mixed messages to its constituents. Not only has it maintained the same temporary solutions put in place over 60 years ago to manage the situation, but it has even actively discouraged more permanent resolutions of the problem.

Underpinning much of this confusion is the aforementioned lack of legal recognition for refugees across South Asia; this was a problem for the first arrivals from Tibet and it is still a problem for those who leave Tibet today. In basic terms, what it means is that although the Tibetans fit the criteria for refugees according to the United Nations’ conventions on refugees (UNHCR 2012), they have not been recognised as such and therefore are not
protected under this convention. The United Nations High Commissioner for Refugees (UNHCR) has not and does not process them as refugees, merely acknowledging them in both Nepal (UNHCR 2013a) and India as ‘persons of concern’ (UNHCR 2013b). This means that despite being designated ‘refugees’ in common parlance and by the CTA, the Tibetans have not been granted the rights and protections of this official status; not even the Dalai Lama has these protections. Legally, Tibetans are stateless persons, not refugees.

Part of the reason for confusion on this issue stems from the fact that, despite not acceding to the United Nations protocols on refugees, India, Nepal and to a limited extent Bhutan have, ‘traditionally offered asylum to refugees and generally respected the principle of non-refoulement’, or non-repatriation where persecution is probable (UNHCR 2013b). In doing so, the Indian, Nepali, and Bhutanese governments have to greater and lesser extents allowed Tibetan refugees to remain in their countries as stateless ‘foreigners’, and initially even offered them quite substantial aid to establish their communities (Falcone and Wangchuk 2008: 182). Yet without the protections of the Refugee Convention, preservation and consistency in approach has not been forthcoming.

The least complicated and least tolerant approach to stateless Tibetans has been that of Bhutan. Bhutan has many historic, cultural and religious connections with Tibet, and this led many Tibetans to seek refuge there first in the 1960s. This initial support was terminated in 1979, however, when the Bhutanese government gave the Tibetans an ultimatum: either take Bhutanese citizenship or leave. Four thousand Tibetans took citizenship and three thousand were deported to India (Savada 1993: 275). Since then Bhutan has officially disallowed the inflow of Tibetan refugees, but does occasionally grant passports to high-ranking Buddhist teachers (Falcone and Wangchuk 2008: 177).

Like Bhutan, Nepal also initially took in thousands of Tibetan refugees, issuing most of them with identity certificates and providing aid (UNHCR 2013a). But in 1989, following pressure from the Chinese Government, they reversed this decision and stopped issuing Tibetans any documentation. Moreover, they also refused to issue documents retrospectively to anyone who had entered Nepal before this cut-off point (UNHCR 2013a). This left many of the approximately 20,000 Tibetan refugees in the country without paperwork (Tibet Justice Center 2011b). Following this reversal, Nepal developed an ‘informal arrangement’ with the UNHCR which allowed ‘Tibetans to travel through Nepal en route to India, and to facilitate their transit’ (Krakauer 2011). In 2011, however, reports of frequent violations of this agreement began to surface (Tibet Justice Center 2011b; Krakauer 2011). These suggested that Tibetans were being routinely intercepted during this transit and returned to Tibet at gunpoint, where they were ‘typically imprisoned and not uncommonly tortured by the Chinese’ (Krakauer 2011). Some reports suggested small numbers of these Tibetans were ‘beaten, raped and/or shot’ by Nepali police before being repatriated (Tibet Justice Center 2011b: 10; Krakauer 2011). Along with these violations of the principle of non-refoulement, Nepal has also recently begun arresting even those Tibetans with permission to reside in the country if they are deemed to have engaged in ‘anti-Chinese activities’ (Human Rights Watch 2013).

In comparison to Nepal and Bhutan, the support Tibetans have received in India has been relatively consistent and enduring. Yet even in this most generous of host nations, the Tibetans’ legal situation is arbitrary. Most Tibetans ‘reside in designated areas of India as a matter of discretion and executive policy’ (Tibet Justice Center 2011a: 8). Moreover, while the Indian Government has never completely reversed its policy towards Tibetans like Bhutan and Nepal, the extent of their welcome has fluctuated over the years. This means that not all Tibetans living in India are granted the same status.

The first group of exiles to arrive in India, those who arrived between 1959 and 1987, have enjoyed the greatest welcome. The Indian Government even offered this group and their offspring some degree of official recognition in the issuance through the CTA of Registration Certificates (RCs). Although often described as a legal document, RCs do not grant any rights to their bearers. Rather, they merely show that the bearers live in India at the Indian Government’s executive discretion (Tibet Justice Center 2011a: 8). As such, those who hold them are subject to several intrusive regulatory measures, including regular visits to the Foreigner’s Regional Registration Offices. To begin with the CTA made these reports on behalf of Tibetans, delivering them en masse to be automatically checked and renewed. However, in recent years, the Indian authorities have begun demanding that individual Tibetans perform these duties themselves. This is not always a simple process. Sometimes it requires several days’ travel to these offices, and thereafter long queues and complicated, repetitive, paperwork (Falcone and Wangchuk 2008: 174).

Despite their limited authority, the RCs have also come to act as one of three levels of documentation that the CTA uses to establish their constituency. The other two levels are: the Identity Certificates (ICs) that allow international travel again at India’s grace; and the so-called ‘Green Book’ that indicates the bearer contributes through taxes and other grants to the CTA’s programs (Falcone and Wangchuk 2008: 174).

Unlike these initial arrivals the next group of exiled Tibetans to arrive in India have enjoyed a more privileged
legal position than any other Tibetans in South Asia, but they have not always been able to access this privilege. These are the children of refugees who were born in India between 1959 and 1987; under Indian law these people are technically considered Indian citizens but in practice they have had trouble activating this right. Impediments to this activation have come from two sources. The first and most obvious is the Indian Home Ministry. As Falcone and Wangchuk (2008: 168-9) discovered, this government department has ‘routinely rejected [citizenship applications] if the applicant is proved to be a Tibetan refugee’. The other impediment is the CTA, which despite its jurisdictional lack might have been even more influential in stopping this process. Along with their removal of some of their support – particularly educational scholarships and access to CTA jobs – from all those who take out Indian citizenship, there is also some evidence that the CTA has been working behind the scenes to pressure the Indian Government not to grant these (Falcone and Wangchuk 2008: 169).

The CTA has explained this unlikely spectre of an organisation dedicated to the welfare of individuals working against the procurement of legal security and rights for these very same individuals with recourse to the following arguments. The first argument is that Tibetans have nothing to gain by taking out Indian citizenship because as ‘refugees’ they have ‘almost equal’ status with those who do take up citizenship (Editorial Board of the Tibetan Political Review 2011). The second argument is that by taking this citizenship they will lose access to benefits granted to the Tibetan refugee community (Moynihan 2012). And third, they argue that by taking Indian citizenship the Tibetans will ‘diminish the strength of [their] claims to Tibet’ (Goldstein 1975: 180).

As many recent articles have pointed out (Moynihan 2012; Editorial Board of The Tibetan Political Review 2013b, 2011), the first and second of these arguments are fundamentally flawed. The 2012 protests amongst many other instances have demonstrated that those without Indian citizenship do not have the same rights as those with it. Furthermore, despite the CTA’s loose use of the term, Tibetans in India are not legally ‘refugees’ – they are stateless. The second of these arguments, the threat of the removal of refugee benefits from those who take citizenship, is even more dubious as it is the CTA itself that decides who receives these benefits, not any international refugee organisation.

This still leaves one of the CTA’s arguments left unanswered; that the attainment of citizenship lessens the strength of the refugees’ claims to Tibet. Once again, this argument highlights the fundamental tension between the CTA’s dual roles of supporting the welfare of the Tibetan exile community and advocating for the Tibetan cause. It also begs the following questions. First, is it fair to ask this generation of Tibetans to remain stateless and vulnerable in pursuit of this cause? And perhaps more pertinently, does this logic bear scrutiny? Does remaining stateless give the Tibetans more claim to Tibet? Or could the Tibetan cause also be prosecuted – perhaps more effectively – by the citizenship of another, perhaps more powerful new state?

As these questions have been asked during the past few years, several young Tibetans have also taken more direct action. The most influential of these was a court case brought by a young Tibetan-exile named Namgyal Dolkar Lhagyari against the Ministry of External Affairs. In the New Delhi High Court, Lhagyari argued that the Ministry of External Affairs had illegally denied her an Indian passport despite being an Indian citizen by birth. She won. What is more, in their ruling on her case, the Delhi High Court also stated that her previous possession of an RC did not preclude her from Indian citizenship (Editorial Board of the Tibetan Political Review 2013a). The implications of Lhagyari’s win have yet to play out within the Tibetan community, but it does seem likely that this legal precedent could lead to an increasing number of Tibetans from this group taking out Indian citizenship.

Another factor that works against the CTA’s argument that the taking of Indian citizenship will erode their social base is the limited number of people who can access it. No one who came directly from Tibet is considered an Indian citizen, and neither are those born after 1987 when India changed its laws so that only those born to Indian citizens on Indian soil were entitled to citizenship (Ko 1990: 65-124). For the rest of the Tibetans in exile, the road to Indian citizenship is a much more difficult journey. Indeed rather than indicating a more lenient stand towards the stateless Tibetans living in their borders, during the past two decades the Indian Government has been increasingly reluctant to encourage or even acknowledge their presence.

This change in attitude began in the late 1980s, about the same time as the citizenship rules were changed, after a decade in which the Indian government experienced an increase in those seeking refuge from Sri Lanka and Afghanistan as well as Tibet (Ko 1990: 65-124). The Tibetans had almost stopped arriving during the years of the Cultural Revolution, but following Mao Zedong’s death in 1976 they again began to arrive in large numbers. Between 1986 to 1996, for example, the UNHCR estimates that 25,000 Tibetans arrived in India, a figure that increased India’s aggregate ethnic Tibetan population by about 25% (Tibet Justice Center 2011a: 9).

Despite the change in policy, for a few years it was still possible for most of these arrivals to attain RCs through informal channels, usually by claiming descent from earlier arrivals. But then in 1994, under pressure from the Indian
Government, the CTA changed its policy too and began to encourage Tibetans to return to Tibet (Tibet Justice Center 2011a: 41-42).

According to the United States Senate Foreign Relations Committee Hearing on Tibet, many of those who returned to Tibet faced harassment, work and travel restrictions (Monyi Jhan 2012). This situation in Tibet therefore led many others to remain in India without documentation from either the Tibetan Government-in-exile or the Indian Government. This not only meant they were living without basic rights but often that they were also unable to receive basic services available to other Tibetans (Tibet Justice Center 2011a: 41-42).

Gradually, but not officially, the CTA seems to have abandoned this policy of encouraging all Tibetans to return and now makes a distinction between those it deems to be in political peril, who are often called ‘political prisoners’, and those for whom it may be safer to return. Those who are deemed ‘political prisoners’ are unofficially supported in India by the CTA. This support comes despite the fact that since 2003, the Indian Government will not even grant these vulnerable people official long-term stay permits, let alone RCs (Tibet Justice Center 2011a: 41-42).

The growing perilousness of their situation has, however, led the CTA to pursue a limited number of resettlement options for these most vulnerable of their compatriots in third countries. Most notable amongst these resettlement countries has been Australia, which has officially taken the greatest number of these ‘political prisoners’. Yet even in this exchange, these Tibetans’ undefined status in South Asia has made their resettlement more difficult. Their lack of refugee status means that rather than accepting them as refugees, the Australian Government has had to bring them out under the Special Humanitarian Program, and regards them as ‘humanitarian entrants’ rather than ‘refugees’ (Refugee Council of Australia 2008). This means they are not eligible to receive many of the services offered to refugees in Australia (Refugee Council of Australia 2008: 10-17).

Conclusion
Like all the world’s refugees, the problems that Tibetan refugees face are contingent on the problems in their homeland. If there were some way for the Chinese government and the Tibetan government-in-exile to reach a compromise that satisfied both sides, the situation in Tibet would improve dramatically and there would not be any refugees from this region. The Tibetans have been waiting for this solution to materialise for the past 65 years; it is most certainly their preferred resolution to their predicament, but it has not yet happened.

To date the CTA’s response to the difficult situation they and their people are in has been to deliver services to their people ‘in the meantime’, while they wait to return to Tibet. Their efforts in the delivery of services have been generally applauded. Nevertheless, their insistence that Tibetans remain stateless in South Asia to achieve this goal has put great demands on their people with few returns. After 65 years it may be time for a change in policy and the creation of a more lasting solution for the Tibetans in exile. This solution does not need to be singular, however, and could incorporate a variety of policies. Of primary importance in this new multi-pronged strategy could be the resettlement of the most vulnerable Tibetan refugees. These refugees are those who are not officially recognised in South Asia and face political impediments to returning to Tibet. If at all possible, these people should be resettled in developed countries that have the facilities to deal with traumatised refugees.

It could also include a more generally nuanced attitude to dual and multiple ‘citizenships’, which in turn could create a more flexible way of looking at Tibetan identity. This change in policy could de-link notions of ‘statelessness’ and ‘Tibetan-ness’ and instead focus on the promotion of other markers of Tibetan identity. Like other diaspora communities around the world, Tibetans could be encouraged in their culture through supported exchanges, designated higher education institutions and an expansion of cultural and social networks. With this prescriptive rather than proscriptive approach to Tibetan-ness, it is unlikely that young Tibetans would stop protesting on the streets of New Delhi or many other capital cities. But when they did, they would embody connections between these new places and their homeland rather than a disempowered statelessness.

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Palestinian Refugees, the Nation, and the Shifting Political Landscape

Randa Farah

This article briefly examines the historical causes that led to the uprooting of the Palestinians in 1948, who today represent one of the longest and largest refugee situations in contemporary history. It then draws on field research on refugees in Jordan to trace some of the pertinent political and ideological shifts since the Palestinian Nakba. Its emphasis is on refugee camps, approached here as palimpsests refracting different historical periods, which for the purpose of this article are divided into: the Nasserite period in the 1950s and early 1960s, the heyday of the Palestinian national liberation movement, beginning in the mid-1960s, and the Oslo period in the early 1990s and its aftermath, including reflections on the effects of the ongoing Arab uprisings. It argues that the historical perspective reveals that the refugee right of return is at the core of the Palestinian national question, and its marginalisation in the ‘peace’ process has been detrimental to the Palestinian national cause in general. Because the article covers a long historical period, it is by no means comprehensive, but hopes to give a snapshot of important historical junctures to help raise relevant questions about the present and future of Palestinian refugees.

Historical Background

There is no way but to transfer the Arabs from here to the neighbouring countries, to transfer all of them, save perhaps from [the Arabs of] Bethlehem, Nazareth and old Jerusalem. Not one village must be left, not one [bedouin] tribe (quoted in Morris 1987: 27).

In an interview with the Qatar-based al-Jazeera Arabic news channel, Mohamed Hassanein Heikal, the well-known Egyptian journalist and author warned of an imperial Sykes-Picot 2, a plan to redraw the map of the region along sectarian lines (Al-Jazeera Cuts its Relationship 2013).1

Heikal invoked the first Sykes-Picot Agreement as a salutary historical lesson cautioning of the detrimental consequences of imperial interventions. The first Sykes-Picot was an agreement planned clandestinely by Britain and France towards the end of the First World War, which carved the map of the Middle East into nation-states and zones of European domination. It reversed earlier British promises to Sherif Hussein of Mecca to recognise Arab independence, made at the time to encourage an Arab revolt against the Ottoman Sultan. The Agreement, signed in May 1916, accorded France the territories that later emerged as Syria and Lebanon, while Britain took control of Iraq and Transjordan (Lesch 1984: 32; Khalidi 1997: 159-160). For Palestine, the Agreement stated that an International Administration would be established and granted Great Britain the ports of Haifa and Acre. However, the plan for Palestine did not unfold exactly as envisioned: a worse fate awaited its inhabitants (Tannous 1988: 63).

On 2 November 1917, British Foreign Secretary Arthur James Balfour sent a letter to British-Zionist leader Lord Lionel Rothschild, promising that ‘His Majesty’s Government view with favour the establishment in Palestine of a national home for the Jewish people...’ (quoted in Tannous 1988: 65).2 The Balfour Declaration and pre-1948 colonial meddling in the region were detrimental to the Palestinians, and the ‘international community,’ represented at the League of Nations, were complicit. Although the League’s Covenant signed in 1919 had already recognised the Palestinian people as an independent nation to be ‘provisionally’ placed under the British Mandate in 1922, the League incorporated or merged the Balfour Declaration into the articles of the British Mandate in Palestine. This was an ultra vires act, which violated the League’s Covenant stipulating that the British Mandate was a temporary ‘custodian’ that will lead the people who were ‘not yet able to stand by themselves’ to independence (Mallison 1982: 23; Tannous 1988: 67).

On 11 December 1917 British troops led by General Allenby marched into Jerusalem, marking the end of Ottoman rule and the beginning of the British Mandate in Palestine. When the British withdrew three decades later, the fading British Empire left behind a tragic legacy: the 1948 Palestinian Nakba, or Catastrophe. Heikal had in-depth knowledge of this imperial history and the unwavering Western support to Zionism and the Israeli
state. He therefore warned that the new Sykes-Picot incorporates an Israeli sub-plan to stymie the Palestinian national struggle (Al-Jazeera Cuts its Relationship 2013). Indeed, it is difficult to separate imperial plans for the region from Zionism and the Israeli state (Machover 2012: 80-85). Zionism began as a nineteenth-century European-based movement, which aimed to establish a ‘Jewish state’ as the only solution that would put an end to Jewish suffering in Europe. Theodor Herzl, also known as the father of Zionism who published Der Judenstaat (The Jewish State) in 1896, promoted the idea that the Jewish state would be part of Europe, in the sense that it would carry a mission civilisatrice to ‘barbaric’ Asia (Masalha 2012: 34). It is thus not surprising that the word ‘colonial’ and its derivatives punctuate early Zionist literature and institutions.

However, the Zionists were not interested in ‘civilising’ the Palestinian natives; rather, they aimed to remove them from the land. It was also necessary to erase their historical traces and cultural landscape attesting to a previous Palestinian-Arab existence. Undoubtedly, ethnic cleansing was a prerequisite to furnish the evidence for the Zionist myth of a distinct ‘Jewish people’ returning to an ‘empty’ land to render real the story of pioneers who made the desert bloom, and to inscribe upon the ‘empty’ land a contemporary Jewish history that reconnects with a Biblical past (Masalha 2012: 22). In fact, the Hebrew word that appears in Israeli state archives surrounding events in 1948 is tihur literally meaning ‘purifying’ the land (Pappe 2006: 131).

The opportunity for clearing the land from its natives arrived when the British Mandate in Palestine came to an end in 1947. Instead of supporting the principle of self-determination, on the 29 November 1947 the United Nations General Assembly (UNGA) passed Resolution 181, also known as the ‘Partition Plan’. It proposed dividing Palestine into a Jewish state, for which 56.47% of historical Palestine was allocated, and an Arab state, comprising 42.88% of the land. Jerusalem was to be internationalised (Hadawi 1963: 24-25). When the Partition Plan was passed, Palestinians owned more than 90% of the land and constituted — despite large-scale Jewish migration in the 1930s and 1940s — two thirds of the population (Farsoun & Zacharia 1997: 77-80). As was the case with the League of Nations, the United Nations had thus become complicit in the Palestinian calamity. A day after the announcement of the Partition Plan, conflict in Palestine erupted.

**Al-Nakba and Thereafter**

For Zionist leaders, the time was ripe to implement their military plans to clear the land. Thereupon the process that unfolded was accurately described by historian Ilan Pappe (2006) and other scholars as ‘ethnic cleansing’ (see also Reinhart 2006: 1-2; Masalha 2012: 10, 17). The balance of power was in favour of the Zionist militias (Rogan & Shlaim 2001: 3), and as a result over half the Palestinian population was forcibly evicted from its ancestral land or fled in fear. The calamitous results for Palestinians were expressed unabashedly by the victors themselves. Here, for example, is how Moshe Dayan, the late Israeli leader, explained what happened to Israeli students:

We came to this country which was already populated by Arabs, and we are establishing a Hebrew, that is a Jewish state here.... Jewish villages were built in the place of Arab villages. You do not even know the names of these Arab villages, and I do not blame you, because these geography books no longer exist ... There is not one place built in this country that did not have a former Arab population (quoted in Said 1980:14).

Since their expulsion, Israel has adamantly prohibited Palestinians from returning to their homes and reclaiming their possessions. The Israeli position has been consistent since its creation, and consider the right of refugees a threat to the Jewish character of the state. Over 750,000 Palestinians were uprooted and approximately 530 villages were depopulated in 1948 (Abu Sitta 2009). With the exception of Nazareth, cities were also emptied of the majority of the Palestinian Arab population. Immovable and movable property was seized and distributed to Jewish settlers (Khalidi 1992: xxxi-xxxii). On 15 May 1948, Israel was born on the ruins of Palestinian society. Despite the sweeping military victory over 78% of historical Palestine, the Israeli state moved quickly to consolidate what it had acquired by military power through a series of discriminatory laws. The 150,000 Palestinians who managed to escape expulsion in 1948 were treated as unequal citizens. Today there are more than 50 Israeli laws that discriminate against Palestinian citizens of Israel in all areas of life (Adalah: The Center for Legal and Minority Rights in Israel n.d.b).

During the 1967 Arab-Israeli war, Israel occupied the remaining 22% of Palestine, when approximately 400,000 Palestinians were uprooted, almost half of them for the second time. The process of uprooting never ceased, although its scale and rhythm varied. Today, for example, another large-scale ethnic cleansing is underway: on 24 June 2013, the Israeli Knesset approved the Prawer-Begin Bill for the mass expulsion of the Arab Bedouin community in al-Naqab (Negev) desert in the south of Israel. Once completed, 35 ‘unrecognised’ Arab Bedouin villages will be destroyed, and approximately 70,000 Arab Bedouin citizens of Israel will be dispossessed and displaced from their historical lands (Adalah: The Center for Legal and Minority Rights in Israel n.d.a). Internal displacement in the West Bank and Gaza are also systematic. For example, Israel’s assault on Gaza in 2008/09 caused the internal displacement of 80,000 to 90,000 persons (Paq 2010) and the building of the illegal wall in the West Bank displaced almost half a million...
Palestinians. Other violations include home demolitions, revocation of residency rights, especially in Jerusalem, confiscation of land, curfews, and restrictions on mobility.3

According to Badil, the Resource Center for Palestinian Residency and Refugee Rights, at the end of 2008, there were at least 7.1 million displaced Palestinians, representing 67% of the entire Palestinian population (10.6 million) worldwide. Among them were at least 6.6 million refugees and 427,000 internally displaced persons (IDPs) (Gassner 2010). Those in exile constitute half the Palestinian nation. Around a third of the approximately five million refugees registered with the United Nations Relief and Works Agency (UNRWA) live in 58 run-down camps in Jordan, Syria, Lebanon, the West Bank, and Gaza. Furthermore, Palestinian refugees have been displaced from Arab-host states due to conflicts in the region, including from Jordan, Lebanon, Iraq, Libya, and most recently from Syria, where the crisis caused the displacement of over 50% of all refugees registered with UNRWA, or over 235,000 refugees (UNRWA 2013). The Jordanian government recently announced it was expecting more refugees (Jordan Seeks a Location 2013).

Upon their expulsion in 1948, refugees had to deal with the collective calamity: whole communities that once inhabited hundreds of villages and urban centres were abruptly and literally thrown out of their ancestral lands. Perhaps the closest historical analogy would be the experiences of indigenous populations in the Americas, in Australia, and New Zealand. The poorest refugees were forced to register with UNRWA to secure the basics for survival. Refugees were compelled to undertake long and arduous journeys before their arrival in camps. For example, many of the refugees who live in al-Baq’a and who originate in villages in the districts of Hebron, Jerusalem, Jaffa, and Gaza had first sought shelter in the camps of the West Bank such as Aqbat Jaber and Ain al-Sultan in the Jericho area. During the 1967 war, they were forced to flee yet again, this time across the Jordan River. In Jordan, they also moved several times between camps and regions.

Refugee Camps in the Eras of Arab and Palestinian Nationalism(s)10

In the 1950s, Arab nationalism was a popular ideology, and refugees hung their hopes on progressive Arab regimes, mainly Syria, Egypt, and Iraq, but mostly on Gamal Abdel-Nasser. Nasser led the coup against the Egyptian monarchy in 1952 and carried the banner of Arab unity, called for the liberation of Palestine, and challenged imperialist policies. During the Nasserite era (after Nasser), the Arab National Movement (ANM), with branches in many Arab countries, was pro-Nasser and underscored the Arab dimension of the Palestinian question, although Fatah, a Palestinian political faction that in the mid-1960s became the largest within the Palestine Liberation Organization (PLO) maintained its Palestinian focus (Quandt et al. 1974: 85). The main founder of the Arab National Movement was a Palestinian physician by the name of George Habash, who later led a Marxist Palestinian organisation. For the ANM leaders, and for the vast majority of Palestinians and Arabs, the liberation of Palestine was considered an Arab issue and cause, and its hero was Nasser. Decades later, Nasser is still remembered by refugees like Nader who recalled that ‘in our house we were all grieving for him.'11 Manal, a refugee from al-Baq’a, explained that Nasser was so admired in the camps that when he died in September 1970 posters were made of his picture under which was written ‘he lived and died for us’ (in Arabic khulqi wa mata min ajlena). No one stayed at home the day he died; al-Baq’a refugees went out in the streets in shock, and women wailed the loss.12 In contrast, when the Palestinian leader Yasser Arafat died in 2004, few in the camp left their homes, indicative of the huge gap that in later decades emerged between the Palestinian leader and the refugees.

In those early years following al-Nakba, refugees did not view the right of return as a separate item on a larger national agenda but as the very essence of the national struggle. In fact, Israel had not yet occupied the West Bank and Gaza, and the urgent question was when will the 1948-refugees be able to return to their lands and homes. As we shall see below, since then there have been radical shifts in how the refugee question is positioned.

This early period is also marked by the constant reiteration of stories and oral transmission by the first generation of refugees that lived in Arab Palestine. These were stories about the way it was back in al-balad, a polysemic word that concurrently means (the) home and homeland, about village heroes and victims, and about al-Nakba. Children imbibed detailed descriptions of their villages, its landscape, and way of life, contrasting them with dilapidated camps, where class and nation seemed to converge: they were poor, refugees and Palestinian. The stories they heard of their villages played an important role in how the nation was imagined. They saw Palestine as landscape and nation through an idealised rural image of their villages.

The political environment of this period changed drastically following the defeat of the Arab armies during the 1967 Arab-Israel war and the emergence of the Palestinian Resistance Movement (PRM)13 in 1965. The new Palestinian patriotism emphasised ‘self-reliance' shifting away from the earlier pan-Arab worldview. The PRM loomed as a beacon of hope amidst the political depression that followed the humiliating defeat of the Arab armies in 1967, which brought down Nasser and the dream of Arab unity.

Not long after the war, in February-March 1968, al-Karameh battle erupted, between the PRM and the
Jordnian army on one side, and the Israeli army on the other. Although in military terms the battle was certainly not an astounding victory, it became a momentous mobilising event that drew thousands of refugees into the ranks of the PRM, mostly to the Fatah organization led by Arafat. Henceforth, refugee camps were transformed into bases for the armed struggle and provided the symbolic catalogue for the revolution and the nation at large. The camp and the tent signified the struggle for the right of return, and the peasant-refugee represented the freedom-fighter or the Fedayee. However, the right of return remained the core issue that drew the refugees to the resistance movement, especially since Fatah was a populist organisation that did not require its members to adhere to a particular ideology. Instead, the organisation which was led by Arafat, the Chairman of the Palestine Liberation Organisation (PLO), promoted the notion of ‘self-reliance’ and patriotism or qutriyya (patriotism) and al-hawiyyah al-Falastiniyyah (Palestinian identity). This, however, did not mean autonomy from Arab states; on the contrary, Arafat depended on Arab governments, especially Gulf States, for financial and other forms of assistance (Quandt et al. 1974: 96).

During Black September 1970/71, armed clashes erupted between the Jordanian army and the PRM. The Palestinian Fedayees began to challenge state authority and were no longer welcomed brethren. Following their defeat, the PRM cadres relocated to Lebanon or went underground. In Jordan, martial law was imposed, which prohibited all Palestinian political parties or activities, including displaying the Palestinian flag. Martial law lasted until 1989, a period that rendered camps vulnerable to the whims of the government. But it was too late to squash the PRM. From its bases in Lebanon, it became a force to contend with in the region. In the process, the emphasis on Palestinian identity vis-à-vis the Arab dimension increased and the Palestinian revolution was seen as an independent movement which the Arab world was expected to support in a secondary position. This was a political and ideological shift which differed from an earlier Arab nationalist period where the boundaries between Palestinian and Arab were less rigid.

The Oslo Accords: A Cataclysmic Fracture in the National Front

The heyday of the PLO in Lebanon ended in 1982 when Israel’s military arsenal blasted the infrastructure of the PLO, killing 20,000 to 30,000 Palestinians and Lebanese and uprooting thousands more. In a dramatic moment, the defeated PLO cadres sailed off the coast of Beirut to other Arab countries. Refugees and their camps in Lebanon were once again vulnerable to discrimination. In fact, in contrast to Syria where they enjoyed almost equal rights to Syrian citizens, in Lebanon Palestinian refugees have been denied basic economic and social rights including restrictions from working in over 70 jobs.15

When all seemed lost for the Palestinians in 1987, the Palestinian youth of the West Bank and Gaza took to the streets with stones igniting what became known as Intifada (uprising) in the Occupied Palestinian Territories. Concurrently, Islamic organisations, mainly Hamas, which in the past had restricted themselves to social services, emerged on the scene as a political force (Taraki 1989: 171-172). Hamas is a branch or off-shoot of the Muslim Brotherhood organisation, which in general opposes nationalist ideologies, and seeks to establish an Islamic social order.16

Most analysts today look back at the Intifada and observe that it was hijacked by Arafat. He shocked most Palestinians in September 1993 by signing the Declaration of Principles (DoP), known as the Oslo Accords, which was sealed in Washington, D.C. The Accords, signed by PLO Chairman Arafat and the late Israeli Prime Minister Yitzhak Rabin, were based on the idea of exchanging territory for peace. The Palestinian leadership hoped that the Accords would lead to a two-state solution, an idea that has origins in the mid-1970s, when the PLO leaders agreed on the establishment of a ‘state’ on any piece of liberated territory but only as a transitional stage that would not compromise the strategic objective of establishing a secular and democratic state in all of Palestine (Muslih 1990: 24). Nonetheless, over time, accepting a Palestinian state on 22% of historical Palestine became a strategic and not a transitional goal.

Refugees considered this political shift as betrayal. They had always perceived return, nation and sovereignty as concomitant and inseparable concepts. But today, the Palestinian Authority is neither a state, nor is it sovereign. In effect, the Oslo ‘peace’ process transformed a Palestinian national liberation movement into an Authority that was similar to the chiefdoms created by the British for indirect colonial rule in African countries and elsewhere. The Oslo Accords granted Israel sovereignty with control over borders and resources, especially water (see also Aronson 1990: 29-30). Despite the paraphernalia and pomp surrounding the governments of Hamas in Gaza and the Palestinian Authority in the West Bank the flags, drums, even ‘passports’ and buildings, along with impressive titles such as President and Minister both ‘governments’ are under the mercy of the Israeli occupiers. Most critically however, the Oslo agreements contain no mention of the UNGA Resolution 194 (III)17 which provides for the refugees’ right of return, compensation, and restitution.

Rather than land and return, PA officials now spoke of an independent state and ‘self-determination,’ which implicitly subsumed and overrode the right of return; at best, return now came to mean to the future Palestinian statelet and not to original places in historical Palestine (Farah 2006). This was not a situation of self-
Hanan insisted: that the word 'camp' would be erased. mukhayyam of their temporary status, some refugees were worried Arafat and the Palestinian flag had begun to fade in the Arab World. The pictures of older heroes like Nasser, Guevara, even the Islamic Front, was gaining support due to the Islamisation of political Islam in Jordan, a process begun in the early 1990s. Amongst refugees, a growing schism began to emerge between the ‘1948-refugees’ and the ‘1967-displaced,’ between an ‘outside’ and ‘inside’ divide, deepening the schisms in Palestinian society already scattered and fragmented by the Israeli occupation. This radical change in national politics threatened to confiscate the meaning of camps as national space and unsettled the narratives of identity which had nurtured collective belonging. Angered, a refugee exclaimed: ‘The PLO leadership manipulated our sentiments and the ideals of our people in the camps and they used us as fodder.’18 As symbols of their temporary status, some refugees were worried that the word mukhayyam or ‘camp’ would be erased. Hanan insisted:

the word ‘camp’ means takhyeem [i.e. camping], which means that one day we will destroy the tents and return, we shall return. Can you imagine there are plans to erase the word ‘camp’!19

Frantz Fanon’s insight on native collaboration with colonial powers (Pile 2000: 269) applies to the PA, a leadership that assumed a position of power and whose interests diverged from the rest of the nation. In time, after the Oslo Accords were signed, the Palestine Authority and its officials became directly entangled with the colonial power through economic and security cooperation.

**Refugees and the Current Transformations in the Arab World**

The Arab uprisings or revolutions arrived on a bleak Palestinian scene. The dispersal of the refugees was compounded with deep divisions in national leadership. It also arrived at a time when the Islamisation of political culture was rising in a number of camps, especially in Jordan, a process begun in the early 1990s. Amongst a number of reasons for the spread of political Islam is that the Muslim Brotherhood branch in Jordan, known as the Islamic Front, was gaining support due to the free or affordable services they were providing refugees living in poverty.

The pictures of older heroes like Nasser, Guevara, even Arafat and the Palestinian flag had begun to fade in camp homes, walls, and alleyways, and were replaced by Islamic paraphernalia forming with other items a collage of Islamic verses, pictures of the Jerusalem Aqsa mosque, martyr’s photos, Palestinian embroidery, and diplomas. Almost all young women clad in long dresses and covered their hair; they called it ‘Islamic,’ and they formed their own Islamic societies. Only their mothers and grandmothers still wore embroidered Palestinian dresses. Similarly, men grew their beards and attended new mosques that were being built in camps. In the central market, merchants were now selling almost exclusively ‘Islamic’ books and related accessories. Islamisation and globalisation went hand in hand with smart phones, the Arab Idol, and (Islamic) fashion designs were part of the cultural repertoire of the new ‘Islamicised’ segment of the younger generation.20

The heyday of the PLO had become a memory of a bygone era. In al-Baq’a, older generations of refugees recalled in a sorrowful mood that the sense of a shared predicament and collective practices and activities focused on Palestine had disappeared or had become rare occasions, a sentiment shared by most other refugees whether they lived in camps or outside. When asked about the Arab ‘Spring’ most refugees I interviewed noted that in the first few days when Mubarak of Egypt was toppled, their hopes were reawakened and they felt that returning to Palestine loomed closer than it had in a long time. But it did not take long for their hopes to be dashed as the revolutions remained unpredictable and their direction still unclear.

The Arab world is changing rapidly, and the political fault lines that cut across the region are refracted in camp politics and among refugees at large. Hamas in Gaza, for example, where the majority of the inhabitants are refugees, celebrated when the Muslim Brotherhood came to power. However the situation was reversed radically when the Mursi government was ousted, so much so that the current Egyptian government has sent a number of less than friendly messages to Hamas (Egypt Warns Hamas 2013). Furthermore, the toppling of regimes in many Arab countries caused the displacement of hundreds of thousands of refugees, many of them Palestinians from Syria, rendering mere survival a priority and the dream of return in the short run a distant memory and hope. Moreover, these dramatic events shaking the ancien regime in the region have been drawing attention away from the ongoing Israeli occupation and from land confiscations.

Amidst this rapidly transforming geopolitical landscape, the PA resumed negotiations with the Israelis. The distractions of the Arab ‘Spring’ provided a convenient cover for the PA, which gave in to United States pressure to resuscitate the infamous and long defunct ‘peace’ process. Although the PA had stated it will not return to the negotiations until Israel halted its settlement expansion (Palestinian Officials Say 2013), such promises were...
empty rhetoric. In fact, just before the talks were about to begin in mid-August 2013, Israel announced that it will expand Jewish settlements in occupied East Jerusalem and the West Bank. Negotiations continued when by 17 September 2013, five Palestinians had been murdered by Israeli occupation forces. The latest was 22-year-old Islam Toubassi, assassinated in Jenin refugee camp on 17 September 2013. A reporter for the Electronic Intifada wrote:

It should not be normal for heavily-armed soldiers to invade a refugee camp at dawn. Nor should it be normal for an occupying army to kill three unarmed Palestinians in cold blood and to injure dozens of other civilians, armed with nothing but rocks. The daily frequency with which Israel conducts those raids, however, makes this kind of terror and intimidation routine. Israel is committing all of these crimes while the self-avowed Palestinian Authority unashamedly continues the “peace” talks charade and security collaboration with the Israeli occupation (Hassan 2013).

Palestinian death in the era of the Arab ‘Spring’ seems more invisible while millions of other Arabs have taken to the streets challenging oppressive and exploitative neoliberal regimes, demanding bread, freedom, and social justice. In the meantime, the situation with Palestinian refugees has been worsening. In Lebanon, the refugees of the destroyed Nahr al Bared have yet to return to their camp, while the Yarmouk camp in Syria has become uninhabitable due to its transformation into a battle zone. In Gaza, there are serious problems with basic livelihood needs, exacerbated recently by UNRWA which has been cutting back on assistance to the poorest refugees. Despite this bleak Palestinian picture, the Arab world has begun to awaken from a long period of oppressive silence, portending democratic change. Most Arab world has begun to awaken from a long period of oppressive silence, portending democratic change. Most

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End Notes

1. The article was published in the Arabic newspaper –echoroukonline.
2. In the full letter, Balfour refers to the indigenous and majority population as the ‘non-Jews,’ and there is no mention of their political rights as a people deserving self-determination and sovereignty.
3. For speaking candidly about the role of rich Gulf States in the Arab ‘Spring,’ al-Jazeera cut off relations with Heikal.
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5. In the full letter, Balfour refers to the indigenous and majority population as the ‘non-Jews,’ and there is no mention of their political rights as a people deserving self-determination and sovereignty.
6. Bedouin is the Arabic word for nomad; it is a mode of livelihood not an ethnic identity.
8. For a more in-depth view on Hamas, see Hroub, K. 2002 Hamas: Political Thought and Practice, Institute of Palestine Studies, Washington, D.C.
9. In paragraph 11, the Resolution calls for the right of return, compensation, and restitution. See full Resolution online: http://dodomo.un.org/unispal.nsf/361eeaa1c003801c485256ecf60006695/7c85792b79d1cd0085256bcf007f5e51a/OpenDocument
11. Hanan, interview conducted by author in refugee camp, Jordan, 1995. Hanan’s family origins are in the village of Iraq al-Manshiyyah, another village destroyed and depopulated during the 1948 war. Hanan was in her late teens when I interviewed her.
12. This information is based on fieldwork and visits to the camps in Jordan, most recently in the spring and summer of 2013.

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Randa Farah is an anthropologist and Associate Professor at the University of Western Ontario. She held different positions as Visiting Fellow and Associate Researcher at the Refugee Studies Center (RSC) at the University of Oxford, where she co-taught a course entitled Palestinian Refugees and the Universal Declaration of Human Rights. She also worked at the Centre de Centre d’Etudes et de Recherches sur le Moyen-Orient Contemporain (CERMOC), in Amman, Jordan, where she participated in a research project on Palestinian refugees and the United Nations Relief and Works Agency (UNRWA). Dr. Farah acquired her PhD at the University of Toronto, on Palestinian refugees living in camps with a focus on popular memory and reconstructions of Palestinian identity. She has been concurrently conducting research on the refugees of Western Sahara in Algeria, focusing on state and nation-building in the context of conflict and prolonged forced migration, the basis for her comparative study on the Palestinian and Western Sahara cases in the Journal of Palestine Studies. Her publications and lectures reflect her interests in the areas of memory/history and identity, refugee camps and collective solidarities, nations and nationalism, children and youth, and the humanitarian regime. She has recently published a number of articles regarding the United Nations Relief and Works Agency (UNRWA) and is working on a book manuscript on Palestinian refugees between Oslo and the Arab Spring.

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A Personal Reflection on the Recent Australian Discourse on Asylum Seekers

Michelle Gilchrist

The topic of asylum seekers is both vexatious and emotive. It troubles me that public debate often seems to minimise both the humanity of those involved and the complexity of finding a workable solution. The issue generates much press coverage and over the past several months, ‘Stop the Boats’ has been repeated ad nauseam by both major political parties through headlines and sound-bites. There should be room for different viewpoints to be expressed in a healthy democracy, and of course the interpretation of a headline, editorial or photograph varies according to one’s subjectivity. Nevertheless, as recent history demonstrates, subtle differences in wording or tone can generate and reflect very different attitudes that in turn influence the quality of public discourse surrounding refugees. If misinformation and pejorative comments are regularly made in the media, average Australians may come to believe them. A process that turns the most vulnerable into fodder for electioneering point-scoring should generate more than a little unease because competing perceptions of asylum seekers are informed, reinforced or challenged by what is made public in print and on the airwaves.

Australia has a history of using asylum seekers to help win elections, and this knowledge makes me a little wary about everything I see and hear about them in the press. The 2001 slogan ‘We decide who comes to this country and the circumstances in which they come’ is one that is synonymous with the Tampa and the ‘Children Overboard’ scandal, when the Howard government deliberately cultivated a perception of those arriving by boat as the ‘Other’: a threat to Australia’s border security and the ‘sort of people’ that would undermine ‘our’ values. This discourse resonated in a post-9/11 climate of fear and simmering xenophobia. For the Howard government, a hard-line approach was very effective in winning back votes from Pauline Hansen’s One Nation party, and helped return the Coalition to power. However, desperate parents did not threaten to throw children overboard: they were holding them up for rescue. As the 2002 Senate inquiry concluded, the Howard government – the Prime Minister, defence Minister Peter Reith and immigration minister Phillip Ruddock – misled the public by deliberately ignoring evidence that contradicted their version, and actively sought to alienate refugees from voters because this served a specific agenda. As Brigadier Henry Bornholdt explains in the ABC documentary Leaky Boat (2011), ‘They wanted to portray that these were not normal people. They didn’t want to have any kind of connection between our values and the values that these people might well have presented’. Jenny McKenny, Head of Public Affairs for the Department of Defence, adds that there was to be ‘nothing in the public forum that would humanise these people’. While I can certainly understand the political expediency of this tactic, I still find it morally repugnant and can still remember how disillusioned I felt when the truth came out.

Public discourse matters for democracy to function well, and research conducted by Gale (2004) indicates that the Howard government did generate a negative perception of asylum seekers through media coverage. Analysis of content from 2001-2002 reveals that the representation of asylum seekers was largely negative and stereotypical due to a reliance on the government as a source of information. There was a degree of balance; at times the media presented a more sympathetic version of asylum seekers, particularly in tragic events that held an element of human interest. However, the media were more likely to protest the negative portrayal of asylum seekers when access to information was being threatened while ‘critical, analytical and contextual reporting remained relatively rare overall’ (Gale 2004: 85). Gale’s study reinforces the importance of media in their role of the Fourth Estate, and indicates this is less likely to occur when ideology and spin take over such an emotive issue. Gale concludes that both the media and the government are highly influential in reinforcing negative perceptions of asylum seekers and that as democratic institutions, they are equally responsible for reversing the trend.

There have been some recent signs of less negativity toward asylum seekers in some media coverage, and this helps to restore a little humanity and compassion. For example, over the past year or two, the term ‘asylum seeker’ has gained ground over the more divisive (and inaccurate) use of ‘illegal immigrant’. Documentaries such
as the SBS series Go Back to Where You Came From (2011) dispel some of the myths while bringing the reality of the refugee experience into our living rooms. Similarly, days before the election the ABC’s 7:30 program (2013) interviewed asylum seekers to hear first hand concerns about the return to temporary protection visas. New media also has an impact: the Asylum Seeker Resource Centre generates support and awareness through social networking on Facebook. Nevertheless, if one listens to the ‘shock jocks’ on talk back radio there seems to be little progress at all, and opinion polls indicate that the legacy of the Howard campaign lives on.

In the heat of the recent federal election, the tone of the asylum seeker debate sank to new lows. Liberal candidate Fiona Scott and then Shadow Immigration Minister, Scott Morrison blamed refugees for intolerable traffic congestion and hospital queues. This followed Morrison’s suggestion earlier this year that residents should be warned when refugees moved into their neighbourhoods. Clive Palmer’s campaign chose to fuel resentment by claiming pensioners and the disabled are paid less than newly arrived asylum seekers, despite this myth being refuted over the past two years by the Human Rights Commission, the Parliamentary Library and the Department of Immigration and Citizenship on a number of occasions. I found this somewhat contradictory: a few months ago Mr Palmer thought the solution to the refugee boat arrivals was for the government to fly ‘potential customers’ directly to Australia. Hyperbolic headlines were also generated to distort the facts: in mid-August the Coalition warned of an ‘asylum torrent’ in response to the news that two Somali refugees had arrived in the Torres Strait. When questioned, Opposition Legal Affairs spokesman George Brandis explained, ‘once you spring a leak it’s not very long before it’s a torrent’.

Public debate has been distorted by claims that ALP policy has ‘pulled’ asylum seekers, and this has encouraged both major parties to dehumanise refugees to win votes. Neither side can claim the moral high ground any more. Professor William Maley, director of the Asia-Pacific College of Diplomacy at the Australian National University, argues that both sides of politics are to blame for policy stagnation because they ‘are so locked into the notion that it’s pull factors that lead people to come here, that they systematically and routinely under-estimate the role that push factors play’ (cited in Gordon 2013: 21). Sometimes the push/pull factors work in tandem. For example, Afghani Hazaras are not deterred by the possibility of being sent to Papua New Guinea because the threat of Taliban killers and Laskare-e-Jhangvi gunmen is escalating in their home country. Media reports and film footage go a long way to dispel the false notion of queue jumpers, because orderly queues do not exist in a war zone. This kind of coverage also helps to shift the blame from refugees to the conflicts that are making their homelands a place of misery. Desperate people will keep seeking refuge unless the push factors are mitigated.

The other fact remains: as long as leaky boats keep coming, lives will be at risk. However, when information is presented as a clinical list of numbers, it is more likely to be used (and interpreted) as a political score card. This is where the media can humanise the issue in ways that may jolt us out of complacency and make us very uncomfortable. Who could not be affected by images of the Christmas Island tragedy? Media portrayals that show the horrific consequences of people smuggling are important because they remind viewers of the reality behind the statistics. Accurate numbers are difficult to ascertain and no doubt many boats disappear without a trace. Estimates are now at approximately 1,000 deaths; however, it is also troubling that no official records are kept by any government agency. The numbers do matter, because each one is a life needlessly wasted. Yet, what hope is there for stopping these tragedies when so much energy seems consumed by political point scoring and an inability to compromise.

It also concerns me that some contentious issues cannot be raised without fear of censure. I attended a forum on refugees in July, where a member of the audience had recently returned from volunteering in a camp for boat detainees. She voiced concern because translators working in the centre indicated that a significant number of those waiting to be processed were not fleeing direct persecution, but simply wanted a better life. The negative reaction of the crowd was palpable and the topic quickly changed to something less divisive. This response troubled me, because I think this is an issue that needs to be discussed critically and rationally, and those that raise the question should not be afraid to do so. Another sensitive issue that needs to be faced is that some people smugglers are former refugees that now hold Australian citizenship. As Missbach (2013) explains:

Factors making them ideal middlemen for transnational crime include their reliable contacts with potential clients in the countries of origin, mostly areas of protracted conflict, and their new local knowledge, language skills and links in Indonesia and Australia.

This is not to suggest that any one group should be singled out, but simply that there must be acknowledgement that the business of people smuggling works more efficiently because there are Australian links in the organisational chain. On the other hand, in the rush to shift blame to the
smugglers, it is also worthwhile to remember that some of them are motivated by concern and experience, rather than greed. This is another perspective that should be at least acknowledged, even if it complicates an otherwise tidy narrative.

Now that the election is over, Prime Minister Tony Abbott will have to face the complex reality that lies beneath three word slogans. I have misgivings about the rhetoric employed in the Coalition's Operation Sovereign Borders policy outline, and reinforced in the content of Abbott's first speech as Prime Minister. The repetition of terms like 'illegal immigrant' and 'military-led response' do not have a positive connotation because, for me, it signifies a return to rhetoric of negativity that surrounded the Children Overboard fraud. I choose to believe that most Australians see refugees as victims of circumstance, further victimised by lengthy incarceration and punitive policies, and that the deaths en route are seen by the majority as a humanitarian crisis. I do so even though the popularity of shock jocks and opinion polls contradict me. I believe progress has been stymied by cynicism, not-so-hidden political agendas and a lack of ideological consensus that makes it impossible to balance humanitarian concern with practical constraints.

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An Old Man’s Song

Sing, you goddess of night,
you shebeen queen,
sing.
And those hips—
sway,
sway
to make a man harder than he’s been in years.
Barman, bring me another beer.
Helena over there needs a man’s loving,
don’t you see,
and my prick is a rock newly mined.
Beer, Barman.
Ja, bring me one more.
Me and Helena,
we will livewire this night.
Know what I mean, Barman, know what I mean?
Hai, suka-wena.
Don’t put shit in my ear
of condoms and chasing Z3.
Leave such nagging and nonsense to the Nkaneng bed
where sleeps child and my thick ankled wife.
No, no, let go of my arm.
Don’t want trouble, see, don’t want a fight.
I want beer cold and women hotly got.
I want to be man again, not
this wheezing, weeping, wretched nothing
spitting clots in a snotlap
made ruby with lung.
This,
the lot of a mine-boy
now pensioned.

CAREY-ANN JACKSON,
RYDE, NSW
Can Government Fulfil its Commitment to Engage the Public About Nanotechnology?

KRYSTEN LYONS AND JAMES WHELAN

Nanotechnologies are predicted to radically transform a range of industries and to usher in diverse social, economic, environmental and other impacts. Given the magnitude of these possible changes and impacts, it is natural to expect that citizens and communities will have some say in the development of nanotechnologies. Reflecting this, in recent years there has been an international groundswell in public engagement activities.

This paper evaluates the effectiveness of public engagement related to nanotechnologies in Australia since 2009 when the Federal Government established a National Enabling Technologies Strategy (NETS). We assess the extent to which NETS' activities comply with the Government's stated principles and commitment to best practice, as well as other broadly understood public engagement norms and practices. This assessment contrasts NETS invocation of best practice claims with practices that frequently fall short, and an alarming disconnect between nano-related research, development and commercialisation, and community interests and concerns.

Introduction

Community members are entitled to be involved in making decisions about developments in science and technology (Pidgeon and Rogers-Hayden 2005; Powell and Colin 2008; Kyle and Dodds 2009; Lyons and Whelan 2010), especially when they are anticipated to have profound consequences for everyday life. Nanotechnologies – referring to the design or manipulation of structures and devices at a scale of 1 to 100 nanometres (or billionths of a metre) – are predicted to radically transform a range of industries. From food and agriculture, health and medicine, to energy and environmental remediation, nanotechnologies introduce a range of social, environmental and other impacts. Accordingly, there are compelling reasons to foster deliberative processes that engage the public along with governments and corporations to guide research, development and commercialisation of nanotechnologies. In recent years there has been a groundswell in public engagement activities (see for example RS/RAE 2004; Kleinman et al. 2009). Governments around the world (including in the United Kingdom, the United States, Japan and Australia) have responded to calls for public engagement by implementing a range of activities including panels, citizen juries, citizen schools, nano-dialogues, nano cafés and formal inquiries. But how effective are these activities in ensuring that developments in nanotechnologies fulfil community expectations, hopes and aspirations?

To answer these questions, we examine recent engagement activities in the Australian context. The case study for our analysis is the National Enabling Technologies Strategy (NETS), an initiative of the Australian Federal Government's Department of Innovation, Industry, Science and Research (DIISR). The NETS was introduced in 2009 to support the development of 'enabling' technologies, including biotechnologies and nanotechnologies. Given its scale, resourcing and claimed links to policy making, the NETS arguably represents the most significant nano-engagement activity in Australia to date. The strategy was founded on a commitment to community engagement; including increasing public understandings of enabling technologies, as well as technology developers' and policy makers' understandings of public concerns (see NETS 2009). In this paper we evaluate the effectiveness of some of the processes and outcomes associated with these public engagement activities, and critically reflect on the ways in which public engagement is understood and applied. While the NETS invokes claims of public engagement best practice – including deliberate and inclusive engagement on topics of significance, and with outcomes that will affect governance of new technologies – the activities associated with the Strategy frequently fall short of these commitments.

Compliance with best practice principles will be a necessary prerequisite to ensure the development of nanotechnologies is commensurate with broader community aspirations, expectations and hopes. Achieving these ends will require the Australian Government to change its thinking and practices around
public engagement; recognising it as a vital part of democratic decision making processes, rather than a legitimating tool to assist the rollout of new technologies.

**Australian Government Commitment to Public Engagement**

Governance, planning and education related to Australia’s nano-industries are fostered within the National Enabling Technologies Strategy (NETS). The Department of Innovation, Industry Science and Research (DIISR) broadly define ‘enabling technologies’ as ‘new technologies or new uses for technologies that enable new things to be done or things to be done better’ (AGDIISR 2009a: 56). They include biotechnology, nanotechnology and other technologies. The clustering of this spectrum of technologies and applications has drawn criticism from some commentators as being too broad to have meaning or practical use, given some nano materials and processes present minor concerns, while others introduce significant new risks and issues (see for example Wickson 2009; Choice 2009).

The NETS was established in May 2009, replacing the National Nanotechnology Strategy (NNS) and National Biotechnology Strategy (NBS). NETS, and its precursors, have repeatedly articulated commitment to public engagement, describing it as essential to ensure decision-making processes are open, transparent and engage stakeholders (AGDIISR 2009a); and increasing community awareness and understanding of nanotechnology and biotechnology issues (AGDIISR 2009b). The Commonwealth Minister for this portfolio (up until December 2011), Kim Carr, personally endorsed community engagement, pledging that his government would continue to work hard to facilitate this dialogue between researchers, industry and the general public to foster informed community debate (AGDIISR 2009a). At a recent Departmental workshop (August 2011) a Ministerial advisor spoke of ‘public engagement, and all the words that get trotted out like it’, assuring participants that, ‘it is important that it happens, and that it is seen to happen’.

Like Governments in many other nations, the Australian Federal Government has a stated commitment to nanotechnology research and development, commercialisation and policy based on meaningful community engagement. In this paper we appraise the extent to which these claims are fulfilled. Our appraisal is based on research into community engagement activities undertaken as part of the NETS between 2009 and 2011 including: participant observation and analysis of transcripts and summaries from multi-stakeholder consultation sessions to develop a national approach to public engagement; participant observation at the ‘Communicating Science and Risk Through Social Media’ event held in Brisbane in April 2011; analysis of the 26 public submissions to the NETS; content analysis of various Information Fact Sheets and web-based materials; analysis of public forum transcripts; and commissioned national attitudinal data.1

**Principles for Effective Public Engagement**

A growing body of national and international literature supports five core principles that practitioners and theorists agree underpin democratic nano-engagement:

1. Engagement activities should be open and inclusive of a diverse range of interests and perspectives, and emphasise mutual learning;
2. Engagement should occur upstream, while trajectories for the development of nanotechnologies remain negotiable, and on topics of substantial significance;
3. Engagement activities should be transparently linked to policy and regulation;
4. Engagement activities should be independently and continuously evaluated, and should be conducted with impartial and expert facilitation, and;
5. Engagement activities should be adequately funded and resourced across the entire policy cycle (see Lyons and Whelan 2010 for a detailed literature review).

These principles are articulated in the Australian Government’s commitment to deliberative nano-policy processes.2 But to what extent do the activities undertaken as part of NETS’ public engagement strategy uphold these principles? To answer this question, we applied the principles to assess contemporary engagement practices in Australia.

**Engagement activities should be open and inclusive of a range of interests and perspectives**

The Australian Government’s development of nanotechnology policy has occurred through a series of distinct phases. To begin, industry stakeholders and other non-government organisations were engaged in deliberating the National Nanotechnology Strategy (NNS). From 2009, many of these same stakeholders were engaged to inform the NETS, the strategy that replaced the NNS. Yet this unexpected rebranding (and ‘rebooting’) of the nanotechnology strategy caused concern and confusion. Stakeholders saw that insights gained during NNS deliberations, including their contributions to a set of engagement principles, were lost in the change. The NETS engagement approach was described by some participants as ‘falling out of nowhere’ in a manner that communicated disregard for stakeholders’ prior investment...
and goodwill. Several stakeholders who had previously participated in engagement activities – including some of the 45 participants from the Social Inclusion and Engagement Workshop held in 2008 – were subsequently excluded from the Multi-stakeholder Engagement Workshop series supported by the NETS program to develop the community engagement framework. Notably, these stakeholders included individuals who had previously expressed strong opposition to the policy and strategic directions proposed by the Government.

The exclusion of dissenting voices from the Multi-stakeholder Workshop series elicited strong responses from civil society organisations, academics and union groups in Australia who had previously expressed concerns and issues through submissions to the NETS Discussion Paper in 2009. The National Toxics Network, for example, labelled NETS’ community engagement ‘ad hoc and inequitable’, and Greenpeace Australia Pacific described engagement activities that excluded diverse interests as ‘inadequate to present the Government with the full spectrum of public interest group views at this critical time’. These concerns were acknowledged by AGDIISSR, with one employee admitting the limit to which stakeholders previously involved in the NNS were engaged in the new processes. This failure to ensure open and inclusive participation contradicts the Government’s commitment to include a wide spectrum of stakeholders.

Further negating this principle, the NETS also appear to have managed some stakeholder relationships in a heavy-handed manner. Engagement activities held nationally in 2009, for example, siled stakeholders into separate meetings for civil society groups, industry, research organisations and government departments. Managing engagement activities in this way – so as to separate stakeholders with divergent perspectives – suggested Government was seeking to minimise conflict, the exchange of different perspectives and information and opportunities for social learning. In contrast, ‘authentic communication’ requires diverse voices to work through issues and concerns (Goodin and Dryzek 2006). There was additional evidence that authentic communication was missing from these meetings, including the prioritisation of industry interests and perspectives. Demonstrating this, industry representatives attended six out of the eight stakeholder meetings, with just one each dedicated to civil society, government agencies and researchers.

Not only were the processes underpinning engagement activities constrained, so too were their outcomes; demonstrated via the sustained low levels of public knowledge about nanotechnologies – or nano-literacy (see Tourney 2006) – in Australia. National attitudinal data, completed in August 2011, demonstrated that just 7% of Australians recalled nanotechnologies, without prompting, as an example of a recent development in science and technology (MARS 2011). And while 76% claimed an awareness of the term ‘nanotechnology’ when prompted, the majority of this cohort had limited understanding of what it meant or how it worked. These results point to the failure of contemporary public engagement to provide effective education capable of translating into high levels of nano-literacy. The manager of the NETS Public Awareness and Community Engagement has also acknowledged that ‘engagement activities favour the engaged’ and the lack of methodologies to ‘engage with the broader unengaged people in our communities’ (Cormick 2011: 1).

Despite these limited public understandings (and the limits of engagement activities themselves), the facilitators of nano-engagement draw legitimacy from the conclusion that 80% of Australians remain hopeful or excited about nanotechnologies. Yet one participant in the multi-stakeholder workshop considered this ‘ignorant excitement’ to be based on ‘the incorrect assumption that the technology is safe and that workplace standards are being met’.

Public engagement activities should occur upstream

There is growing international recognition that community engagement should occur from the earliest possible point to ensure that dialogue and deliberation precedes significant nano-applications and controversies (McNagnahthen et al. 2005; Rogers-Hayden and Pidgeon 2007; Stirling 2008). Yet despite various commitments to ‘upstream engagement’ (see for example Major 2010), nano-engagement activities in Australia are preceded by, and predicated on, Government commitment to certain trajectories, and the active support of Government ministers and agencies for specific applications and industries. This is obvious when examining the Australian Government’s regular expressions of optimism about nanotechnologies, including claims that: ‘These technologies will help us conquer hunger and disease, carbon dependence and climate change’ (Australian Government 2009: 56). Similarly, NETS asserts that the convergence of biotechnology and nanotechnology has the potential for even greater benefits (AGDIISSR 2009b). Expanding Australia’s nano-industries is also conflated with strong economic growth (Australian Government 2009). Emboldened by these ideological commitments to the nano-industries, a number of industry and government representatives repeatedly warn that community engagement activities should be managed to ensure that critical stakeholder groups’ interests and issues do not slow the pace of nano-industry expansion.

Community engagement activities have been managed so as to champion the rapid and unchallenged advance of nano-applications and the nano-industries. This was
confirmed through a content analysis of ‘TechNYYou’, the web-based Information and Outreach Service offered as part of NETS’ public awareness and engagement program. Despite claims this service offers ‘balanced and factual information’, our analysis of 20 articles and 35 separate blog entries related to nanotechnologies demonstrated the privileging of positive claims relating to environmental, health and manufacturing benefits, the under-statement and marginalisation of criticisms and concerns, and the undermining of critical stakeholders (see for instance Major 2010; 2011). For example, only two out of the ten articles listed as ‘hot topics’ related to ‘nanoparticles’ identified causal links with health concerns; with one report investigating the potential impacts of carbon nanoparticles on kidney cells, and a second report documenting potential links between nano-silver and anti-bacterial resistance. In each of these articles, the website’s moderator expressed a personal opinion that downplayed the magnitude of the health-related research findings. In the case of carbon nanoparticles, for example, the moderator argued research findings have only been realised in laboratory conditions, circumstances that are ‘very different from a real-life biological system’. Compensating for concerns related to nano-silver and anti-bacterial resistance, the moderator provided a weblink to research from Australia’s leading industry-oriented research organisation, with a headline claiming: ‘CSIRO says risks worth taking with nanotechnology’. Elsewhere, the moderator made repeated calls to consider research findings that pointed to health concerns ‘in context’.

At face value, this reporting may be seen to provide a balanced account of the relative merits of carbon nanoparticles and nano-silver particles. Yet, in all other cases (8 out of 10 ‘hot topics’), nanotechnologies were presented in a positive light, and in contrast to the two cases discussed above, the moderator did not provide a weblink to an article that provided a counter position, such as reference to research findings concerning the eco-toxicological, human health or social justice dimensions of nanotechnologies.

Articles and blog entries were also frequently characterised by the use of positive and upbeat language. New curriculum materials prepared for teachers were described as ‘splendid’ and ‘fabulous’, while nanoparticles able to silence the activity of cancer-causing genes were portrayed as ‘brilliant and fascinating’ (Major 2010). This optimism was backed by numerous blog entries that reported on positive safety aspects of nanotechnologies (including Major 2009). At the same time, consumer concerns were de-emphasised, with one blog entry on the topic of nano-food claiming: ‘I think you will find that people’s suspicions (about nano-food) disappear, except for the conspiracy theorists’. Such statements demonstrate the moderator’s obvious disconnect with national attitudinal surveys that consistently demonstrate Australians’ growing opposition to nano food production and processing applications (MARS 2009; 2011). A number of blog entries also questioned the authority of claims and concerns raised by Friends of the Earth Australia, one of several civil society organisations with a long-standing commitment to nano-engagement activities in Australia.

This content analysis of web-based educational materials demonstrates an unequal representation of issues and concerns related to nanotechnologies. These findings also suggest the Australian Government’s prior ideological commitments have constrained engagement moving ‘upstream’, thereby precluding Australians from debating topics of substantial significance, including the diversity of social, ethical, environmental and other challenges associated with the expanding nano-industries.

Public engagement activities should be transparently linked to policy and regulation.

There is a broad range of approaches to, and intended outcomes of, public engagement activities. Sarkissian et al. (2009) identify four categories in a continuum of public engagement. Firstly, they identify ‘information sharing’ as representing a one-way flow of information typically from experts to affected stakeholders to increase local understandings. Secondly, ‘consultation’ activities open up space for a two-way information exchange where stakeholders may respond to specific proposals. Thirdly, ‘participation’ may enable stakeholders – often via partnerships – to become involved in decision making on some issues. Fourthly, ‘empowerment’ is characterised by the active participation and/or delegation of decision making to community groups and other local-level stakeholders.

At a recent multi-stakeholder Workshop, a PACE Program representative described their public engagement activities as being located at various points along this continuum. Yet there was inconsistency about the purpose, and likely outcomes, of some engagement activities. This left some participants confused about what might be expected as a result of time invested in engagement activities, leading one frustrated participant to ask, ‘Are we part of the picture, or are we the side show?’ Participants at NETS workshops have made repeated calls for the intentions of NETS nano-engagement activities to be made explicit. This was underscored by the Multi-stakeholder Evaluator Report (Irish 2011: 5), which concluded ‘participants agreed that there needs to be a clear link between the process and the outcome so that people have clear expectation and feedback on their influence’.
Signalling an attempt to rectify stakeholders’ confusion, a NETS representative described the Multi-stakeholder Workshop series as enabling stakeholders to provide ‘some input into decisions about science and technology’. Concurrently, though, they also qualified that the public engagement program would not involve the public directly in decision making. This is confirmed by the current structure of the Department of Innovation, Industry, Science and Research; which separates public awareness and engagement from policy making through the formation of two distinct Sections – the Enabling Technologies Policy Section and the Enabling Technologies Public Awareness Section.

In addition to calls for greater clarity about the purpose of engagement activities – calls that remain unmet – others have also made explicit requests for engagement activities that ensure diverse publics are able to shape the outcomes of policy-making processes. Representatives from a number of civil society organisations, for example, described public engagement activities as little more than a legitimating process, with one declaring, ‘From now on we should only engage with government and/or industry if there is a clear pathway from dialogue to decision making’. Despite repeated calls for transparency, the links – if any – between engagement and policy remain shrouded in secrecy and subterfuge.

Public engagement activities should be independently facilitated and evaluated

One mechanism by which Government may be able to ensure public engagement activities are effectively linked to policy and regulation, occur upstream, and remain open to and inclusive of a broad range of interests, is by appointing independent facilitators and evaluators. These independent arbiters may assist by providing third party verification that engagement processes are open, transparent and deliver on their stated objectives, as well as providing advice and recommendations when engagement practices fall short of their stated commitments.

Yet despite their obvious importance for public engagement best practice, only after sustained criticism has NETS responded by appointing facilitators and evaluators for some of their public engagement activities. Beginning in 2009, the Multi-stakeholder Workshops have been independently facilitated, including in 2011 by an employee from ‘Minds at Work’ (a national facilitation company). Two staff from the Science Information Consultancy ‘Biotext’ have also been employed to undertake note taking and evaluation at a number of these stakeholder workshops. In 2010, the (then) Minister also announced a 13 member Stakeholder Advisory Council (comprising membership from industry, research, civil society, unions, ethicists and social scientists) to provide comment and advice on the Strategy.

On the one hand, NETS may be commended for responding to on-going concerns raised by some participants for independent facilitation and evaluation, including the appointment of an independent oversight body. Yet questions also remain about the role and purpose of this independent appraisal in terms of shaping both public engagement processes and their outcomes. For example, while the 2011 Evaluator’s Report has been made available to Program participants for feedback, it is not clear how NETS staff are required to engage with either the evaluator’s report, or responses it might generate. While evaluation is a vital component for best practice, evaluation on its own is not sufficient. Rather, the outcomes of evaluation must also be clearly built into broader processes, including a requirement for NETS to demonstrate how they have responded to the evaluation of their Programs.

Yet there are also many engagement activities undertaken by NETS that have not been evaluated. Given the unbalanced and impartial positions advocated in some of these activities (for example amongst much of the material included in the ‘TechNYou’ website, as discussed above), there is an urgent need for a more comprehensive approach to evaluation. This might assist NETS to ensure the credibility of all public engagement, not simply some selected activities.

Public engagement activities should be adequately funded and resourced across the entire policy cycle

The NETS has been backed with a funding allocation of AU$38.2 million over four years (2010-2014). Of this, AU$9.4 million is allocated for public engagement activities6 (AGDIISR 2010). Funding for public engagement has been invested across a broad array of activities, including those defined by the Federal Government as community engagement (including large events comprising ‘experts’ and ‘publics’ as well as small group discussions), public attitude research, education (such as secondary education packages) and information exchange (including web sites such as ‘TechNYou’) (AGDIISR 2010). Yet despite this stated financial commitment, the recent dismissal of Minister Kim Carr (December 2011) and the recently elected Abbott Government suggests the political – and therefore funding – landscape, is dynamic. In this context, there is little assurance that public engagement activities will continue to be adequately funded, especially given the precedent at the 2007 Federal Election to reduce NETS funding allocation.
Opportunities To Improve Community Engagement and Australia’s Nanotechnology Policy

In a concluding statement at a recent Australian Government nano-engagement process, a facilitator described participants as ‘pioneers working in the circle of love’. If nano-engagement is a circle of love, then our analysis reveals there has been a significant breach of trust. This is demonstrated in the acute tension between the Australian Government’s stated commitment to best practice nano-engagement to develop policies and determine development trajectories, and engagement practices that fall well short of these ideals, and that normalise an unstated pro-nanotechnology position. Much rebuilding is needed.

Adopting a best practice engagement framework, ensuring independent and impartial facilitation and evaluation, and actively learning from success and failure are obvious first steps. Empowering the oversight body to contribute to curriculum development and ensure a more effective and less biased educative program to increase nanoliteracy will also help. Notwithstanding the very low level of nanoliteracy in the Australian community, there are established concerns that must be addressed as a matter of priority: labelling products that contain nanoparticles and substances derived from nano-processes, consumer and worker ‘right to know’, mandatory registration of commercially used nanomaterials, notice to workers and reporting of use of nanotechnology in laboratories. At the very least, citizens are entitled to be advised of their daily exposure to nanotechnology.

Unless and until there is reconciliation between Australia’s nanotechnology policy and community understandings, expectations and aspirations, conflict seems inevitable. It is no surprise that civil society groups advocate a moratorium in order to open space for discussion, research and analysis before making decisions that have irreversible consequences. Reconciling this schism, and in so doing democratising science policy, will require a much more rigorous engagement approach than is currently evident in the Australian Government’s nanotechnology portfolio.

References


Choice 2009 Submission to the Mileare di Genua, Straight Talk, Haberfield, Australia.


Them and Us

These are the rules, they said:
Your names must change,
but your face stays the same.
You will receive one broken limb,
two lessons in mountain climbing
and a ticket on the next shuttle.
We thought it was a game
until they shoved us out
the door, and soldiers arrived
to carry out their orders.
No one was allowed to choose –
they gave me a broken arm
and a rope. My new name
was unpronounceable but
who could speak in such pain?
The soldiers wouldn’t even help
us on with our boots.
The shuttle arrived and I knew
how cattle felt, rumbling their
way to the abattoir.
They meant us to die,
they meant us never to return.
They had no mercy. We were
ten more items ticked off
their death list. Done.

Sherryl Clark
Altona, North Victoria

End Notes
1. Our research is also informed by our understandings of prior public engagement activities undertaken through the National Nanotechnology Strategy, including; public forums in regional and urban Australia, a social inclusion and engagement workshop, commissioned attitudinal research and other consultation and education activities. For an analysis of these public engagement activities please see Lyons & Whelan (2010).

2. The Australian Government’s principles of effective nano-engagement have been identified via the Social Inclusion and Engagement Workshop in 2008 and Multi-Stakeholder workshops in 2011.

3. According to NETS, 550 individuals and organisations were invited to make submissions to the Discussion paper. There were a total of 26 submissions; including 24 public submissions available via the DISSR website, and 2 classified and not available on the public record, therefore not included in this analysis.

4. It is important to put these findings in some context. For example, some questions in the survey demonstrated a bias in favour of nanotechnology. Some questions around food were framed in a positive light (ie. participants were asked to indicate their level of awareness of ‘Using nanoparticles to change nutrients and vitamins to improve nutritional qualities in food’). Even with this positive frame, nano food applications were amongst those participants raised the greatest concerns about (MARS 2011).

5. In comparison, AUS$10.6 million will support development of policy and regulation as well as industry uptake, and AUS$18.4 million will fund the National Measurement Institute.

Authors
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Nathan stares back at his teacher. She’s handing out the usual frayed school-copy books. A bland cover done in black and white: a man’s profile in black, a woman’s in white. Othello. Nathan didn’t know it was a book: he only remembers it as a board game. He used to play it in primary school with his best friend, Andrew. You flip the white discs over to reveal the black. The game can change in an instant: white discs can dominate the board but then a careful placement from your opponent means they can all flip to black. They seemed to play it every weekend. Weekend afternoons were spent splayed out on Nathan’s bedroom floor, playing game after game: best of three, best of five, champion tournament. Andrew would always win. He was a master of it, turning the tables with ease, transforming the whole board into rows and rows of black discs. Nathan’s mother coming in and saying, Why don’t you boys go outside? It’s such a lovely day. Nathan watching Andrew’s wrists flipping disc after disc.

Miss Longhurst is trying to organise them all into reading the text. It’s a difficult task: the row of students by the dusty windows are watching the PE classes jogging ploddingly round the oval and the girls along the back wall are focused on surreptitiously finishing the packet of Twisties smuggled into the classroom in Emma Scobie’s bag. Beckie Hart, sitting next to Nathan, is contributing to the pencil graffiti on her desk: half-sketches of sunsets and oceans and other, more abstract squiggles. Eventually, though, black. Nathan is able to get everyone to all turned to the cast list. She asks for volunteers to read. Good luck with that, Beckie murmurs to Nathan, not looking up from her free-form rendition of the Southern Cross. To say that there’s a lack of enthusiasm in the room would be an understatement. Everyone stares out the window or up at the clacking fans. Even Rachelle McCosker—usually so keen—seems reticent. When Miss Longhurst asked if anyone had read the play before, Rachelle was the only one who raised her hand. Trent Newling said Good on ya Rachelle, and Rachelle went all red. Nathan thinks she’s probably decided not to open her mouth for the rest of the class. Nathan doesn’t blame her: there’s no way he’s ever going to say anything.

Well, at the very least we need a—Rodrigo and a—Brabantio—the teacher is saying.

Brabantio, Craig Fitzpatrick guffaws. Those paying attention laugh along with him.

And an Iago. Come on, guys—he’s the villain. He’s a—a—really good character.

At that moment, Jason Moore stumbles into the classroom. Little runty Jason, late as usual. Sorry I’m late, Miss, but Mr Agnew got me on an errand and he said I don’t care what class you have, I—

And we have our Iago, the teacher says. The class laughs. Good old good-natured Jason takes it in his stride. I’ve never actually learned how to read, Miss, but I’ll give it a go, he says. There’s a bit less blank-facedness from the class. Monique Camillo—the American exchange student—says she’ll do Rodrigo. Rachelle can’t help herself and says she’ll play Brabantio. Brabantio, Craig says again, but only he laughs this time.

The reading begins. No one knows what’s going on. Nobody knows what ‘Sblood means, or bombast, or epithet. Monique lisps over Thou toldst me thou didst hold him in thy hate. Nathan vagues out for a while, thinking about other things, but tunes back in when the class laughs over Jason’s joke. Jason has to say Judge yourself whether I in any just term am affined to love the Moor, but also ad-libs Who wouldn’t love the Moore?

It’s a pun, Miss, Rachelle says. His surname is Moore.

Who wouldn’t love the Moore? Jason repeats.

I can think of several reasons, Beckie says.

Nathan looks at Beckie’s doodles: Beckie has obviously been thinking of the board game, too, because the stars have morphed into black and white discs. Nathan vagues out again.

Andrew was one of those right-place-in-the-right-time friends. By pure chance they happened to be placed next to each other in Mrs Hulbert’s class at the beginning of Year Five. Andrew was new: his dad had been transferred from Dubbo. They had the same kind of pencil case: the one where you can slip in letters in little plastic sleeves to form your name. N-A-T-H-A-N. A-N-D-R-E-W. And then they discovered they walked home in the same direction: cutting through the infants’ school oval and jumping the metal fence. And then they discovered they both loooooved Dr Who. And then they were best friends.

There’s more laughter in the room. Jason has had to say his master’s ass and Miss Longhurst has tried to placate the riot by explaining that an ass is a donkey, which just seems to make matters worse. Nathan, out
of force of habit, doesn't laugh: he's learned to keep
a neutral face on these kinds of topic. But he does
remember watching Dr Who one night with Andrew and
talking about Harry Sullivan's bum. Andrew was staying
over and they were both in their pyjamas and dressing
gowns, eating dinner. Nathan's mum had put down the
special eating mat and they'd only got a little bit of
mashed potato on it. They were sitting as close to the TV
as possible for maximum scare factor. It was a repeat, of
course. The Doctor and Sarah Jane and Harry for some
reason or other had to crawl down a tunnel and Harry
was wearing these grey slacks and Nathan said—without
thinking about it—Look at Harry's big bum. And Andrew
said Do you think he's wearing underpants? And then
they kept watching.

Miss Longhurst has taken this opportunity to try
and summarise the plot so far. She rubs clean a space
on the board. As always, the duster doesn't quite do the
trick and it leaves a cloudy residue. Into the cloud she
scribbles, messily, Scene 1: Rodrigo/Iago.

So, what's going on? she asks. What are these
men talking about?

Each other's arses, Miss, Trent replies. Nathan's
face does not move a muscle.

They're talking about Othello, Monique says,
adjusting her blonde fringe.

They're talking about duplicity, Rachelle says.

Everyone says Ooooooooooo at Rachelle's big
word. Even the Twistie-eating girls join in, spraying a little.

Exactly right, Miss Longhurst says. Iago says I am
not what I am. He says—read ahead, Jason?—yep, just
over to the next page—he says—just read the bottom of
that speech, Jason?

Jason, scratching a pimple at the back of his neck,
says I will wear my heart upon my sleeve for daws to
peck at.

Into the cloud on the board, Miss Longhurst adds
DAW.

No one bothers to write it down.

Anyone know what a daw is?

It's pretty obvious, says Beckie. If it pecks, it's a bird.

Miss Longhurst starts to come over to Beckie and
Nathan's desk. Beckie leans over the desk to cover her
artwork.

Miss Longhurst says: Exactly right—um—sorry, I
don't remember your name.

Murgatroyd, says Beckie.

It's Beckie, says Rachelle.

I was being duplicitous, says Beckie.

So why does he want birds to peck at his heart?
says Louise da Silva, one of the Twistie-girls. Everyone's
surprised to hear a comment from that part of the
room. Louuuuuuu, spray her friends in unison, slightly
embarrassed.

He's being sarcastic, Monique says.

He's being ironic, Rachelle says. Saying one thing
and meaning the opposite.

I'll write heaps of letters, Andrew said. His dad had
been transferred again. Coffs Harbour. Miles and miles
and miles away. They had been walking to the corner
store, a usual walk they did—down through the park
near the hospital. The park grass like straw. They were
going to get jelly babies for a game of Dr Who. Andrew
saying very casually, I'm moving. Nathan pausing just
for a second and then saying Okay. When?

End of term.

Okay.

They made it to the end of the park and had to
cross the street. A white Corolla was coming down the
hill so they had to wait.

Will you write me a letter when you get there?
Nathan asked.

Rachelle is happy because she finally gets to
play Brabantio. She seems to have overcome her
embarrassment. She puts her folder up on her desk to
represent the balcony. Her declamatory style becomes
more interesting than the PE class doing star jumps.

Beckie's doodles become more extravagant. Jason's
Iago matches Rachelle's enthusiasm. He relishes saying
Zounds. He bellows that Brabantio's heart is burst and
that he has lost half his soul. And everyone really gets
into it when he talks about tupping a white ewe. I didn't
know this was set in New Zealand, Trent says. And
when Jason gets to the beast with two backs, the whole
room goes crazy. Even Craig gets the joke. Jason can't
continue because he's giggling too hard.

I told you it was a good play, the teacher says.

On one of the nights Andrew stayed over, Nathan
couldn't sleep. He lay in his bed, looking up at the glow-
in-the-dark stars on his ceiling. Andrew was lying on the
trundle bed. Nathan was thinking about crawling down a
tunnel with Andrew. He was thinking about underwear.

About lying on top of Andrew.

The class settles down a bit. Jason, now really
going for it, playing up the duplicity of Iago, says, with
ironic gusto, I must show out a flag and sign of love.

I'll write too, said Nathan.

He sits in the classroom, not thinking of anything.

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Writing Program conferences.
Sadiq opened the door of flat no 7, before Elizabeth knocked. He'd been standing in the small hallway, just behind the door, waiting—even though she wasn't more than five minutes late. He would've heard the thump of her boots on the concrete stairs, the swish of her skirt—she'd worn a skirt especially—and the whisper of her hand running through her hair. He would've heard her hesitating.

They smiled and shook hands. Staring at the tiny squares of his blue shirt as she followed him down the narrow hallway, she thought about being alone in a strange man's flat and her anxiety rose for just a moment.

‘He is a lovely man,’ Alice, the volunteer coordinator at the English Language Centre had said when she'd introduced Sadiq and Elizabeth for the first time. They'd been standing in Alice’s office, in the front room of an old weatherboard house that the Centre shared with several other organisations. Alice was a tall woman who wore handmade cotton clothing and who had a very limited range of adjectives, introducing everyone—volunteers and ‘clients’—as either lovely or nice. Elizabeth and Sadiq had met briefly, scheduled their lessons for Wednesday nights at Sadiq's flat and then exchanged phone numbers and parted.

Sadiq led Elizabeth into the kitchen where a small grey card table and two wooden chairs were the only furniture. On the bench by the stove were two cups, a box of teabags, a small packet of sugar and half a carton of milk. On a plate on the table, two lamingtons—chocolate brown squares sprinkled with snow white coconut. The sight of them made Elizabeth smile.

‘Please sit,’ he said. His accent sounded Arabic but she already knew from the notes Alice had given her at the English Language Centre that his native language was Bari. She knew nothing about Bari, she'd hoped to learn a few words before their first meeting—she'd tried the library, she'd tried Google, she'd asked some of the other volunteer tutors but she couldn't even manage ‘hello’.

‘I make tea.’

‘That would be nice,’ Elizabeth said, even though she never drank tea. She watched him as he walked around the kitchen bending his head to avoid the plastic light shade. She watched as he half filled an old aluminium kettle and lit the stove.

When he sat they faced each other across the table. He leaned back in his chair so that it tipped and swayed on its two back legs. She almost said, ‘sit properly, or you'll fall,’ like she would to a child, to her over-energetic nephew who climbed furniture, opened drawers and ran in circles around her kitchen.

‘This is a nice flat, do you like living here?’

Elizabeth shifted in her chair; she could feel the wooden edges cutting into her thighs, big thighs. No matter what she was doing, whenever she met someone new she became overly conscious of her size.

‘Flat… good. Australia good,’ Sadiq was saying when the room began to vibrate as a train rolled into the railway station and then screeched to a halt.

‘I didn’t realise the train station was so close. Do you mind the noise?’

‘Sorry?’

She pointed to the window, ‘The train,’ then cupped her hands to her ears.

He laughed, ‘Train is good.’ He pointed to his ears, ‘Listen train, happy… good… sorry my English… train, people come, go, no problem.’

‘Yes,’ she said, ‘I understand. Your English is good, you’ve learnt a lot in a few months. Do you have friends here?’

‘New friends… them I meet on boat, in hostel, one friend, he let me come to this flat.’

‘You share the flat with him.’

‘Yes.’

‘And your family?’

The front legs of Sadiq’s chair hit the ground with a thump. He rose, took a photograph that was leaning against the window ledge above the sink and handed it to her. It was a colour print, the edges curled and bent.

‘My wife, Safra, my daughter, Mena—my family. Not here, camp.’

The photograph was of a young woman nursing a baby. The woman smiled but her eyes were beyond the grasp of the camera, her attention was on the infant, her smile was for her daughter, not the lens. Her head was covered by a blue shawl that wrapped around her shoulders and cloaked the baby.

‘No see for two years. Mena walk, talk...’
‘They are both very beautiful.’

The sound of the water boiling stirred them both. Sadiq made the tea strong, dark and bitter. Elizabeth added two sugars and milk. He took constant sips of the tea.

‘What did you do at home?’

‘Do?’

‘What work did you do? Before the war.’

‘Sew …’ he said, pinching the fabric of his shirt.

‘A tailor?’

‘Tailor, tailor yes.’

‘And you find work here?’

‘Not tailor… work… big factory.’ With his hand he mimed the action of holding a broom and sweeping.

‘It would be good if you could work as a tailor.’

‘Must work… get money. Money Safra Mena Australia.’

‘Yes, that would be good.’

‘You eat,’ he said pointing to the lamingtons. ‘You like? … Australia cake.’

‘Yes, thank-you,’ Elizabeth said. She wanted to say, ‘I would rather eat Sudanese cakes,’ but she didn’t know if the Sudanese ate cakes.

‘My mother made lamingtons when we were children. She would sometimes have them ready for us when we came home from school.’

The sponge is soft, fluffy and sweet. For Elizabeth, lamingtons are the taste of winter afternoons, of sticky fingers and homework, of hours spent watching The Brady Bunch and Bugs Bunny. She wonders what Sadiq did after school.

Elizabeth wiped her fingers on a tissue. Sadiq washed his hands at the sink and then he showed her the letters he’d received from the Department of Immigration. Between them the language was tentative. Elizabeth could hear it slip and slide. She drew pencil sketches, used hand gestures to make shapes in the air; they began, both of them, to exaggerate facial expressions, to shape whole thoughts into one word sentences.

In the morning Elizabeth drove across the city to see her gynaecologist. In the reception area with its red woollen carpet and high-backed couches, she sat flicking through recent issues of Home Beautiful and Vogue Living. The only other people waiting were a young couple. The man had a mobile phone and a set of car keys in his hands, and looked over his wife’s shoulder at the magazine she was reading. Alex had not offered to come with Elizabeth and she didn’t think to ask him. She had become accustomed to dealing with the fact of her infertility on her own.

Dr Williams, in his 60s, had built a reputation on getting women pregnant. ‘By the time women come to me,’ he told her once, ‘they have been trying for years and have never been pregnant, or like you every pregnancy ends in a miscarriage. I am their very last hope.’

Elizabeth had been coming to see him for twelve months and it was evident to her—and she assumed to him—that his attempts were not working. He’d done numerous tests, each more invasive than the previous one. He prescribed various drugs and insisted that she measure and record each ovulation. She and Alex had sex by Dr Williams’ calendar.

By the time the nurse called her in, Elizabeth had flicked through several magazines—home decoration, cooking, gardening, fashion and celebrity gossip. But Elizabeth was not a gardener or a home maker. And anyway, she kept thinking about the photograph Sadiq had shown her of his wife, Safra, with the blue shawl, and the baby, Mena. She imagined that they lived in some small shack made of corrugated iron, too cold in the winter and too hot in the summer.

‘I think the only option left for you, Elizabeth, is IVF. You’re getting older. And there’s your weight. It’s probably your only chance and certainly your best.’

Elizabeth stared out the window, over the Carlton rooftops, to the city, and did not respond.

‘Have you thought about IVF, Elizabeth?’

Across the shiny surface of the wooden desk Elizabeth turned her gaze to Dr Williams, watched as he scribbled notes on her card with a fountain pen, red ink.

‘I’m not sure,’ she said.

‘Well it’s up to you.’

Elizabeth didn’t respond.

‘Do you really want to have a baby?’

You bastard, she thought.

‘Last I checked, IVF did not come with a guarantee.’

He sighed, stopped writing and turned to Elizabeth.

‘The results are very good. Women who have babies on IVF would never have had babies otherwise. But it’s up to you.’

She didn’t want to antagonise him. If she argued the point, she might’ve had to stop coming to see him, and if she did that she would have to give up hope of ever having a child. She made fists with her hands.

‘I’ll think about it and talk to Alex.’

‘Well, let me know when you decide.’ He was already standing now, motioning her to the door. ‘Don’t
wait too long to decide—at your age, there isn’t much more time.’

At your age, at your weight.

Trying to have a baby and failing had turned her into an old fat woman.

Elizabeth looked forward to her evening visits to Sadiq, the tailor in the flat at the back of the Footscray railway station. Every Wednesday she rushed home from the office where she wrote reports and letters that often seemed to go nowhere.

‘I know my wife all life,’ he told her.

‘You knew each other as children?’

‘She live next house. My mother, her mother,’ he held his hand to his heart, ‘like sisters.’

‘Best friends?’

‘Yes.’

‘We play, we together all the days,’ Sadiq smiled.

Elizabeth noticed he was wearing a new shirt. She was surprised, for in all the time she had known him—almost 6 months now—he’d never bought anything for himself. The shirt was green silk and it shimmered in the soft light.

‘When she 11 no play no more.’

‘Why?’

‘Girl 11 years… now woman… not go with a man.’

‘Must have been sad not to be able to see your best friend.’

‘Very sad. I cry. I hear her cry. I sit many days on path, cry.’

‘And then later you marry?’

‘My father and me sew dress for Safra, for her wear her sister marriage. I sew letter in hem. Safra mother find—much trouble. They say we must marry. Me happy. Mena born, me happy.’

Elizabeth imagined Sadiq sewing a love letter in the hem of Safra’s dress, folding the paper over and over so that it slipped between the fabric.

She wanted to ask what he wrote, what words he used to declare his love.

‘Now not together.’ Sadiq looked down at his hands. ‘My hands empty, heart cry.’

‘You have no children?’ he asked her one night. Elizabeth hated the children question. She hated people asking her about children. Sometimes she told them she hated children. Sometimes she told them she’d had several miscarriages, not because she wanted to tell them the truth but just to shut them up.

‘I have tried to have a baby. But there have been problems.’

‘Oh,’ he said, ‘I sorry I ask.’

‘No, it’s okay.’

‘I sorry. You good mother.’

Elizabeth laughed, ‘Maybe or maybe not.’

At the railway station the voice-over announced the next train, ‘8.20 to Flinders Street stopping all stations.’ They listened to the train coming into and then, moments later, leaving the station.

‘I show you something,’ he said and she followed him into the room across the hall from the kitchen. She’d never seen the rest of the flat; they had taken to sitting in the small kitchen, where on cold nights he opened the oven door to heat the room. Between them the table covered with letters from Immigration, with books, with exercise books in which Sadiq practiced his English for Elizabeth.

The room, a bedroom, had a single bed, a wooden wardrobe and a sewing machine on a narrow desk under the window. On the floor were remnants of green silk, scissors, a tape measure, a box of pins and needles.

‘I keep little money every week. I buy old machine. I sew, make money send to my wife.’

‘It’s good that you are sewing again. Do you send Safra money every week?’

‘Yes, I hope she have money, come quick.’

Elizabeth didn’t know what he meant by this because she had read the letters from Immigration and had written on his behalf. She had begged and pleaded but the department continued to refuse to give Safra permission to join him.

Alex did not want to try IVF but he said that if she decided she wanted ‘to give it a try, one or two cycles,’ he would be willing to go along with her decision. She’d started to put money aside to cover the medical costs not covered under the insurance, to cover the extra time she would need to take off from work. She cut down her spending and saved for IVF but couldn’t yet make the final decision. Some days her longing for a baby was unbearable, she couldn’t concentrate on anything else. Some days she just wanted to give up—five years of trying to have a baby—her life had been on hold long enough.

Elizabeth borrowed books about Australia to take with her on Wednesday nights. Books with photographs of the coastline and the ocean beaches that she loved. Photographs of long stretches of sand and of waves bounding on the shore; photographs taken on bright and sunny days. ‘Some days the glare is so strong it’s difficult,’ Elizabeth told Sadiq, ‘to keep your eyes opened.’ Photographs taken at sunset when the ocean was tinged with many shades of pink.

Elizabeth showed him photographs of the beach
where she went when the sadness and grief became too much to bear. She told him how she spread her arms wide and ran down the sand dunes towards the sea. She brought him shells she collected on walks along her favourite stretch of beach. The shells lined his window sill, sentries on either side of the photograph of his wife and child. He repeated the sea words she taught him. He listened and laughed at the way her face took on a childish glee when immersed in the water stories.

The spring turned to summer and some days the small flat behind the railway station was stifling, even with all the doors and windows open there was no relief. Elizabeth invited Sadiq to go to the beach with her and Alex but he refused.

It was Wednesday the 5th of March, a stormy night at the end of a long week of hot weather. As she walked into the kitchen, Elizabeth noticed a birthday cake with three candles and a gift wrapped in tissue paper on the table. The cream sponge was iced in pink, and a plastic sign sat pressed into the centre, like a too-small crown: ‘Happy Birthday’.

The previous week they had talked about birthdays and compared traditions.

‘Mena’s birthday?’ she asked.

‘Yes, my daughter’s birthday,’ he said and she noticed his eyes were red. He had the look of a man who had been sobbing for years.

‘It’s more than two and half years. I have not see… her. Today Mena will be three. I want she have Australian birthday.’

‘This gift is for you,’ he said. ‘You are my Australian friend. I want to celebrate that Mena was born. A happy day.’

Elizabeth unwrapped the gift. A shirt, pink-red, the colour of the sky at sunset in the photographs of the ocean that she’d given him months before. Thick silk, with a brocade rim of dancing swirls.

‘It’s beautiful.’

‘I am glad you like it—you put it on.’

Elizabeth took the shirt to the other room. She worried that it wouldn’t fit, that he’d underestimated the size of her shoulders or her arms. It fit perfectly and when she saw her reflection in the window she admired the way the shirt tapered at her waist and sat comfortably over her hips.

‘It looks good,’ he said. ‘I see you wear dark colours but I think red is good colour for you.’

‘How did you make it so perfect with no measurements?’

‘I was never good soldier but I have the tailor’s eye,’ he said. ‘I was born with it, my family five generations of tailors.’

Elizabeth blew out the candles and taught him the words to ‘happy birthday’. Together they sang the song to little Mena.

That night, Alex admired the shirt.

He took both Elizabeth’s hands in his, ‘You are so beautiful.’

And in what had been a long, long time they made love out of step with the calendar, on a day that was nowhere near ovulation. They made love and Elizabeth did not think about making babies.

The next morning she said to Alex, ‘I’ve decided against IVF.’

Alex was relieved.

‘I want to give Sadiq the money I have saved, to send to Safra.’

Alex frowned. ‘What if they don’t make it? What if they’re sent back? What if they...’

‘What if they die waiting and no one helped?’

Sadiq refused to take the money.

‘It’s too much money,’ he said. But Elizabeth insisted.

‘A loan?’ he said.

‘No, a gift. For a friend.’

Author
Enza Gandolfo’s debut novel Swimming (Vanark Press 2009) was shortlisted for the 2010 Barbara Jefferis Award. Her other books include Inventory: On Op Shops co-written with artist Sue Dodd (Vulgar Press 2007), It Keeps Me Sane: Women Craft Wellbeing (Vulgar Press 2009), Love And Care: The Glory Box Tradition Of Coptic Women In Australia both co-written with Marty Grace. Enza’s short stories, essays, autobiographical pieces, reviews and articles have been published in a range of literary journals, anthologies, magazines, newspapers. Enza grew up in Footscray and has lived in the west for most of her life. She is a Senior Lecturer in Creative Writing at Victoria University. She is also the co-editor of TEXT: Journal of Writing and Writing Courses.

The visual display of the suffering of others and the ethics of ‘looking’ have historically focused on the violence and trauma of war photography. Picturing Atrocity: Photography in Crisis contributes to that body of literature by presenting diverse short essays which explore these concepts via (arguably) iconic and lesser known twentieth century photographic images. With 27 contributors discussing a range of instances of human atrocity—from Wounded Knee (1890) through to Haiti (2010)—and with generally accessible language, the scope of this book creates the potential for wide appeal.

In Susan Sontag’s well-known On Photography (1989) she states that the ‘ethical content of photographs is fragile’ due to their potential to be decontextualised by time and their dependency on a viewer’s political consciousness to maintain an ‘emotional charge’ (1989: 19-21). This fragility is tested in Picturing Atrocity, which presents the case that any image capturing an occurrence of atrocity engages the viewer’s consideration of their own subjectivity compared with that which has been represented. In this way, the ‘reader’ of an image may actively construct a sense of ‘familiarity’ to make meaning; familiarity which ‘builds our sense of the present and immediate past’ (Sontag 2004: 76). Iconic imagery—‘familiarity’ on a public scale—is most likely to engage a reader’s sense of ethics in the construction of meaning. In the increasingly visual media climate, photography constitutes a significant component of journalism’s ‘truth claims’ (Hanusch 2010: 56) and as such images depicting trauma during catastrophic events become iconic in encapsulating a ‘collective memory’ of the event’s actuality. However, as Sontag points out, the root function of iconic imagery in a socio-cultural context is fictive, or at least narrative based:

Photographs that everyone recognises are now a constituent part of what a society chooses to think about, or declares that it has chosen to think about. It calls these ideas ‘memories’, and that is, over the long run, a fiction. Strictly speaking, there is no such thing as collective memory […] All memory is individual, unrepeatable—it dies with each person. What is called collective memory is not a remembering but a stipulating: that this is important, and this is the story about how it happened, with the pictures that lock the story in our minds. (2004: 76-77)

Many of the images featured in Picturing Atrocity will not be familiar to the reader and this appears to be a contention for some of the book’s reviewers. The argument is that the sometimes seemingly banal or simply unrecognised images discussed in many of the essays undermine the book’s argument for photographic iconography, as Jay Prosser establishes in the introductory remarks. However, such criticisms appear to overlook that it is an image’s potential iconic function which provides photography with its potency to make us think and/or feel. And it is the question of the function of photography which is arguably in a state of ‘crisis’.

Picturing Atrocity explores this crisis from multiple perspectives—its authors include academics, journalists, photographers, artists and curators—each essay recontextualising the photographs in focus to discuss the meaning which can or cannot be made from the ‘reading’ of those images. And just as some images remind us of the distance between ourselves and the event of atrocity, many of these essays draw attention to our response as witnesses who are complicit in the re/construction of atrocity—a photograph/er frames an image, and the reader plays a significant role in re-framing the event; a reading aided and problematised by our levels of knowledge of the event and exposure to paratextual information.

This ethical crisis of representation is surveyed throughout Picturing Atrocity, perhaps best exemplified by its opening and closing images. The book opens with a photograph published in the Los Angeles Times alongside a caption describing it as a police officer tying the wrists of a Haitian ‘suspected of looting a bag of evaporated milk’—an image which, as Rebecca Solnit argues, captures absolute desperation rather than crime—and closes with Lorie Novak’s constructed photographs and installations which seek to ‘draw attention to the fact that while photographs can help us to know more about the world and ourselves, they often obscure, glorify, and horrify a situation so that we actually know less’. The proverbial link between what we see and what we know is not a reliable epistemology: while photography may subvert the answers to what we know and how we come to know it, the continuing need to ask questions of what and how we see ultimately resonates after reading Picturing Atrocity.

Royalties from Picturing Atrocity: Photography in Crisis are donated to Amnesty International.

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Stuart Barnes, Cooee Bay, Queensland

A Stray

When I found you in the woods it was obvious you’d been taught to beg for food, to chase rabbits, to fear the rolled up newspaper, to cower and shrink from a broom. You did not think of going inside, that was the deal made in order for you to stay with us for 10 years. I didn’t know I’d be burying you here, behind the tan shed on the day before I was to leave for college.

Larry W. Lawrence, Old Bridge, New Jersey

The Rock

Every rabbit sends me to that time.
Boredom caused me to do it.
I saw him crouched in the grass,
I am embarrassed to continue and tell you how he nibbled and twitched and enjoyed the sunshine just like me and you as I chose the weapon carefully.

The right size, right shape, right feel.
A light coffee colored smooth stone molded to my forefinger and thumb.
What’s the chance of me killing him anyway?
I wanted to see it happen as I launched the rock in a long, high arc, down it came with such force on the neck, up it flew, flipping a several times in midair.

I walked up to him, found him dead.
Bleeding from his nose and his ears.
My dog ran forward and began to eat.
We triumphantly celebrated the killing, but the guilt overtook me and nowadays, spiders and insects live freely in my home.

Larry W. Lawrence, Old Bridge, New Jersey, USA
Showcase Gallery – Photographer, Alex Bowie

Everyday Realities

About the photographer

Alex Bowie teaches photography at the University of the Sunshine Coast. His photographs have appeared in numerous respected international titles, including the International Herald Tribune, Time, Newsweek, Stern, the New York Times, the Sunday Times, the Times and the Guardian. Now represented by Getty Images, Alex Bowie’s archival photographs still appear regularly in the media. You can see more of Alex’s work in his recent book, Everyday Realities, published at Blurb http://au.blurb.com/b/2979430-everyday-realities.

Above: Cambodian refugee children queue for water at Site Two Refugee Camp, a United Nations Border Relief Operation (UNBRO) camp on the Thai-Cambodian border, during the 1984-1985 Vietnamese dry-season offensive against guerrilla forces opposing Vietnam’s occupation of Cambodia, January 1985.


Page 68: Fearful that her daughter may have been blinded by a fungal mycotoxin poison, an anxious Hmong refugee is seen leaving the Red Cross clinic at the Ban Vinai refugee camp on the Thai-Laotion border, November 1982.

Page 69: A Cambodian mother holds her new-born baby while balancing a bag of rice donated by the UNHCR, Thai-Cambonian border, January 1985.

Page 70: A displaced Laotion girl comforts her younger brother at the Ban Vinai refugee camp on the Thai-Laotion border, November 1982.
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