AUSTRALIA’S OPERATION SOVEREIGN BORDERS: DISCOURSE, POWER, AND POLICY FROM A CRIMMIGRATION PERSPECTIVE

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Abstract

This article examines the role of discourse in Australia’s current border control policy, ‘Operation Sovereign Borders’. From a crimmigration perspective, it examines how discourse contributes to the dichotomous understanding of crimmigration as combining ‘loud panicking’ and ‘quiet manoeuvring’. A Critical Discourse Analysis is applied, thereby examining not only the discourse at a textual level, but also how the discursive setting and the socio-political context influence the effects of discourse. The results show that Operation Sovereign Borders focuses on border protection and securitization through a ‘strong and consistent’ deterrence policy. It creates ‘loud panic’ vis-à-vis crimmigrant others and draws border securitization into the field of administrative immigration control. Immigrants are distinguished on the basis of their mode of transportation, creating an image of a homogeneous crimmigrant group of illegal and non-deserving boat migrants buying places from human traffickers. Through offshore processing and a dominant discourse, the Australian Government is simultaneously able to ‘quietly manoeuvre’, thereby leaving little room for alternative discourses or critiques. Discourse thus plays a pivotal role in creating ‘loud panic’ and in enabling ‘quiet manoeuvring’, which are much more interwoven and

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mutually reinforcing than sometimes suggested. This fosters the Government’s ability to effectively implement restrictive immigration measures.

**Keywords:** Crimmigration, border control, offshore processing, discourse, asylum-seekers, refugees, boat migration, Australia

1. Introduction

In September 2013, the Australian Government implemented a revised border control policy, ‘Operation Sovereign Borders’ (hereinafter: ‘OSB’). It is the successor of the Pacific Solution, which entered into force in 2001 and entailed that irregular migrants travelling to Australia by boat were intercepted and transferred to offshore facilities in Nauru and Papua New Guinea (hereinafter: ‘PNG’) for asylum claims to be processed.1 These centres were governed by nodal structures involving multiple countries and various private contractors.2

Asylum processing on the territory of Nauru and PNG continued up until 2007, when Kevin Rudd, Australia’s newly elected Labor Prime Minister, decided to end the existing offshore arrangements.3 This abandoning, however, proved to be temporarily as offshore centres were reopened in 2012 by the then Labor Government on the basis of advice provided by an Expert Panel on Asylum Seekers.4 Upon taking office in September 2013, the Abbott administration emphasized that it would continue offshore processing in so-called Regional Processing Centres (hereinafter: ‘RPCs’) in Nauru and PNG, and announced reforms to the existing arrangements, turning the Pacific Solution into the military-led Operation Sovereign Borders.5

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A campaign with the slogan “No way, they will not make Australia home” was subsequently launched, focusing on the main countries of origin of irregular migrants.\(^6\) Key to the policy framework is that it maintains that no irregular migrant arriving by boat will be resettled in Australia: rather, those granted refugee protection will be resettled in third countries.\(^7\)

Whilst Australia provides an exemplary context, offshore immigration control and detention also occurs – and has occurred – elsewhere.\(^8\) The USA, for instance, already implemented offshore detention in 1981 when it detained Haitian asylum-seekers at Guantánamo Bay in Cuba.\(^9\) In Europe, offshore immigration detention measures have been proposed, although most have either not materialized or concern a more broad-ranging approach covering various issues including regional protection and development assistance.\(^10\)

In the case of Italy, asylum detention camps have been set up in Libya and significant numbers of asylum-seekers are detained in overcrowded detention centres on the remote island of Lampedusa.\(^11\) Still, these instances differ significantly from the Australian situation where mandatory detention in case of irregular maritime arrivals is all-encompassing and relocated in full to the territory of another sovereign State. Indeed, detention centres in Libya

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were to a large extent ad hoc and detention on Lampedusa constitutes no de jure extraterritorialization as it occurs within Italian sovereign territory. As such, "the draconian and unilateral predictions of European extraterritorial processing did not materialise". In light of present day migration developments in the Mediterranean Sea, however, the topic remains highly debated and surfaces in the European political realm every time another tragic loss of life occurs.

Either explicitly or in a more implicit manner, Australia’s Pacific Solution has frequently been discussed within the ‘crimmigration’ literature. The concept of ‘crimmigration’ denotes an increasing merger of features that were traditionally and doctrinally squared within the separate domains of criminal justice and migration control. Amongst others, the merger – which can be seen as a response to growing insecurities related to processes of globalization – enables ‘outsiders’ to be distinguished from ‘insiders’.

12 In this context, extraterritorialisation should conceptually be distinguished from externalisation. Islands falling within the territory of a State may play pivotal roles in that State’s migration control as areas of externalisation. However, such externalisation should be differentiated from extraterritorial migration control in which islands belonging to the sovereign territory of another State are utilised to further the offshoring State’s migration interests. Whilst extraterritorial zones may thus also function as areas of externalisation, such areas of externalisation are not per definition extraterritorial. See Afeef, The Politics of Extraterritorial Processing; Triandafyllidou, Multi-levelling and externalising”; Mountz, “The enforcement archipelago”.


various authors have outlined, the Pacific Solution can be squared as such a crimmigration mechanism. It is hardly surprising that OSB as its successor likewise amounts to a framework of crimmigration: it has become military-led and has further standardized that unauthorized arrivals are fully barred from resettlement and residence in Australia. As Grewcock argues, Australia’s border policing regime "was ratcheted up" significantly by OSB, making the existing arrangements "more draconian". Similarly, Hodge speaks about a "transfer of illegitimacy" and a "criminalisation of asylum seeker bodies", thereby firmly drawing the policy in the crimmigration debate. The fact that border control has become a military affair cannot be underestimated in this regard either: as Graham has stipulated, we are witnessing a “proliferation of hard, militarized borders” between countries all over the world, which is “geared towards trying to separate people and circulations deemed risky or malign from those deemed risk-free or worthy of protection”.

Focusing on the Pacific Solution, Welch has outlined that crimmigration can be understood as a dichotomous process. As such, he argues that the Australian Government utilizes both ‘walls of noise’ (or ‘loud panicking’) and ‘walls of governance’ (or ‘quiet manoeuvring’) in the process of crimmigration. On the one hand, political discourse would be used to create a "loud panic" about irregular migrant arrivals, providing a basis for Governments to introduce restrictive legislative and policy frameworks to counter-act irregular arrivals. As such, it has been argued that "discursive practice has served to construct a mythic image of a deviant and criminal asylum seeking population that has enabled the justification of increasingly restrictive and draconian legislation and policy”.

On the other hand, Governments utilize "quiet manoeuvring" tactics – including media stonewalling, privatization and, of particular interest for this article, offshore detention – as

19 Grewcock, "Australian border policing”; Hodge, "A grievable life?”
21 Hodge, "A grievable life?", 122.
24 ibid.
governance walls "behind which the state quietly manoeuvres on matters of crimmigration".\textsuperscript{26} Due to the combination of both types of walls, crimmigration developments in law and policy would remain simultaneously justified and little exposed.\textsuperscript{27}

The present article will explore the aptness of such a framework by applying it to political discourse concerning OSB. In particular, it attempts to answer a two-folded question: on the one hand, it asks to what extent the political discourse indeed creates 'loud panic' about irregular migrant arrivals as a 'wall of noise' to justify restrictive policy. On the other hand, it asks to what extent such discourse has an impact on the construction of 'quiet manoeuvring' as a 'wall of governance'.

A Critical Discourse Analysis will likewise be applied in a two-folded fashion. First, the existence and extent of 'loud panicking' will be examined through the assessment of two discursive themes: (i) what the goals of offshore processing under OSB are, and (ii) which migrants it targets. These themes may reveal on which basis the policy framework is justified. Secondly, the impact of the political discourse on tactics of 'quiet manoeuvring' will be examined through the analysis of a third discursive theme, i.e. (iii) how responsibilities are divided and/or diffused on a discursive level between the Governments involved. As such, whilst it departs from Welch’ dichotomous framework of analysis, it adds more specific indicators to outline whether 'loud panicking' and ‘quiet manoeuvring’ can indeed be distinguished. In this way, the question whether such processes occur does not require an ‘either-or’ answer but can be tailored in relation to specific themes. In addition, by using such themes, it becomes possible to dissect the construction of both walls, thereby outlining their nuances and potential internal ambivalences. Simultaneously, it allows future research to add or modify themes to accommodate for the peculiarities of specific contexts and situations.

2. Crimmigration and discourse

Over time, the relationship between criminal law and immigration law (and between crime control and immigration control) has become increasingly close-knit in what has been labelled as a process of "crimmigration".\textsuperscript{28} Whilst the two regimes are underpinned by distinct legal frameworks, they share a synthesized gatekeeping function which is increasingly effectuated

\textsuperscript{26} Welch, "The Sonics of Crimmigration", 331.
\textsuperscript{27} Welch, "The Sonics of Crimmigration".
\textsuperscript{28} This is not to say that the development underlying crimmigration is by any means new. Rather, as Stumpf has aptly put it, in the context of crimmigration ‘the pendulum has swung […] far towards the extreme end of law enforcement’. J. Stumpf, "Crimmigration: encountering the leviathan", in S. Pickering & J. Ham (eds.), The Routledge Handbook on Crime and International Migration, London, Routledge, 2014, 247. See also Stumpf, "The Crimmigration Crisis"; Zedner, "Is the Criminal Law Only for Citizens?".
through the application of membership theory and the distinguishing of ‘outsiders’ from ‘insiders’. This development has often been argued to be closely related to the securitization and protection of the nation State (or the ‘insiders’) against threats originating increasingly on a global scale. As outlined by Van der Woude and Van Berlo, the process of crimmigration … manifests itself on different levels: the level of political and public discourse, where crime and immigration are increasingly lumped together in debates and political decision making, the legislative level, where substantive criminal law and immigration law are increasingly merged – and the level of procedure and enforcement.

Focusing on the level of political discourse, it appears that immigration debates are increasingly shaped by "discourses of criminalization", resulting in crimmigration forms of policy making, media attention and public discussions. This discourse is often framed within broader discussions on border protection and securitization. From that perspective, certain groups of immigrants are increasingly scapegoated and framed as "bogus", "dangerous others", "illegal migrants" and/or "enemies of the state" who threaten national borders.

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31 Van der Woude & Van Berlo, "Crimmigration at the Internal Borders", 63.

32 Bosworth & Guild, "Governing through Migration Control"; N. Klocker & K. Dunn, "Who’s Driving the Asylum Debate?", Media International Australia, 109, 2003, 71-92; Van der Woude & Van Berlo, "Crimmigration at the Internal Borders"; Van der Woude, Van der Leun & Nijland, "Crimmigration in the Netherlands".


Hyndman and Mountz put it, "[i]n the conflation of public discourse about terrorists, refugees, economic migrants, human smuggling and others on the move, people are stripped of their identities as individuals and re-subjectified as groups".35 Such framing occurs not only in political discourse, but also in jurisprudence36 and in media reporting.37 These media representations in turn provide a "communicative bridge" between political actors and the public, thereby having the potential of shaping the latter’s views.38

Importantly, however, not all immigrants are excluded through crimmigration discourse: rather, a distinction is made between "bona fide" travellers (such as cosmopolitan jetsetters) and "crimmigrant others" (such as certain groups of asylum-seekers or economic migrants), with the former being included and the latter being excluded through different levels of border permeability and novel discursive categories of ‘belonging’ citizenry.39 As such, crimmigration has what may be called a differentiating capacity, distinguishing individuals not on their alienness but on their type of alienness. In turn, various mechanisms have been identified which are used to effectively exclude those identified as ‘crimmigrant others’ with little public exposure or accountability.40

3. Methodology

In line with Lupton, discourse analysis in this article is meant to purport to a contextualized analysis of language and the reproduction of ideologies and belief systems in discourse.41 The

38 Bleich, Bloemraad & De Graauw, "Migrants, Minorities and the Media".
starting point is that language is not a neutral reflection of the world, nor of social relations or personal identities, but rather plays an active role in creating, maintaining and altering them.\textsuperscript{42}

A qualitative Critical Discourse Analysis (hereinafter: ‘CDA’) as grounded in the work of Fairclough will be conducted.\textsuperscript{43} It is often used to examine inequality and power struggles in discursive practices and is thus highly valuable to examine the relation between language, ideology and power in political speech and discourse.\textsuperscript{44} CDA holds that political activities embody struggles for power to put political, social and economic ideas and ideals into practice. Language is crucial, since "every political action is prepared, accompanied, influenced and played by language".\textsuperscript{45} Discourse analysis, in turn, attempts to unravel the way in which texts are utilized to express certain ideological perspectives "delicately and covertly".\textsuperscript{46} In this regard, it should be emphasized from the outset that this methodology is to a certain extent inherently normative: it is based on the presumption that language and discourse are potential tools of power and empowerment and can be utilized to foster certain ideas and ideals. Discourse is thus not perceived as a neutral and value-free concept, but rather as an ideologically-loaded phenomenon. This is not to say that the CDA approach by definition provides a normative perspective on certain uses of discourse. On the contrary, CDA is applied to denote the normative aspects of discourse, not to provide a normative judgment of such discourse per se.

To perform a CDA, Fairclough has developed a three-dimensional analytical model comprising the following steps: (i) an examination of a text’s linguistic features (that is the "level of the text", or micro level), (ii) the exploration of processes related to the text's production and consumption (that is the "level of the discursive practice", or meso level), and (iii) the consideration of the text’s wider cultural and social context, of which the text is a "communicative event" (that is the "level of the sociocultural practice", or macro level).\textsuperscript{47}

\begin{itemize}
\item \textsuperscript{45} J. Horváth, "Critical discourse analysis of Obama’s political discourse", in M. Ferenčík & J Horváth (eds.) \textit{Language, literature and culture in a changing transatlantic world}, Prešov, University of Prešov, 2009, 45.
\item \textsuperscript{47} Campos Pinto, "Between the lines"; Chouliaraki & Fairclough, \textit{Discourse in Late Modernity}; Fairclough, \textit{Language and Power}; Fairclough, \textit{Discourse and Social Change}; Fairclough, \textit{Critical Discourse Analysis}; Horváth, "Critical Discourse Analysis".
\end{itemize}
Hence, discourse is wider than ‘text’ and comprises whole processes of social interaction. These processes are bi-directional: that is to say, the way language is used is not only shaped and influenced by the socio-cultural framework in which it is positioned, but this socio-cultural framework is simultaneously shaped and influenced by the way language is used. Text and context thus continuously model each other.

The analysis will focus on the three aforementioned themes: (i) the goals of offshore processing, (ii) the targeted migrants, and (iii) regional cooperation and (the diffusion of) responsibilities. By looking for documents comprising political discourse in relation to OSB on the websites of the Liberal Party of Australia, as well as the websites of the Department of Immigration and Border Protection and the Australian Customs and Border Protection Service, the following publicly available documents have been identified for the envisaged analysis: (i) the Coalition’s pre-election OSB policy brief as published in July 2013, consisting of 20 pages, and (ii) all 16 transcripts of the press conferences concerning OSB as published on the Australian Customs and Border Protection Service website up until January 2015, consisting of 481 pages and comprising 100,536 words. The first transcript dates back to the 24th of September 2013, whilst the last transcript was dated the 17th of January 2014. During the remainder of 2014, no press conferences have occurred.

4. Operation Sovereign Borders: a critical discourse analysis

In July 2013, the Liberal Party and the Nationals Party (together ‘the Coalition’) published a policy brief outlining their envisaged OSB policy. Since the inauguration of the Coalition Government in September 2013 and the implementation of OSB, the Australian Minister for

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49 Fairclough, *Discourse and Social Change*; Fairclough, *Critical Discourse Analysis*; Horváth, "Critical Discourse Analysis".
50 In contemporary reality, the Internet has gained an immense significance, amongst others as source and unit of analysis. At the same time, websites can be strategically used by governments (as well as by others) to foster a certain deeper (policy) narrative. As such, websites provide vital resources for a CDA and can to some extent be considered as ‘discursive practices’ in and of themselves. Whilst purposively left outside the scope of this article, critical reflections on such practices would foster our understanding of how websites are used to express and promote dominant belief systems and discourses. In a different context, such reflection has been provided by M. Welch, “Detained in Occupied Iraq: Deciphering the Narratives for Neocolonial Internment”, *Punishment & Society*, 12, 2010, 123-146.
Immigration and Border Protection at the time, Scott Morrison,\textsuperscript{54} gave weekly press conferences in relation to OSB together with the Commander of OSB, Lieutenant General Angus Campbell, or, in case of his absence, the Acting Commander of OSB, Air Chief Marshall Mark Binskin. On the 25\textsuperscript{th} of October 2013, Assistant Commissioner Steve Lancaster of the Australian Federal Police was present as well. The press conferences were held on a weekly basis until the beginning of January 2014.

4.1. Textual analysis at the micro level
4.1.1. Goals of offshore processing

The examined documents outline multiple goals of offshore processing under OSB. From the outset, it should be noted that the goals of offshore processing and the goals of the wider policy framework should be seen in a continuum, in particular given the fact that offshore processing is a core feature of OSB and is geared towards its successive achievement. As such, five main goals can be discerned in the discourse: deterrence (and repatriation of previous boat arrivals), the protection of Australia’s borders and national sovereignty, saving lives at sea, preventing irregular boat arrivals from queue-jumping, and – to a lesser extent – spending available budgets better and more efficiently.

One of the main underlying rationales provided is that of deterrence: thus, the offshore processing of asylum-seekers is predicated on the deterrence of boat migration and human trafficking, in line with the so-called ‘Regional Deterrence Framework’ that the Coalition has developed. Amongst others, this becomes clear from the facts that the policy structure is outlined to be focused “single-mindedly”\textsuperscript{55} on deterrence, and that deterrence has been advocated by the Coalition “for years”,\textsuperscript{56} implying that it is one of the main goals sought by the Coalition administration. Indeed, the catchphrase “stopping the boats”\textsuperscript{57} has almost become synonymous for the Operation in its entirety, with the discourse being very much focused on a "tougher" and "absolute" approach\textsuperscript{58} towards "illegal boats" and human trafficking. By using terms such as "commitment", "promised",\textsuperscript{59} "determined",\textsuperscript{60}

\textsuperscript{54} In the cabinet reshuffle of December 2014, Peter Dutton became Minister for Immigration and Border Protection, replacing Scott Morrison who became Minister for Social Services.
\textsuperscript{55} Operation Sovereign Borders 2013 policy brief, page 5.
\textsuperscript{56} ibid.
\textsuperscript{57} Operation Sovereign Borders 2013 policy brief, page 2; Scott Morrison, 30 Sept 2013.
\textsuperscript{58} Scott Morrison, 24 Sept 2013.
\textsuperscript{59} ibid.
\textsuperscript{60} ibid.
"objective", 61 "focus", 62 "high standard", 63 "full commitment" 64 and "full steam ahead", 65 the absolute disruption of smuggling flows is outlined to be both a key promise to the Australian voters and a main objective of the Government. Whilst it is outlined that the deterrence goal is "demanding", the Joint Agency Taskforce "would rather set a high standard and strive toward it than to settle for some accommodation with criminals". 66 In addition, offshore processing is discoursed to be intended to make detained migrants return to their home regions: indeed, repatriation is outlined to be a "critical component" 67 of offshore processing.

Closely connected to this deterrence approach is the goal of protecting Australia’s borders and national sovereignty, amongst others against transnational crime. 68 Securitization discourse thus frequently recurs, amongst others through statements that "our policies have always been about protecting Australia’s sovereignty" 69 and that they are aimed at "border security" 70 and restoring "faith in our immigration system". 71 Australia’s national borders are thus discoursed to be essential features of Australia’s sovereignty and as being under threat, warranting the implementation of OSB – in particular given that "[t]he Coalition has a clear and consistent policy commitment to border protection". 72

Simultaneously, "saving lives at sea" recurs as a policy goal. By outlining the impact and significance of "the tragedies at sea", 73 as well as by stating that boats are "the most dangerous place[s] to be", 74 it is maintained that the policy is beneficial also for boat migrants themselves. 75 Additionally, the aim of providing protection for "genuine" asylum-seekers is outlined. Thus, refugees in offshore UNHCR centres would be disadvantaged if a significant share of boat migrants would be resettled as refugees in Australia, because the latter would be

63 Angus Campbell, 15 Jan 2014.
64 Scott Morrison, 17 Jan 2014.
65 ibid.
66 Angus Campbell, 15 Jan 2014.
68 Scott Morrison, 29 Nov 2013.
69 Scott Morrison, 04 Oct 2013.
70 See, amongst others, Scott Morrison, 24 Sept 2013.
71 Operation Sovereign Borders 2013 policy brief, page 5.
75 In the remainder of this article, the term ‘boat migrants’ will be utilised to denote irregular migrants embarking for Australia by boat. This terminology is applied for practical reasons only and is not intended as a value-judgment. In this regard, see A. Bradimore & H. Bauder, "Mystery Ships and Risky Boat People: Tamil Refugee Migration in the Newsprint Media", Canadian Journal of Communication, 36, 2011, 637-61; J. Greenberg, "Opinion discourse and Canadian newspapers: The case of the Chinese “boat people”", Canadian Journal of Communications, 25, 2000, 517-37.
"jumping the queue". This humanitarian-inspired aim aligns with the fact that Australia accepts a significant annual inflow of refugees from offshore UNCHR detention centres in conflict regions, which according to the discourse can only be maintained by a strict approach towards irregular boat influxes.

Moreover, budgetary motivations seem to play a role, albeit a modest one given the incidental discursive attention paid to them – in particular during the press conferences. However, the discourse does not so much focus on lower budgetary spending by the current Coalition Government, but rather on alleged "cost blowouts" by the previous Labor Government. Thus, the Government is not so much claiming that it is spending less, but rather that the previous Government was not effective in its spending: both Labor’s expenditure and approach are labelled as weak and a "failure". This discourse is tied up with a connotation of bureaucracy, inadequacy and disengagement: by using terms such as "too much is falling between the cracks", it is implied that Labor’s policies are simply not effective enough. Labor is even deemed to be the overseer of the weakest border protection policies, failing on borders "like no other government in Australia’s history". This alleged disengagement is discursively strengthened by outlining the "Captain Emad" incident concerning an alleged human trafficker who fled Australia whilst the Labor Government was in office. Labor’s policy framework is consequently mirrored with the Coalition’s proposed approach. Indeed, by exemplifying that a Coalition Government will "hit the ground running" with key initiatives "to be undertaken in the first 100 days" and will ultimately "get this job done", and by using positive catchwords such as "focus", "energy", "strong", "consistent" and "successfully", a determined and efficient approach with strong and effective leadership is envisaged.

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77 K Gelber, "A fair queue?".
78 Operation Sovereign Borders 2013 policy brief, pages 3-5.
82 ibid.
84 Operation Sovereign Borders 2013 policy brief, page 11.
85 Operation Sovereign Borders 2013 policy brief, page 5.
87 ibid.
88 ibid.
89 Operation Sovereign Borders 2013 policy brief, page 2.
4.1.2. Targeted migrants

The discourse almost exclusively focuses on migrants who embark for Australia by boat: it continuously uses phrases such as "the boats still keep coming", "stopping the boats", "illegal arrivals by boat", "managing illegal boat arrivals" and "turn back boats". By comparison, the mode of transportation that most irregular migrants use when travelling to Australia, namely by airplane, is not focused upon: indeed, words such as "air", "plane", "airplane" and "aircraft" hardly occur in the discourse.

In relation to boat migrants, the discourse maintains various framings. First of all, boat migrants are framed as smuggled persons. Indeed, the discourse often refers to the involvement of human traffickers in boat migration, which is substantiated by individualized examples in the discourse. During some press conferences, photo images, nationalities and ages of respective smuggling suspects were provided. Boat migrants are discoursed to be customers or rational passengers knowingly buying services of such tactical human traffickers. Thus, boat migrants are referred to as calculating persons and "prospective passengers" with "money in their pocket", who buy products from traffickers and who can effectively be deterred by raising the stakes. For instance, the discourse metaphorically states that the Australian Government has to take "the sugar off the table".

In addition, closely related to the policy's goal of protecting Australia’s sovereignty, boat migrants are outlined as illegals, threatening national sovereign borders and creating an emergency situation. This happens implicitly through a language of illegality. For example, it is stated that "anyone seeking to illegally enter Australia […], who come illegally by boat, will not be resettled in Australia." Moreover, it is outlined that the operations are carried out so as to "provide active deterrents to those seeking to enter Australia illegally by boat.

90 Operation Sovereign Borders 2013 policy brief, page 2.
91 Operation Sovereign Borders 2013 policy brief, page 2; Scott Morrison, 30 Sept 2013.
94 Operation Sovereign Borders 2013 policy brief, page 5.
98 Angus Campbell, 15 Nov 2013.
100 Operation Sovereign Borders 2013 policy brief, page 7.
101 Scott Morrison, 30 Sept 2013.
Such operations are undertaken to protect the sovereignty of Australia's borders.\textsuperscript{102} It happens, however, also more explicitly by linking boat migrants to particular crime types: boat migration is for example linked to piracy,\textsuperscript{103} emphasising an image of deviant immigrants compromising Australia's borders.\textsuperscript{104} Moreover, the discourse states that "the largest number of charges for sexual assault [...] have actually related to asylum seekers who had arrived illegally by boat".\textsuperscript{105} It is furthermore stated that migrants – who are in Australia "at the courtesy of the Australian government and the Australian people"\textsuperscript{106} – will be held accountable to higher standards for criminal behaviour as a result of "low tolerance".\textsuperscript{107}

Boat migrants are moreover depicted as increasingly coming to Australia in mass numbers, emphasising both the threat they allegedly pose to national borders and the impact they have on the Government's budgetary burden. Thus, "[t]he total cost to Australian taxpayers for managing illegal boat arrivals has increased from $85 million in 2007-08 to $3 billion in 2013-14."\textsuperscript{108} It is emphasized that the immigration control budget could also have been spent on "Australian schools, hospitals or improving our infrastructure".\textsuperscript{109}

Throughout the discourse, boat migrants are contrasted against two groups of people: Australian citizens on the one hand and 'genuine' refugees, i.e. refugees who apply via offshore UNHCR refugee resettlement centres, on the other.\textsuperscript{110} In relation to Australians, the discourse clearly outlines that (1) Australian citizens are distinct from boat migrants, (2) Australian servicemen and servicewomen in the Navy put themselves at risk to implement this policy, and (3) Australian voters have instructed the Government to implement the current policies by electing them. In speaking about Australian servicemen and servicewomen, the discourse uses statements such as that "[t]hey respond with a professionalism, a selflessness and a sense of urgency that all Australians should be proud of and which I am proud. Any suggestion otherwise is as offensive as it is wrong".\textsuperscript{111}

In relation to "genuine" refugees, boat migrants are discoursed as queue-jumping and taking places of refugees who otherwise would be resettled as part of Australia's "generous

\textsuperscript{102} Scott Morrison, 15 Jan 2014.
\textsuperscript{103} For instance, it is stated that ‘the previous Government had relented to introduce send backs to Sri Lanka when the situation of Sri Lankan illegal arrivals by boat had become so absurd, a boat full of pirates was making its way to Australia’ (Scott Morrison, 18 Oct 2013). He draws similar links on 30 Sept 2013.
\textsuperscript{104} Pickering, Bosworth & Aas, "The Criminology of Mobility".
\textsuperscript{105} Scott Morrison, 22 Nov 2013.
\textsuperscript{106} Scott Morrison, 11 Oct 2013.
\textsuperscript{107} ibid.
\textsuperscript{108} Operation Sovereign Borders 2013 policy brief, page 3.
\textsuperscript{109} ibid.
\textsuperscript{111} Scott Morrison, 24 Sept 2013.
humanitarian intake”. By using terms as "desperate people" and "genuine refugees", a distinction is made between those situated in humanitarian programmes abroad and those "buy[ing] a place". It remains unclear from the discourse how this dichotomous approach should be seen in light of other statements that a significant share of boat migrants turns out to be genuine refugees. One possible interpretation of the discourse is that boat migrants are non-deserving rather than non-genuine due to their arrival by boat. Another potential interpretation is that boat migrants are generally non-genuine in their claims, notwithstanding the fact that they may qualify as refugees under the Refugee Convention. Both accounts seem to be problematic from a legal point of view: the former would hold that the mode of transportation can influence the degree to which one deserves protection, whilst the latter implies that the definition of ‘refugee’ under Article 1 of the Refugee Convention is too broadly applied.

Within the category of boat migrants, no further distinction is envisaged. The discourse expressly outlines that neither the rightfulness of the asylum claim, nor the nationality, age, gender, profession, or any other character trait of the migrant, has an influence on the application of offshore processing. Indeed, "our policies are designated to stop people getting on boats. Children, families, single adult males, unaccompanied minors, all of them". In a similar vein, it is stated that "[t]here will be no exceptions, whether you're Syrian, Iranian, single, married, adult, child, they will all be going to Nauru or Manus Island and will not return to live in Australia".

Boat migrants are simultaneously discoursed as vulnerable victims of human trafficking. As such, two distinct narratives are utilized: on the one hand, boat migrants are discoursed to be victims of a "sordid business". By outlining the number of people that have perished at sea, the discourse emphasizes the impact and significance of the issue

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112 Operation Sovereign Borders 2013 policy brief, page 5.
113 Operation Sovereign Borders 2013 policy brief, page 3.
114 ibid; Scott Morrison, 24 Sept 2013.
116 In this respect, see also Rowe & O'Brien: “this implicit [mode of arrival] criteria for determining the legitimacy of asylum seekers and refugees bears little relation to the actual criteria by which refugee status is granted. […] In this discourse, politicians are guilty of applying their own exclusionary preconditions for legitimacy, thereby establishing a false dichotomy in which only some people fleeing persecution deserve protection”. E. Rowe & E. O'Brien, “'Genuine' refugees or illegitimate ‘boat people’: Political constructions of asylum seekers and refugees in the Malaysia Deal debate’, Australian Journal of Social Issues, 49, 2014, 171-93, 188.
117 Scott Morrison, 30 Sept 2013.
118 Scott Morrison, 08 Nov 2013.
119 Angus Campbell, 22 Nov 2013.
120 Operation Sovereign Borders 2013 policy brief, page 3; Scott Morrison, 13 Dec 2013.
concerned. On the other hand, by using phrases such as "want", "reconsider", and "put themselves [...] at great risk", boat migrants are depicted as voluntarily and willingly endangering themselves and their family members – including their children – by cooperating with human traffickers and by saying "all sorts of things" to get into the country.

4.1.3. Regional cooperation and (the diffusion of) responsibilities

According to the policy brief, OSB is based on regional cooperation involving multiple sovereign States, with regionalism being a "key element" and "at the heart" of the framework. Simultaneously, it is emphasized that strong and decisive action on behalf of the Australian Government is required. The policy brief indeed outlines that "the Coalition has always considered that regional cooperation is not a substitute for taking strong action ourselves" and that "working with other countries is necessarily complementary".

Australia is positioned as having the responsibility to "engage and support" partner States through "strong" and "decisive" action. As such, the Australian Government is "supporting" and "encouraging" partner States in relation to their on-water operations, law enforcement, legal system, border control mechanisms and safety monitoring. The discourse points out the intention to "commence increasing capacity at offshore processing centres", thereby indicating that the Australian Government has a significant influence on offshore capacity issues. No further reference to the Governments of Nauru and PNG occurs when such capacity issues are discussed.

In relation to responsibility issues, the policy brief outlines relatively extensively the Australian domestic hierarchical structures. It sets out that the Minister for Immigration and Border Protection will be responsible and will have "all the necessary resources of government at his or her command". Furthermore, it states that a Joint Agency Taskforce will be set up with various operational task groups. The policy brief contains a schematic

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121 Scott Morrison, 30 Sept 2013.
122 Angus Campbell, 01 Nov 2013.
123 Scott Morrison, 06 Dec 2013.
124 Scott Morrison, 15 Jan 2014.
129 ibid.
depiction of the chain of command, with the hierarchy and positions of all relevant agencies being outlined.\textsuperscript{133}

On the level of bilateral structures, however, it remains unclear on whom responsibility vis-à-vis the RPCs rests. The discourse uses phrases such as "joint committee" and "partnership", envisaging various actors to be responsible to some extent for certain aspects of offshore processing. On the one hand, Nauru and PNG are discoursed to be sovereign partner nations that play a key role in the establishment and successful maintenance of offshore processing centres and who "run" the processing arrangements.\textsuperscript{134} On the other hand, the Australian Government provides "a significant amount of support"\textsuperscript{135} and exercises authorities that are gradually "transferred"\textsuperscript{136} to the Nauruan authorities, whilst local refugee status claim assessors are being trained by Australian professionals to build capacity. Moreover, investigations in the RPCs – including investigations of potential assaults – are seen as matters that rest with both the local authorities and with service providers who have been contracted by Australia but who operate under the national laws of the host countries. Additionally, there is a joint management committee dealing with the operations of the facilities.

Nevertheless, according to various discursive lines of reasoning, the RPCs are in essence predominantly Australian. This is an important discursive trend to be discerned, not only because it puts statements that Nauru and PNG are ultimately the ones in charge into perspective but also because it is relevant for questions of accountability. Thus, the Australian Government is discursively centralized when it comes to managing various aspects of the offshore processing centres, as becomes clear from the following discursive strands.

First, in relation to health and welfare conditions, the discourse outlines that it is the Australian Government that is providing the necessary services, including through contracting service providers. Thus, for example in relation to unaccompanied minors, it is stated that "we have contracting arrangements with those who directly provide services to unaccompanied minors."\textsuperscript{137} Likewise, in relation to pregnant women, it is stated that "[t]he Department […] has appropriate time and care for pregnant women if available, and is available on Nauru, as required”.\textsuperscript{138} Commenting on a case of a pregnant migrant woman who was, due to health complications, transferred from Nauru to Australia to give birth, the Minister of Immigration

\textsuperscript{133} Operation Sovereign Borders 2013 policy brief, page 15
\textsuperscript{134} Scott Morrison, 11 Oct 2013.
\textsuperscript{135} Scott Morrison, 01 Nov 2013.
\textsuperscript{136} Scott Morrison, 08 Nov 2013.
\textsuperscript{137} Scott Morrison, 22 Nov 2013.
\textsuperscript{138} Scott Morrison, 18 Oct 2013.
and Border Protection outlines that "this woman's health was paramount in the minds of those who were providing her care, both the doctors and those working on behalf of the Department of Immigration and Border Protection".\textsuperscript{139}

Second, the Australian Government is discoursed as safeguarding the dignity and respect of detained migrants. Indeed, the Minister refers to continuous reviews of the situations in offshore detention centres "to ensure that people are treated with dignity and respect".\textsuperscript{140} The Minister states that these steps are taken not only at Nauru and Manus Island, but also at Christmas Island, Blaydin Point, Villawood and Yongah Hill, which are all detention centres on Australian territory.\textsuperscript{141} In the discourse, the detention facilities at Nauru and Manus Island are discussed as falling within the same category as these facilities on domestic soil.

Third, in a similar vein, the Minister outlines that Australia carries responsibility in relation to the safety of RPCs: indeed, the Australian Government is "taking every step we think is necessary to ensure the security of those facilities",\textsuperscript{142} which happens through service providers contracted by Australia but operating under the national laws of Nauru, respectively PNG. Responding to the Cornell report in which the February 2014 riots at the RPC on Manus Island (PNG) are reviewed,\textsuperscript{143} Minister Scott Morrison maintains that "that report is based on an incident that took place some months ago and we've been taken necessary steps to ensure proper security arrangements within that facility, as well as Nauru, and that's why we're able to expand the capacity and expand its operations and the centre I think has been operating very functionally and serving the purpose for which it's been tasked."\textsuperscript{144}

Fourth, the discourse continuously refers to "us" and "we" when operational matters, funding constructions, tendering private contractors, planning and practical arrangements are discussed. Indeed, phrases such as "we're achieving it",\textsuperscript{145} "we have been doing an enormous

\textsuperscript{139} Scott Morrison, 08 Nov 2013.
\textsuperscript{140} Scott Morrison, 01 Nov 2013.
\textsuperscript{141} Scott Morrison, 01 Nov 2013. Although Christmas Island has been excised from Australia’s migration zone and unauthorized arrivals on the island can thus not apply for an Australian visa, it is still part of Australia’s sovereign territory. Different from the RPCs on Nauru or on Manus Island (Papua New Guinea), the detention centre on Christmas Island are therefore undeniably situated on Australian soil and should be regarded as a domestic processing centre. R.A. Davidson, "Spaces of Immigration “Prevention”: Interdiction and the Nonplace", Diacritics, 33, 2003, 3-18.
\textsuperscript{142} Scott Morrison, 25 Oct 2013.
\textsuperscript{143} R. Cornall, Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre, Report to the Secretary, Department of Immigration and Border Protection, 23 May 2014, available at: https://www.immi.gov.au/about/dept-info/_files/review-robert-cornall.pdf (last visited 23 Apr 2015).
\textsuperscript{144} Scott Morrison, 01 Nov 2013.
\textsuperscript{145} Scott Morrison, 30 Sept 2013.
amount of work", 146 and "we've made enormous amount of progress"147 reoccur in the
discourse. Thus, Australia "mak[es] things work on the ground"148 and reviews potential
incidents, whilst Nauru and PNG are said to have done everything "they had been asked to
do".149 Of particular interest in this regard is the so-called "three island, one system
approach",150 which concerns a single approach for Manus Island (PNG), Nauru and
Christmas Island. However, whilst Manus Island is sovereign territory of PNG and Nauru is a
sovereign country, Christmas Island is – albeit territorially excised for migration purposes –
sovereign territory of Australia. Thus, although different sovereigns are involved in the
processing arrangements, a single system applies on all three islands.

Fifth, Australia can independently decide to bring detainees from Nauru to Australia’s
mainland, and can even have them arrested by the Australian Federal Police whilst residing in
RPCs in Nauru and PNG. According to Angus Campbell, this has happened a 120 times
within a couple of weeks.151

Sixth, the discourse states that media access to the RPCs could harm the mental health
of the detained persons as they may be provided with "unrealistic expectations about their
outcomes".152 As Minister Scott Morrison puts it, "I have seen the impact on people's mental
health of people who are given unrealistic expectations about their outcome. Sometimes that
can flow from media exposure, and it can flow, frankly, from people who go and visit them
and tell them something which is not going to happen. And that is a very cruel thing to do to
people. And I won't be allowing that to happen."153 Such access is therefore restricted as a
matter of policy by the Australian Government: indeed, "I think I indicated that to date I have
seen nothing that would suggest that that policy [of media access] being changed would be in
the interests of those who are in those centres".154

4.2. Discursive practice analysis
4.2.1. Policy brief
The 2013 policy brief was issued and distributed in the run-up to the federal elections and was
a tool for the Coalition to campaign its stance on boat migration. The discourse is one-
directional and draws mainly on an electoral campaigning narrative. With 20 pages, the briefing paper is rather concise. It starts with a page of "key points" in which both the need for strong border policies and the failure of Labor are underlined. The subsequent sections deal with (i) Labor’s failure, (ii) the Coalition’s commitment, (iii) the importance of regional cooperation, (iv) a comprehensive regional deterrence framework and (v) the way forward. Subsequently, the specific structures of OSB are outlined. The policy brief has four attachments, containing figures and graphs outlining the number of "illegal boat arrives since 2007", the "number of persons arriving illegally by boat", the "annual spending on illegal boat arrivals" and "Australia’s detention population". It is not made clear where these data originate from or which definitional standards are used.

The use of the electoral campaigning narrative may come as no surprise given that the discourse is conveyed by means of a pre-election document distributed to the electorate. Yet, it is useful to emphasise that the discourse should be understood in this context through which it is distributed, consumed, and ultimately gains meaning. Being prepared as an electoral tool by the Coalition parties, and being subsequently consumed by the public in the process of determining for which party to vote, the discourse used – including the outline of goals, targeted migrants, and regional (diffusion of) responsibilities – is discursively construed in a particular way. The ‘discursive event’ has as such a specific electoral interest in using resonating inclusionary and exclusionary language and is a powerful one-directional tool by which the Coalition can effectively convey a certain discourse to the public, especially since it has the power to guide the reader to a preferred reading. In the socio-cultural contextual analysis below, it will be further outlined in which direction resonance is sought in the policy brief.

4.2.2. Press conference transcripts

The press conferences are structured more or less in a similar vein each week, starting with statements from the Minister for Immigration and Border Protection, followed by statements of the (Acting) Commander of the Joint Action Taskforce, which are subsequently followed

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156 Operation Sovereign Borders 2013 policy brief, page 17.
by a Q&A session. In the first few press conferences, both the Minister and the (Acting) Commander would remain at the disposal of the journalists throughout the entire session, but in later press conferences, this modality was changed: first, all questions concerning the weekly statistical updates could be posed to and answered by the (Acting) Commander, who would subsequently leave, after which more politically-sided questions could be posed to the Minister. The press conferences thus draw on two discursive strands, namely a military and a political discursivity. However, the interdiscursivity is limited as both are treated distinctly, being outlined and responded to by different authorities at separate stages of the discursive event.

Different from the policy brief, the press conferences are thus framed within a military and political-journalistic discursivity rather than an electoral campaigning one, changing the dynamic of both the content and the interaction. On the one hand, the content is less focused on a comparison with previous Labor Government policy and is more aimed at actual progress and evolving issues, although references to Labor policies are occasionally made. On the other hand, the press conferences are not one-directional and provide an opportunity for interaction and dialogue as opposed to the policy brief’s electoral monologue.

However, during the press conferences, journalists notably became dissatisfied by the lack of genuine interaction and discussion. Indeed, they repeatedly alleged that the Minister and (Acting) Commander were warding off critical questions by stating that they cannot comment on ongoing tactical or operational matters and that they do not want to provide "shipping news" to human traffickers. In addition, in January 2014, the weekly press conferences were abolished and were replaced by press conferences on an "as-needs basis" in combination with weekly written statements and statistical releases. In effect, this means that press conferences will only be held if the Minister or the (Acting) Commander have "got something to say". For the rest of 2014, the discursive setting has almost ceased to exist as the Minister and (Acting) Commander have not conveyed any further press conference.

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161 The militarisation of borders and border control thus occurs not only through border practices, but also through border discourse. See also Graham, Cities under siege.
162 For example, as asked by a journalist during a press conference on 24 Sept 2013 following a statement that operational matters concerning current operations will not be discussed: ‘How is that not hiding the process? We're not being told when a boat is turned back, surely that is the key…?’ Similarly, as asked by a journalist during a press conference on 8 Nov 2013: ‘Minister, given the […] nature of the briefings so far, how can you expect the public to judge you […] on the promises during your campaign?’
164 Scott Morrison, 15 Jan 2014.
Instead, one-directional monthly operational updates are distributed. As such, the discursive practice has turned from potentially interactional to non-interactional.

Again, it is of importance to realize that the discourse is framed from a particular understanding, originates from a certain power structure and is conveyed via a selected platform, in this case press conferences. The fact that limited interdiscursivity is provided for, and that alternative narratives are to a significant extent excluded through the choice of discursive practices, informs the goals, targeted migrants and division and/or diffusion of responsibilities by emphasising certain facts and priorities whilst leaving others unremarked or underexposed.

4.2.3. The position of boat migrants in the discursive debate

Discursive systems and practices can be used to exercise and maintain power, but can also be employed to counter existing power arrangements and to foster alternative ideologies. Indeed, power structures can be questioned, resisted and challenged through discourse.\(^{165}\) As such, can boat migrants utilize an alternative discourse as a tool of empowerment?

In the context of OSB, boat migrants are generally unsuccessful in employing such an alternative discourse: indeed, for discourse to be effective, it needs to be heard. Boat migrants find themselves in an unequal power structure, with the authorities being able to elaborately express and foster concerns whilst boat migrants and their claims to protection are largely invisible\(^{166}\) and critical questions from journalists remain unanswered.

OSB contributes to this process in two ways: by materialising in the dominant discourse on the one hand, and by utilising the practice of offshore processing on the other. Thus, first, boat migrants are both implicitly and explicitly continuously framed as a homogeneous group with similar backgrounds, motivations, and aims, thereby underexposing individual circumstances.\(^{167}\) The discourse leaves individual push factors and other determinants for embarking to Australia largely unmarked. Consequently, whilst the discourse presents a policy that is beneficial for Australians, ‘genuine’ asylum-seekers and boat migrants alike, the narratives and agency of the latter as individuals remain underexposed. This consequently translates into little media exposure: the Australian media indeed have little critical abilities and a high level of dependence upon Government spokespersons and


\(^{167}\) Bradimore & Bauder, “Mystery Ships and Risky Boat People”.
statements, thereby supporting the ‘propaganda model’.\footnote{Klocker & Dunn, “Who’s Driving the Asylum Debate?”, 71.} This closely relates to the concept of ‘cultural hegemony’ as developed by Antonio Gramsci.\footnote{A. Gramsci, translated and edited by J.A. Buttigieg, Prison Notebooks, New York, Columbia University Press, 1992.} According to this concept, prevailing societal norms are socially constructed as such that they are perceived as part of a valid dominant ideology because of which the \textit{status quo} is justified as natural and beneficial for all.\footnote{ibid.} Such dominant norms are thus presented and accepted as ‘common sense’ and as the only sensible way of regarding the world. Conversely, anyone presenting another world view is marginalised.\footnote{ibid.}

Secondly, all boat migrants are sent offshore within 48-hours after arrival – usually at Christmas Island – as a matter of policy, whilst the possibility to scrutinize RPCs in Nauru and PNG is minimal as access is severely restricted.\footnote{Welch, “The Sonics of Crimmigration”; Van Berlo, “Stonewalling Asylum Seekers in the Pacific”; Gammeltoft-Hansen, Access to Asylum; S. Kneebone, “The Legal and Ethical Implications of Extraterritorial Processing of Asylum Seekers: The ‘Safe Third Country’ Concept”, in J. McAdam (ed.), Forced Migration, Human Rights and Security, Oxford, Hart Publishing, 2008; Van Berlo, “Stonewalling Asylum Seekers in the Pacific”.} Indeed, it remains uncertain what happens in offshore detention centres with a variety of observers and media delegations being refused from entering them, whilst \textit{vice versa}, detained migrants face difficulties in reaching out to (legal) institutions in order to claim their rights.\footnote{Gammeltoft-Hansen, Access to Asylum; S. Kneebone, “The Legal and Ethical Implications of Extraterritorial Processing of Asylum Seekers: The ‘Safe Third Country’ Concept”, in J. McAdam (ed.), Forced Migration, Human Rights and Security, Oxford, Hart Publishing, 2008; Van Berlo, “Stonewalling Asylum Seekers in the Pacific”.} Offshore detention centres are thus simultaneously difficult to look \textit{into} and to look \textit{out of}. Discourse cannot effectively be utilized by offshored boat migrants because of this little visibility inwards and little accessibility outwards. With boat migrants’ narratives consequently lacking on the input side, their perspective are also lacking on the output side when the discourse is consumed by the public.\footnote{Bradimore & Bauder, “Mystery Ships and Risky Boat People”; Hyndman & Mountz, “Another Brick in the Wall?”; Kneebone, “The Legal and Ethical Implications”.}

4.3. \textit{Socio-cultural contextual analysis}

Public and political debates in Australia have repeatedly used characterizations and phrases such as ”invasions”, ”floodings”\footnote{Interestingly, as Van Berlo has argued, metaphors of water – e.g. ‘floods’, ‘pouring’ and ‘waves’ – are dominant in contemporary migration discourse, not only in Australia but also elsewhere. Through the continuous and systematic use of such metaphors, “the issue thus becomes one of water – and therefore of boat migrants”. P. Van Berlo, “The Portrayal of Immigrants: Flooded but not Blown Away”, Leiden Law Blog, 1 July 2015, available at: \url{http://leidenlawblog.nl/articles/the-portrayal-of-immigrants-flooded-but-not-blown-away} (last visited 22 Sept. 2015).} and ”yellow perils”\footnote{N. Viviani, The long journey: Vietnamese migration and settlement in Australia, Melbourne, Melbourne University Press, 1984; J. Phillips & H. Spinks, Boat arrivals in Australia since 1976, Parliamentary Library} to denote irregular boat migration.\footnote{N. Viviani, The long journey: Vietnamese migration and settlement in Australia, Melbourne, Melbourne University Press, 1984; J. Phillips & H. Spinks, Boat arrivals in Australia since 1976, Parliamentary Library}
In a similar vein, it has been borne out in literature that boat migrants have been framed as "jumping the immigration queue" and raising unemployment figures in such debates.\textsuperscript{177} In fact, over the past decades, the Australian Government has played into long-standing fears of "the Asian other" and portrayed asylum-seekers as "forumshoppers" and "terrorists".\textsuperscript{178}

The formulation of an appropriate response to concerns over immigration has been a continuous and prominent issue in the Australian political realm.\textsuperscript{179} This can be traced back to the late 1800s, when restrictions were implemented in relation to Chinese immigrants. In 1901, the Immigration Restriction Act was passed, introducing further restrictions to prevent non-whites from coming to Australia. On the basis of this law, the White Australia Policy – favouring white immigrants – was advanced.\textsuperscript{180} Only in 1958, some of the restrictions as introduced in 1901 were abolished by means of the Revised Migration Act 1958. Subsequently, in 1972, the White Australia Policy was formally abolished. In the early 1990s, the locus of attention shifted towards restricting irregular boat arrivals. Thus, in 1992, a policy of mandatory detention was introduced for all arrivals without a valid visa, with further measures of offshore processing and the excision of territory for migration purposes being implemented in 2001 under OSB’s predecessor, the Pacific Solution. Under this framework, Nauru and PNG received significant financial aid from Australia in return for their cooperation, which – at least in the case of Nauru – became a significant source of income and prevented national bankruptcy.\textsuperscript{181}
The Pacific Solution was a direct response to the MS Tampa incident in 2001, in which 433 asylum-seekers were rescued in the high waters by a Norwegian vessel. Subsequently, the vessel was denied permission to disembark at the nearest Australian port whilst processing agreements were rapidly – but successfully – negotiated with neighbouring countries. Offshore processing under the Pacific Solution was, however, indirectly triggered by various more fundamental causes. First, since preceding deterrence policies had proven to be ineffective, the Australian Government implemented the Pacific Solution to further discourage asylum-seekers and human traffickers. As Pickering outlines, deterrence was at the heart of the Australian Government’s response, with the Pacific Solution being "an act of escalated deterrence". As such, "[d]eterrence has come to be the raison d’être of Australian refugee policy". Second, electoral politics pushed for offshore asylum alternatives: indeed, former Prime Minister Howard tried to regain public confidence in the run-up to the 2001 elections by presenting strict responses to immigration, labelling immigrants as a "threat" for Australia. By implementing the Pacific Solution, Howard showed that his Government was exerting control and responded rapidly to migration influxes. Howard won the elections with a margin that had been very unlikely a few months before the introduction of the Pacific Solution. Third, to some extent, human rights pressures paradoxically contributed to offshore asylum measures being implemented: because of increasing pressure exercised by human rights advocates, the Government somewhat tried to dilute responsibilities and accountability.


Afeef, The Politics of Extraterritorial Processing; Mathew, "Australian Refugee Protection"; Philpott, "Protecting the Borderline".


In the literature, the way in which the Pacific Solution operated has been outlined to amount to a development of crimmigration. Indeed, the policy framework simultaneously strengthened the Australian "place" and derogated other "placements". This was accompanied by more general measures aimed at border protection, with mandatory offshore detention being advanced in the name of national security. Offshore detention entailed a punitive regime of mandatory and unpleasant detention amounting to jail-like situations and was constituted by "draconian" policy measures. These measures were accompanied by a discourse of the federal Government, which was largely adopted by the media, in which boat migrants were deemed to be illegal, deviant, non-genuine, threatening and, ultimately, to be excluded. Such discourse was supplemented with nationalist rhetoric about the protection of Australia’s territory and culture, which was used to legitimize the policy. This discourse of illegality, deviance and exclusion is aptly illustrated by the ‘Children overboard affair’ and the controversial way in which the MS Tampa incident has been discursively linked to the terrorist events of 9/11.

190 Rajaram, ""Making Place"".
191 Kneebone, "The Pacific Plan"; Pickering, Bosworth & Aas, "The Criminology of Mobility"; Welch, "Panic, Risk, Control".
195 Saxton, "‘I CERTAINLY DON’T WANT PEOPLE LIKE THAT HERE’”. For critical reflection on the use of dominant rhetoric that alleges to protect a common culture and widely shared cultural values, see Gramsci, Prison Notebooks.
196 In October 2001, the ‘SIEV 4’ (Suspected Illegal Entry Vessel 4) was intercepted and was being shot at by the HMAS Adelaide. It was subsequently towed back to international waters, but started to sink a day later. Those in the water were saved by the HMAS Adelaide, after which Government officials and ministers – having misread a communication from the HMAS Adelaide – accused the refugees of throwing children overboard. Similarly, Prime Minister Howard stated that ‘I certainly don’t want people like that here’. See Mares, "Borderline", 135; Saxton, "‘I CERTAINLY DON’T WANT PEOPLE LIKE THAT HERE’”. This was reported in the media, together with pictures that were taken of the refugees in the water. See T. Lorenzen, Towards a Culture of Freedom: Reflections on the Ten Commandments Today, Eugene, Cascade Books, 2008, 161-162; M. Macken-Horarik, "Working the borders in racist discourse: the challenge of the ‘Children Overboard Affair’", Social Semiotics, 13, 2003, 283-303. As outlined by Welch, this controversy has caused ‘a major stir in Australia, prompting its citizens to feel threatened by an influx of boat people from Asia and the Middle East’. Welch, "Panic, Risk, Control", 21.
197 The 9/11 events happened a few weeks after the MS Tampa incident and became an intertwined issue in politics and in public perception. See Mares, "Borderline"; Welch, "Panic, Risk, Control". For instance, Peter Reith, Minister of Defence at the time, announced shortly after the 9/11 attacks that border security would be bolstered by stating that ‘[…] you’ve got to be able to control it otherwise it can be a pipeline for terrorists to come in and use your country as a staging post for terrorist activities’. See Welch, "The Sonics of Crimmigration".
Phillips and Spinks have comprised the numbers of irregular maritime arrivals in Australia between 1976 and 2013 (Table 1), which remains the most updated list in relation to boat arrivals.\textsuperscript{198} The number dropped significantly when the Pacific Solution was introduced in 2001 and went up again when the policy was abolished. However, the reintroduction of the Pacific Solution in 2012 seems to have had little effect on arrival figures. In fact, in 2012, more maritime arrivals were registered than ever before. With this trend being continued in 2013, the deterrence impact of the Pacific Solution remains questionable.\textsuperscript{199} As Neubauer puts it bluntly, "the boats have kept on coming".\textsuperscript{200}

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of boats</th>
<th>Number of people (excluding crew)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976</td>
<td>n/a</td>
<td>111</td>
</tr>
<tr>
<td>1977</td>
<td>n/a</td>
<td>868</td>
</tr>
<tr>
<td>1978</td>
<td>n/a</td>
<td>746</td>
</tr>
<tr>
<td>1979</td>
<td>n/a</td>
<td>304</td>
</tr>
<tr>
<td>1980</td>
<td>n/a</td>
<td>0</td>
</tr>
<tr>
<td>1981</td>
<td>n/a</td>
<td>30</td>
</tr>
<tr>
<td>1982-1988</td>
<td>n/a</td>
<td>0</td>
</tr>
<tr>
<td>1989</td>
<td>1</td>
<td>26</td>
</tr>
<tr>
<td>1990</td>
<td>2</td>
<td>198</td>
</tr>
<tr>
<td>1991</td>
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<td>1992</td>
<td>6</td>
<td>216</td>
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<tr>
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<td>3</td>
<td>81</td>
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<td>1994</td>
<td>18</td>
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<td>7</td>
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<td>19</td>
<td>660</td>
</tr>
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<td>339</td>
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<td>1998</td>
<td>17</td>
<td>200</td>
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<td>51</td>
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<tr>
<td>2001</td>
<td>43</td>
<td>5,516</td>
</tr>
<tr>
<td>2002</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

\textsuperscript{198} Phillips & Spinks, "Boat arrivals in Australia since 1976".
\textsuperscript{199} \textit{ibid}.
\textsuperscript{200} Neubauer, "Australia’s Costly Asylum-Seeker Policy".
The examined discourse should be understood against this background. As outlined above, certain forms of migration have continuously been discussed both in public and political debate as phenomena to be feared and deterred. From the implementation of mandatory detention in 1992 onwards, irregular boat migration was particularly focused upon. The discourse examined in this article appears to fit well in this development: indeed, "stopping the boats" and preventing "illegal immigrants" from "jumping the queue" are discoursed to be key objectives of OSB. Moreover, when the Pacific Solution was introduced by Liberal Prime Minister Howard in 2001, the number of irregular maritime arrivals decreased tremendously. By contrast, after the reintroduction of the Pacific Solution under the Labor Government in 2012, the number of maritime arrivals kept rising.\textsuperscript{202} Although it remains uncertain what the actual influence of the Pacific Solution on the number of boat arrivals has been, this background has been utilized by the Coalition parties in the 2013 elections to criticize Labor’s approach, to profile themselves as tough and effective on immigration, and to propose OSB as a more absolute militarized version of offshore processing in which the "no exception" approach is further centralized.

In turn, the text is not only shaped by the context, but the context is also shaped (and reinforced) by the text: indeed, the examined discourse continues to play into – and adds to – existing societal fears and insecurities about migration. As such, through discourse, fear may have become a self-fulfilling prophecy: the more it is emphasized, the more it becomes real

\begin{tabular}{|c|c|c|}
\hline
2003 & 1 & 53 \\
2004 & 1 & 15 \\
2005 & 4 & 11 \\
2006 & 6 & 60 \\
2007 & 5 & 148 \\
2008 & 7 & 161 \\
2009 & 60 & 2,726 \\
2010 & 134 & 6,555 \\
2011 & 69 & 4,565 \\
2012 & 278 & 17,202 \\
2013 (to 30 June) & 196 & 13,108 \\
\hline
\end{tabular}

* Table 1: Boat arrivals in Australia since 1976\textsuperscript{201}

\textsuperscript{201} Phillips & Spinks, “Boat arrivals in Australia since 1976”.
\textsuperscript{202} ibid.
and identifiable. In other words, language and context are not self-contained, nor do they remain uninfluenced by each other: on the contrary, they are aligned and can only be understood properly when regarded in light of each other and as mutually modelling. Political rhetoric is driven by societal fears, yet societal fears are driven by political rhetoric.

5. Conclusion and discussion
The present article set off with Welch’s dichotomy of ‘loud panicking’ and ‘quiet manoeuvring’. His framing of the Pacific Solution as a measure of crimmigration has been broadly supported, in particular in relation to its ‘loud panicking’ effect: indeed, the policy has been framed within broader discussions on border protection and securitization and has been accompanied by a scapegoating discourse that, through its differentiating capacity, frames certain groups of "crimmigrant others" as illegals, border threats, and potential criminals. Given that OSB constitutes a strict, militarized continuation of the Pacific Solution, the present article has attempted to analyse how Welch’s dichotomous framework of analysis can contribute to a proper understanding of the role and influence of political discourse in this regard. It has done so by adding specific themes of analysis that further denote the respective ‘walls’ of noise and governance.

On the one hand, the analysis clearly supports the view that the Government uses ‘walls of noise’ and tactics of ‘loud panicking’ to justify OSB. Through statements such as "our policies have always been about protecting Australia's sovereignty" and are aimed at both "border security" and restoring "faith in our immigration system", it is being assumed that (a) national sovereignty and borders are being threatened, (b) such threats originate from boat migration, and (c) OSB is effective in countering such threats. Indeed, the discourse repeatedly refers to the importance of protecting borders and sovereignty against criminal activities associated with boat migrants, with a strict deterrence approach ("stopping the boats") being warranted given the "scale of the problem" and the "border crisis". In this sense, the discourse creates ‘loud panic’ and draws the field of border securitization into the field of

203 Fairclough, *Discourse and Social Change*; Horváth, "Critical Discourse Analysis".
204 Welch, "The Sonics of Crimmigration".
205 Hyndman & Mountz, "Another Brick in the Wall?"; Klocker & Dunn, "Who's Driving the Asylum Debate?"; McNeill, "Public Health Ethics"; Philpott, "Protecting the Borderline"; Rajaram, "Making Place"; Saxton, "I CERTAINLY DON'T WANT PEOPLE LIKE THAT HERE".
206 Grewcock, "Australian border policing"; Hodge, "A grievable life".
administrative immigration control, congruent to previous developments as has become clear from the socio-cultural contextual analysis.

Immigrants are distinguished on the basis of their mode of transportation, creating an undesired crimmigrant group of allegedly illegal, threatening and non-deserving boat migrants who buy a place from smugglers at the black market. Boat migrants are regarded as "seeking upward socioeconomic mobility", thereby underexposing their personal backgrounds and motivations as well as their protection claims. They are drawn into a crime discourse more explicitly as well: thus, they are linked to sexual assault and piracy on more than one occasion. Subsequently, boat migrants are "held to higher standards" with "low tolerance" levels. By this repeated discursive outlining of boat migrants as illegal and undeserving migrants who ought to be deterred and excluded, their crimmigrant imago is continuously fostered. In the absence of asylum-seekers’ narratives, these framings are "very difficult to refute". The label that Fleay and Briskman have used to denote detained immigrants in remote sites, "hidden men", is strikingly apt in this perspective.

At first glance, this 'othering' process may appear contradictory to the fact that boat migrants are simultaneously discoursed to be vulnerable persons and that the policy is aimed at saving lives at sea. Indeed, rhetoric of deterrence and exclusion is used in relation to boat migrants actively using their power and agency to reach Australia, whilst the language of vulnerability and protection is used when boat migrants are discussed as passive – and powerless – objects of human trafficking. However, the two narratives can co-exist because

207 Bowling, "Epilogue"; Newburn, "Globalisation, Terrorism and Human Rights"; Rajaram & Grundy-Warr, "Introduction"; Van der Leun & Van der Woude, "A Reflection on Crimmigration".

208 A. Schloenhardt & D Connor, "Smugglers and Samaritans: Defences to People Smuggling in Australia", UNSW Law Journal, 36, 2013, 954-83; R. Tailby, Organised Crime and People Smuggling/Trafficking to Australia, Australian Institute of Criminology Trends & Issues Report no. 208, 2001, available at: http://www.aic.gov.au/documents/7/F/E/%7B7FE1BB81-D038-4C1E-A34D-8453FAAC6D2F%7D4C1E-A34D-8453FAAC6D2F%7D4C1E-A34D-8453FAAC6D2F.pdf (last visited 23 Apr 2015); Welch, "Economic Man and Diffused Sovereignty". Interestingly, a similar tendency has been identified by Rowe & O’Brien in relation to 2011 parliamentary debates surrounding the so-called Malaysia Deal. Indeed, in these debates, asylum-seekers arriving by boat were similarly labelled as illegal, “further delegitimizing this mode of arrival and the people who travel this way”. As such, then, the mode of arrival has arguably become an implicit indicator of an asylum-seeker’s legitimacy. Rowe & O’Brien, "Genuine' refugees or illegitimate 'boat people".

209 Bradimore & Bauder, "Mystery Ships and Risky Boat People"; Welch, " Economic Man and Diffused Sovereignty"; Greenberg, "Opinion discourse and Canadian newspapers".


211 Kneebone, 'The Legal and Ethical Implications', 131. Loud panicking under OSB has not limited itself to the analysed discourse: the graphic campaign under the slogan 'No way, they will not make Australia home', depicting asylum-seekers as distressed illegals in offshore detention, exemplifies this: see Laughland, "Australian government targets asylum seekers".

they both foster the deterrence ideal: the active migrant who uses agency is framed as a threat and should as such be kept out, whilst the passive migrant who is a victim of smugglers should be protected from the dangerous trip at sea. Moreover, the framing of agency-using migrants as threats (or ‘crimmigrants’) discredits and marginalises their narratives, thereby leaving them largely unheard.\footnote{ibid. See also Gramsci, \textit{Prison Notebooks}.} Albeit with distinct rationales, both characterisations thus demand a decline in boat arrivals. Furthermore, they both homogenize boat migrants, thereby largely denying push factors and individual determinants and justifying that boat migrants are sent, without exception, offshore.\footnote{K. Koser, \textit{Responding to Boat Arrivals in Australia: Time for a Reality Check}, Lowy Institute Analysis, 2010, available at: http://apo.org.au/files/Resource/koser_responding_web_0.pdf (last visited 23 Apr 2015); Pickering & Lambert, "Deterrence: Australia's Refugee Policy".}

On the other hand, the discourse analysis provides an insight in how offshore processing can be regarded as a ‘wall of governance’ – or ‘quiet manoeuvring’. Apart from the legal question which countries have duties under international law to process asylum claims and to provide protection,\footnote{On this particular question, see Gammeltoft-Hansen, \textit{Access to Asylum}; M. Den Heijer, \textit{Europe and Extraterritorial Asylum}, PhD thesis, Leiden University, 2011, available at: https://openaccess.leidenuniv.nl/handle/1887/16699 (last visited 23 Apr 2015).} the division and/or diffusion of responsibilities and accountability on a discursive plane does not become fully apparent. Indeed, responsibility is discussed through references to opaque policy constructions.\footnote{See also Van Berlo, "The Crimmigrant as Captive and Commodity".} Boat migrants are held in establishments which are discoursed to be Australian in a plethora of respects: indeed, Australia is discoursed to fund the construction and maintenance of the centres, to plan and manage operational matters and practical arrangements, to tender private contractors, to ensure health care, safety, dignity and respect for detained migrants, to have the power to independently bring detainees from the RPCs to Australia’s mainland for investigative purposes, and to be able to restrict media access to offshore detention centres. In other respects, however, the discourse states that the centres are run by – and that responsibilities are increasingly transferred to – the Nauruan and PNG authorities, and that the arrangements take place subject to Nauruan and PNG law. Responsibility thus seems to be discursively diffused through the language of "partnerships" and "joint committees". Even more so, issues of responsibility and accountability seem to be further diffused through the involvement of yet other actors, primarily private contractors.\footnote{ibid.}

In fact, apart from offshore processing, another tactic of ‘quiet manoeuvring’ can be discerned from the discourse analysis. Indeed, the discursive practice itself is used as an
instance of stonewalling, which has likewise been outlined as a self-standing ‘wall of governance’ by Welch.218 Thus, "[i]n Australia, there is no shortage of complaints that the government has stonewalled the media (and public) by its refusal to divulge complete information on border security and controversies over ‘boat people’".219 As has been analysed above, journalists’ questions have regularly remained unanswered and critical questions can easily be warded off by the Government and the military command of OSB. It is of importance to realize that this is facilitated by the particularities of the discursive practices. Since the policy brief and press conferences are the dominant discursive practices, they provide suitable platforms for the authorities to control which and how discourses are distributed and consumed. They therefore allow for a particular narrative to be expressed, leaving little room for both alternative narratives and critical approaches to be outlined. This stretches further than the stonewalling mechanism as identified by Welch:220 indeed, media – and as such, the public – are not only stonewalled through the withholding of information, but certain narratives also remain, through the choice of discursive practice, significantly underexposed. CDA thus has added value in that it shows how discourse itself has, being embodied through a certain discursive practice, become a form of quiet manoeuvring – not only in what it conveys, but also in what it does not convey and what remains at the margins – or is even left out in its entirety – of the debate.

OSB can thus be characterized as a crimmigration policy making use of both ‘loud panicking’ and ‘quiet manoeuvring’. In fact, both processes seem to be closely related: loud panicking as conveyed through dominant discourse enables the Government to legitimize the use of quiet manoeuvring tactics, whilst such quiet manoeuvring tactics mute alternative narratives and thus leave the dominant discourse’s position unaffected. In sum, ‘quiet manoeuvring’ enables a powerful discursive practice through which ‘loud panicking’ can be distributed and consumed, both resonating with – and having a shaping influence on – the socio-cultural context. As such, the dichotomous analogy of walls as introduced by Welch can be identified and recognized in the various levels of analysis under the CDA approach.221 In addition, it must be acknowledged that both types of walls are much more interwoven than is sometimes suggested: indeed, dominant discursive practices are used as building bricks for ‘walls of noise’ and ‘walls of governance’ at the same time. Simultaneously, ‘walls of noise’ enable ‘walls of governance’ and vice versa.

218 Welch, “The Sonics of Crimmigration”. See also Van Berlo, “Stonewalling Asylum Seekers in the Pacific”.
220 Welch, “The Sonics of Crimmigration”.
221 ibid.
In turn, this raises important questions related to the potential of contemporary protection mechanisms on both the national and international plane. Being surrounded by ‘walls of noise’ and ‘walls of governance’, what possibilities do offshored migrants have to effectuate their rights under international refugee and human rights law? Which mechanisms do international legal instruments offer to ensure the accountability of the actors involved and how should the legitimacy and effectiveness of these instruments be regarded in light of the ongoing criminalization of immigrants? What lessons can in this respect be drawn from other nodal detention practices, for example in the criminal justice realm? Further multidisciplinary research is needed to answer these and related questions, looking at the extent to which legal mechanisms are effective in protecting those who are excluded through and behind ‘walls of noise’ and ‘walls of governance’. If crimmigration is a trend here to stay, we can indeed no longer suffice by pointing out its existence or by analysing how it is constructed. Rather, critical thought must be provided to the question whether, and to what extent, protection mechanisms are congruent with it so as to ensure that those framed as crimmigrant others – notwithstanding what is being thought about the process by which they are framed as such – are provided with access to justice, due process, and the rule of law.

222 See also Van Berlo, "The Crimmigrant as Captive and Commodity".