# **Linking Land and Sea**

# Intersections between Indigenous Peoples' Dispossession and Asylum Seekers' Containment by Australia

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ABSTRACT: Australia's harsh policy response to asylum seekers appears to be an extreme measure for a country that thinks of itself as a liberal democracy. Confining analyses of this regime to refugee law and policy overlooks the ways that Australia's colonial history, Indigenous dispossession, and contemporary race relations interact with one another. This article argues that these historical dynamics are essential to understanding the Australian government's response to asylum seekers in the present day, with asylum-seekers and Indigenous peoples in Australia both being utilized as tools of modern statecraft to shore up the legitimacy of the Australian state. Attention is drawn to parallels between the treatment of both Indigenous peoples and asylum seekers by the Australian government, with the increasingly harsh response to asylum seekers in Australian politics coinciding with the expansion of land rights for Indigenous Australians.

**KEYWORDS:** asylum, coloniality, Indigenous Australia, statecraft, Whiteness

The Australian government's harsh response to asylum seekers arriving by boat is both widely condemned by human rights groups and seen as a successful model by many Western governments seeking to similarly restrict irregular migration to their territories (take, for example, the 2022 UK-Rwanda Asylum Deal). Australia's policy and practice in this area have been on a stable trajectory regardless of the political party in power for the past 20 years, with very few other issues claiming such cross-party consensus. The only exception to this was the Labor government, which in 2008 announced an end to offshore processing, a position from which they quickly backtracked due to both increased boat arrivals and political advantage being granted to the opposition as a result. In practical terms, the Australian government's response to relatively small numbers of asylum seekers arriving by boat1 has been to exclude, detain, discourage, and return them where possible, all under the publicly stated rhetoric of "saving lives at sea" operationalized through two iterations of the "Pacific Solution" (initially 2001-2007 and again from 2012), now officially termed "Operation Sovereign Borders." From 2012, asylum-seeker policy in Australia has involved the reintroduction of offshore processing with centers in Nauru and Manus Island, Papua New Guinea, and the development of an architecture of control and rejection that has resulted in numerous deaths,2 serious mental health issues (Zhuo 2018), and significant damage to Australia's human rights record.3 In the context of Australia's relatively low numbers of asylum-seeker arrivals as compared internationally, the severity of this policy warrants further inquiry.



While many scholars have investigated the expansion of such a regime (see McAdam 2013; Pickering and Lambert 2002), these analyses frequently focus on developments within the confines of refugee and migration law and policy. The omission of a broader context when analyzing asylum policy is not unique to Australia, however, as the field of refugee studies has long faced various criticisms for its ahistorical approach (Kushner and Kushner 2006; Marfleet 2007, 2013). There are several oft-cited justifications for this—including the field's preoccupation with influencing policy outcomes (Bakewell 2002; Black 2006). While some steps have been made to remedy this, the discipline largely continues to lack a systematic engagement with history, and thus continues to reproduce the assumptions that it has been criticized for. There are some notable exceptions, with several key analyses drawing insights from colonial studies and highlighting both the impact of history and the need to understand the associated power dimensions (Chimni 2009; Mayblin 2017; Picozza 2021). These analyses note the extensive impact that colonialism and its underlying logic continue to have on refugee policies around the world.

Building on such work, this article is a response to the lack of historical engagement in refugee studies, as I argue that such analyses fail to systematically connect what is happening in Australia today to the country's particular historical and contemporary contexts. This is alongside the associated call in the Australian context that no policy can be viewed outside of the context of Indigenous dispossession and disenfranchisement (i.e., colonialism) (Behrendt 2003). Australia's relationship to its history of colonization and the treatment of its Aboriginal and Torres Strait Islander (herein referred to as Indigenous) peoples, alongside contemporary race relations in the country, can provide valuable insights into the government's policies toward asylum seekers. Importantly, Australia remains a settler-colonial state—a dual process of the elimination of Indigenous peoples and the imposition of a new colonial society (Wolfe 1999: 388)—where it can be argued that all policies and governance are founded on the continued subjugation of Indigenous peoples. I argue that this colonial history and continuing colonial logic bears heavily on the response of the Australian government in its asylum policy, and that both asylum seekers and Indigenous peoples are used by the Australian state in highly important ways. I highlight that this is because forced migrants and Indigenous peoples vis-à-vis their position to the nation-state (as non-White groups unsettling the claims of mainstream Australia) are both useful tools for statecraft in the context of Australia's colonial history/present/future.

I start from a conceptual point that provides context to and critique of the refugee field's disregard of history: the primacy of space and territory over historical and contextual factors. I then engage with literature that highlights the role of history and power relations in the development of and current functioning of refugee policies, looking particularly at the ongoing role of colonial power. In drawing together literature from refugee studies and Indigenous studies, literature on Whiteness and identity in Australia, and experiential accounts from both asylum seekers and Indigenous peoples in Australia, I present an embedded and contextual analysis of Australia's asylum policies. Through developing a systematic account of the links between coloniality and asylum policy, I highlight that the foundation of the colonial dispossession and ongoing mistreatment of Indigenous peoples in Australia continues to form a key function of Australia's political landscape.

# Reading the Past in the Present

One of the major ways in which the analysis of refugee issues has disregarded (or subverted engagement with) history is through the understanding of space and territory as related to the figure of "the refugee." As a starting point, it is necessary to consider that the concept of the refugee

is inherently tied to territory and space in what has been termed "the territorialisation of modern existence" (Rajaram and Grundy-Warr 2004). The concept of the refugee (meant here in the broad sense of the term, not only the legal category) serves as an important reminder of the significance of territoriality and citizenship by exhibiting what it means to be without. This territorialization is problematic for a range of reasons, but fundamentally because the state itself is a relatively recent construct that relies on and reinforces a particular (and, largely, Western) version of reality (Bakewell 2002: 58). In presenting nation-states as ahistorical and fixed, the nation-state system furthermore disregards any previous alternative way of organizing the world (Soguk 1999: 36).

At a fundamental level, this obscures the constructed and contingent nature of the definitions on which the institution of the refugee relies, including citizenship, nationality, and race, "disregarding how their meaning and significance can only be assessed through historical and contextual analysis" (Novak 2013: 1). In practice, this discourages analysis of the broader dynamics around forced migration, and subsequently obscures the reasons why, and the ways in which, forced migrants are utilized by states. As Liam O'Dowd notes: "To minimise historical analysis is to obscure the arbitrary power and coercion which went into the creation of state borders in the first place, as well as the subsequent processes of post-hoc legitimation, and nation and state formation" (2010: 1031). It is particularly pertinent, though, in terms of the "active forgetting" of history around the conflicts that produce and instigate forced migration. In the process of international migration, the relationships between space, territory, and the sovereign state are reinscribed, and, as such, migration processes are "fundamentally concerned with spatiality and with the exercise of power through spatial practices" (Klein-Beekman 1996: 441).

A temporal understanding thus evokes an appreciation of politics and statecraft, essential elements in both the conceptualization and lived realities of forced migration. By appreciating the influence of global forces and politics, we can explore further the role that forced migrants play in reinforcing the nation-state and system.

## Colonial Logic in Refugee Policies

Interrogations of commonly held assumptions about refugee policies through highlighting underlying colonial forces and racial dynamics has been taken up by multiple scholars in recent years (see Achiume 2021; Gutiérrez Rodríguez 2018; Lemberg-Pedersen 2019; Picozza 2021). Lucy Mayblin (2017) provides a critique of mainstream refugee studies' failure to connect contemporary issues to their historical and broader contexts, highlighting how this failure serves to reproduce several "myths" of the modern refugee regime.4 She argues that an understanding of the functioning of colonial logic (coloniality) can provide a deeper and more robust explanation of hostility toward asylum seekers than simply framing it as consisting of issues of racism. This is particularly the case when refugee and migration policies of Western states are "articulated in carefully deracialised terms" (Mayblin 2017: 33). The foundation of this colonial logic is the hierarchical ordering of the world's peoples. Such a hierarchy is underwritten by categorizing modern and non-modern parts of the world that map onto the distinction between colonial powers and colonies, respectively. This hierarchy is maintained today through "the legacies of the justificatory discourses of colonialism" (Mayblin 2017: 33) and is both far-reaching and resistant to change (Picozza 2021: 6).

A significant contribution of these recent analyses to the debate, which is supported by insights from Third World Approaches to International Law (TWAIL) more generally (see Chimni 2006; King and Smith 2005), is the reframing of international refugee law by highlighting the bias and power dynamics involved in the negotiations around the 1951 Refugee Convention (Krause 2021; Mayblin 2017). As B. S. Chimni argues of international law generally, "[it]

is playing a crucial role in helping legitimize and sustain the unequal structures and processes that manifest themselves in the growing north-south divide" (2006: 3). With this framing, one is encouraged to situate the field of refugee law and policy in the broader context of colonialism and development over the past few centuries. This also provides a critique of refugee studies' tendency to think of the 1951 Convention as the starting point of refugee politics, which disconnects it from many forced migration and refugee movements of the past, such as the colonial slave trade and other space-based measures of control (see Lemberg-Pedersen 2019), as well as the colonial politics that underwrite refugee law and policy.

As such, coloniality continues to be an important though largely unrecognized driving force in international law generally, and refugee policies (as one of the major meeting points of colonial power) in particular. As Walter Mignolo, a key voice in colonial studies, writes with Madina Tlostanova, "[c]onceptually, coloniality is the hidden side of modernity. By writing modernity/ coloniality we mean that coloniality is constitutive of modernity, and that there is no modernity without coloniality" (2009: 130). This highlights both the historical and ongoing links built from colonialism that continue to impact the international realm today with practical consequences for individuals. As applied to the refugee context, Mayblin notes: "The coloniality/modernity dialectic explains the impasse between the theoretical rights-bearing human and the lived reality of the 'other' who struggles to access the right to asylum". (2017: 39). Florenza Picozza (2021) further highlights how the asylum and refugee protection system today is a system of broader governance grounded in colonial politics, which is reflected both in how refugees are produced and responded to.

This colonial logic is both evident and noteworthy in the case of Australia. Australia's colonialism is an ever-present but rarely acknowledged feature of life in the country as it continues to operate as a settler-colonial state. As such, colonialism in Australia should not be understood as an event that occurred some centuries ago, but as an imposition of structures and governance that continues to impact all laws and customs within the country (Wolfe 1999). This is evident both through the historical events of frontier wars and the dispossession of Indigenous peoples, and the ongoing systematic and radical reorganizing of their lives and the limits to their self-determination/autonomy. Insights from TWAIL are relevant here, as they highlight the Western (often White) bias and power in seemingly neutral laws and policies—insights that have been applied to refugee policy and that can be further applied to asylum (and many other aspects of) policy in Australia.

The Australian state continues to be both informed and unsettled by its colonial past. An appreciation of colonialism and its contemporary forms can elicit how asylum seekers, and, in Australia's case, Indigenous peoples, are utilized by the state to uphold power and institutions based on colonial logic. It also provides some insight into the increasing severity by which this is enacted in the face of growing challenges from Indigenous peoples to the legitimacy of the Australian state. By understanding the role that colonial logic continues to play on the international stage through forums such as the 1951 Refugee Convention and asylum policies, we can equally gain insight into how such logic permeates law-making and government policies in the Australian context for asylum seekers and Indigenous peoples alike.

# **Embedding Australia's Response to Asylum Seekers**

# Drawing Links between the Land and Sea: Indigenous Peoples' Dispossession and Asylum Seekers' Containment

Australia maintains some of the harshest asylum policies in the Western world, despite it having a generous refugee resettlement program where refugees are resettled from camps based on

specific criteria. Through utilizing the rhetoric of "queue-jumpers," framing onshore arrivals as somehow cheating the system of international protection, Australia currently operates a (dwindling) system of offshore processing that denies asylum seekers the possibility of ever settling in Australia. This is alongside a significant detention regime for those who arrived prior to the (re-)introduction of offshore processing or who have since been transferred to Australia for medical care. Notably, this system of offshore processing is only made possible through Australia's ongoing colonial power in the South Pacific region, with asylum seekers positioned as the new commodity in a history of extractive industries based on unequal power relations with colonial lineages (Morris 2019).

In addition to offshore processing and detention, current government policies employ several tactics, such as interceptions and pushbacks at sea, which raise significant *non-refoulement* concerns and are largely hidden from the public domain (McAdam 2013). The public debate in Australia around asylum seekers is intentionally directed away from the complex and interconnected nature of world events and politics through politicians strategically employing language usually associated with the military, crime, and logistics (McMaster 2002). Asylum seekers arriving on Australian shores are framed instead as a matter of domestic concern, affecting all Australians through the government's "capacity to represent a threat to the state as a threat to an Australian way of life" (Rajaram 2007: 266). As is explored below, this is achieved by invoking the "other" in order to cohere and strengthen the national community. More broadly, by intentionally framing asylum seekers in particular ways the Australian government defines the space available for responding to these issues, a space that does not allow linking contemporary issues to their historical context.

The differential treatment of asylum seekers arriving by boat and by plane in Australia highlights both the constructed nature of the "threat" posed by irregular migration and the uncomfortable space that boat arrivals have in Australia's history and national psyche. This difference in reception and processing is both stark and illuminating. While rarely discussed in the public debate, asylum seekers arriving in Australia by plane have historically been much more numerous<sup>5</sup> and, on average, less likely to be granted refugee status; 6 however, such arrivals are not subject to many of the draconian measures (offshore processing and mandatory detention) directed toward asylum seekers arriving by boat. This exemplifies the particularity of boat arrivals in threatening and unsettling the Australian state, and thus the bearing of history on contemporary issues. As Ben Doherty notes:

Australia's history, if it is nothing else, is a history of people turning up on boats. More than any other, arriving unannounced on a boat is the act that has defined Australia, shaped the country's character, and directed its development. Australia is, fundamentally, a nation of boat people. (Doherty 2015: 16)

While obviously written from the perspective of White Australia, this suggests that the particular mode of arrival by sea stirs something that has been both planted and watered deep in the Australian national psyche: a nervousness about the frailty of the Australian state reflected in fears of invasion by sea and directed now toward asylum seekers (McMaster 2002). It also points to the preoccupation with its border that Australia, an island state, has in its national politics. Such a preoccupation and the emotional response it elicits could also be understood as deriving from Australia's colonial past. Drawing on Frantz Fanon's insights in *Black Skin, White Masks*, which employ the use of psychoanalysis to better understand colonial and racial dynamics, features such as phobias and paranoia are found to emerge in response to subjective insecurities (1986: 154–155). Such anxieties can be understood as what Ghassan Hage terms "paranoid nationalism," which is "where 'worrying' becomes the dominant mode of expressing one's attachment to the nation" (2003a: 47). In Australia, such paranoia is not new, as in

response to Vietnamese boat arrivals in the 1970s the media explicitly made references to "an invasion," "flood," and "yellow peril" (Viviani 1984: 79). Such anxiety can be further linked to the colonial occupation of Australia, and to the state's response to Indigenous claims-making, as explored below. As such, to fully understand the dynamics of the national debate and policies in response to asylum seekers in Australia, it is necessary to consider both the historical and current dynamics of the Australian context. As Suvendrini Perera notes, speaking of the post-*Tampa* context, 7 though equally relevant today, "the phobias and hatreds that have emerged in Australian public life . . . open the door to a much older storehouse of images, narratives and representations" (2002: 23).

In Australia, asylum seekers arriving by boat draw links between the initial colonial occupation and the dispossession of Indigenous peoples, and highlight the violence that goes into "making place, and making people fit into that place" (Rajaram 2003: 293). The violence of "making place" has a distinct resonance in Australia's colonial history. Indigenous peoples in Australia have been subjected to a range of measures to kill, remove, control, or assimilate them since the European "settlement" of Australia in 1788. Between this initial encounter with Europeans and 1900, it is estimated that up to 90 percent of the Indigenous population was decimated through a combination of direct conflict and massacres (known as the "frontier wars") and intentionally introduced diseases (particularly smallpox). Strikingly, the mass killing of Indigenous peoples continued until as late as 1926 without legal repercussions (Allam and Evershed 2019). Aside from such direct conflict, Indigenous populations were subject—from the mid-1800s to the 1930s—to forced removal from their land to reserves or missions, separation from their children (particularly if mixed-race) through what is known as the "Stolen Generation," and later—from the 1930s to the late 1900s—to policies of forced assimilation that denied their cultural heritage and identity. These varied phases of policy show the deepening of colonial logic in the Australian state as the colonial power expanded.

The nature and extent of Indigenous dispossession and genocide in Australia is rarely acknowledged, and a comprehensive version of history is still not taught in schools and rarely discussed in public forums (Clark 2010). This creates a context in which a majority of non-Indigenous Australians are either ignorant of or inherently threatened by previous acts of dispossession. A lack of honest and open dialogue leaves the Australian state unsettled by this dynamic and in a condition of time-limited denial as information and awareness slowly grows. Many are working hard to increase knowledge of Australia's colonial history, with Indigenous author and academic Tony Birch aptly stating:

Australia imagines itself as a liberal democracy, founded on mutual struggle. In order to uphold this the Australian nation has attempted to ensure that the history of the treatment of Aboriginal people not stand in the way of this stock legend. So we wage a struggle, a history war, to ensure that the history of colonisation and dispossession is no longer relegated to the status of out-of-sight out-of-mind, as it was in the past. (Birch 2001: 17)

The British colonization of Australia was justified through the principle of *terra nullius*, the claim that Indigenous groups did not have structured ownership of land and thus that it was "empty" land and available for the taking. In practice, it was the "mechanism by which [the colonizers] could occupy the country without reference to the rights of the Indigenous inhabitants" (Foley 1997). This claim has since been refuted in various forums, such as a detailed mapping of the Indigenous nations present prior to colonization (AIATSIS n.d.) and accounts that build a picture of precolonial Aboriginal agriculture from the journal records of early colonizers (see Pascoe 2018; Pettit 2015). While the "legal myth" of *terra nullius* was officially overturned in the Mabo court ruling of 1992,8 it has continued relevance for Indigenous–settler relations in

Australia and has been important in influencing Australian nationalism and identity (Moran 2002).

Importantly, unlike other settler-colonial states, such as the United States, Canada, or New Zealand, Australia has no treaty and thus sovereignty was never ceded (Perera 2007). Moreover, dynamics of discrimination against Indigenous Australians are not relegated to history, as Indigenous dispossession and control continues in a number of ways, though perhaps more covertly than before (Birch 2001). Furthermore, the Australian government continues to disregard Indigenous claims-making, particularly around sovereignty and self-determination. This is evident in legislative action that erodes autonomy, such as the dismantling of the national Indigenous representative body Aboriginal and Torres Strait Islander Commission in 2005. Furthermore, the Northern Territory Emergency Response (2007-2012) and the ongoing Stronger Futures legislation (2012-present) impose on Indigenous communities a range of restrictions widely criticized as paternalistic and invasive. At a symbolic level, this is also expressed in the (pre-May 2022) government's dismissal of the Uluru Statement from the Heart (2017), a statement from 250 Indigenous leaders calling for constitutional reform and structural change. This history of Indigenous dispossession and continued lack of recognition of Indigenous sovereignty within the Australian political sphere unsettles the Australian state. In continuing to ignore Indigenous claims-making and failing to address Indigenous dispossession, except through limited Native Title rights won since the historic Mabo ruling, the Australian government maintains this sense of insecurity.

The history of colonialism in Australia and the government's current treatment of asylum seekers are perhaps most obviously linked through the methods of control and containment employed by the Australian state toward asylum seekers arriving by boat. Modern-day detention centers, both onshore and offshore, are reminiscent of the internment camps and other space-based techniques of control utilized during the colonial occupation of Australia, which continued well into the twentieth century (Farrier 2011). The functioning of these practices varied between states, but in common was the forced movement and separation of Indigenous peoples with the aim of erasing their cultural identity (Nethery 2009: 74). As such, the mandatory and indefinite detention of asylum seekers today draws clear parallels to these past practices. But these physical manifestations of government policy are also based on a conceptual link between Indigenous peoples and asylum seekers in modern-day Australia, highlighting the colonial logic that continues to inform state practice and policy. Asylum seekers, particularly those arriving by boat, bring Australia face-to-face with its contradictions and hastily buried history, and ignite the political dynamics currently in play (Tascón 2002: 7). As the following sections will explore, this history continues to inform much of Australia's politics.

#### Internal and External Enemies

Despite the significant cost and political challenge that asylum seekers pose to the Australian state, they remain highly valuable as a tool of statecraft. In the Australian government's denial of their rights, asylum seekers exhibit the significance of territory and citizenship, and add significance and strength to the national community. In this way, asylum seekers and Indigenous peoples in Australia are further connected as, in many senses, the way that the Australian state conceptualizes Indigenous peoples and asylum seekers is similar: both represent a form of "enemy" to the (White) Australian identity and way of life, and both are positioned by the Australian government as an "other" to be managed and controlled in relation to mainstream Australia (Elder et al. 2004). As such, both groups can be seen to pose a threat to Australian sovereignty—Indigenous peoples through their legitimate claims to sovereignty and in

highlighting the illegitimacy of the Australian state, and asylum seekers through their mode of arrival, highlighting the arbitrariness of borders and national belonging, and the contradictions of Australia's own history. Thus, Indigenous peoples are often positioned as an "internal enemy" (Watson 2007: 19) and asylum seekers as an "external enemy" of mainstream Australia.

Central to the positioning of Indigenous Australians as an "internal enemy" is the matter of land rights and White Australia's anxiety about their untenable control and ownership of the land. The Mabo ruling of 1992 overturned the *terra nullius* myth on which Australia's settlement was founded by recognizing prior ownership of the land by Indigenous peoples (Moran 2002). In the wake of the legislating of the Native Title Act (1993), there have been numerous successful Native Title claims around Australia, despite these requiring Indigenous peoples to "show continuity" in a context where they were often forcibly removed from the land during various eras of colonial rule (Moreton-Robinson 2007). The Mabo decision, while an important step for Indigenous recognition in Australia, has therefore been disappointing for many Indigenous peoples who are unable to prove such continuity. Aboriginal activist and academic Gary Foley notes that, alongside its limited scope, in practice the ruling had the effect of depoliticizing the land rights struggle through "shift(ing) the focus from the political battlefield to the legal battlefield," and resting on "a type of land title defined by the inheritors of colonial power" (1997: 2).

While the land rights afforded by the Native Title Act (1993) are extremely limited and provide little tangible benefit to Indigenous peoples (Sutton 2001), the entire context of Native Title can be seen to have unsettled the colonial state, which consistently positions Indigenous peoples and their well-being as separate and even contrary to the well-being of mainstream Australia (Ravenscroft 2004). Aileen Moreton-Robinson notes that "Native title is positioned as adverse to the nation's interests inasmuch as it is separated from the nation, which is perceived to be a white possession" (2007: 98). This is significant, as it highlights the processes of "othering" that Indigenous peoples are constantly subjected to by the dominant forces in Australia. As Irene Watson aptly notes that "we need to move beyond the conversation of the Aboriginal problem to a discourse on the problem of colonisation" (2007: 284), a space and conversation that mainstream Australia has not yet broached. As Birch notes, the continued dispossession of Indigenous Australians occurs on both a practical and conceptual level. He states that:

regardless of any real of rhetorical threat posed by the post-Mabo native title arrangements it was, and is, vital that Aboriginal people be disenfranchised and devalued at a more immediate level of social value for many in the country to remain psychologically, if not legally, within the secure space offered by *terra nullius*. (Birch 2001: 19)

Despite legal advancements and political rhetoric, Indigenous peoples in Australia continue to be subject to systematic forms of economic, political, and cultural violence. This is reflected in Indigenous incarceration and suicide rates, as well as in the stark difference in life expectancy and health outcomes as compared to non-Indigenous Australians. Furthermore, efforts to account for (past and present) injustices and remedy the situation often run hollow; take, for example, policies around Reconciliation, which often place the burden on Indigenous peoples (Palmer and Pocock 2020), and Royal Commissions (such as that into Aboriginal deaths in custody), which fail to have many of their recommendations implemented (Anthony et al. 2021).

In Australia, the contested nature of Native Title and, more generally, White Australia's anxiety about Aboriginal land rights and dispossession can be seen as reflected in the furore with which the securitization of the borders is engaged, particularly in response to asylum seekers arriving by boat. Asylum seekers are regularly and overtly positioned as an "external enemy" to Australia, which is evident in the militaristic responses, the semantic references to war, and the explicit links made by politicians between asylum seekers, terrorism, and crime (McMaster

2002: 280). The costs (both financial and social) of this border obsession are great, hough they are promoted as necessary by both those in power and a significant portion of the Australian public. This is of course aided by the fact that the securitization of borders and of migration more generally is a trend common throughout (particularly) the Western world. Australia, however, seems to import the debates and responses (while upscaling them) from the European context, yet with only a fraction of the numbers of migrants attempting to reach its shores.

In today's context of the instrumentalization of migration, borders have regained significance in exhibiting the strength of a nation and in defining who is "inside" and "outside" of the national sphere. Australia continues to utilize processes of bordering and the binaries that this entails to "cohere" its national space, a process that needs to be understood within its broader context of Indigenous–settler and race relations. Within such a context, asylum seekers provide the Australian government with a politically easy opportunity to provide a show of strength and unity to the Australian nation in defining who is included in the national space. As such, "[r]efugee bodies are thus instrumentalised: they become usable in the greater project of cohering Australia" (Rajaram 2003: 301). Importantly, processes of bordering do not end at the border and instead permeate throughout policies directed at asylum seekers, as "borders in camouflage proliferate in their lives" (Soguk 2017: 283). This can be seen, for example, in the striking legislation that prohibited government and medical staff from speaking out about conditions in off-shore detention centers, particularly around issues of negligence and child abuse (Farrell 2015).

This overt focus on security is arguably used as a method to bring together the mainstream Australian public, and have it become united against an external enemy. This "paranoid nationalism," as noted above, is based on commonality through worrying and manifests itself as a "nationalism obsessed with border politics" (Hage 2003a: 47). In fact, and as Hage notes, "no other society has ideologically legitimised, even institutionalised, the culture of worrying to the extent that the conservative government of [Australia] has" (2003b: 2). In this way, the securitization of migration is linked to the positioning of Indigenous peoples as an "internal enemy" and the ongoing dynamics of dispossession, both historical and contemporary. As Moreton-Robinson emphasizes: "[Prime Minister] Howard fed the fear attached to Australia's anxiety about dispossession, a fear which is embedded in the nation's denial of the continuing existence of Indigenous sovereignty" (2007: 97).

## Whiteness and Colonial Logic

Understanding the reactions from both politicians and the general public to asylum seekers in Australia and considering the links between asylum seekers and Indigenous peoples necessitates a discussion of how race and Whiteness operate in Australia. Whiteness can be understood as an enactment of colonial logic and is concerned with the ability to appear universal while simultaneously relegating non-White bodies to lower status in comparison (Elder et al. 2004: 209). Whiteness in Australia has both implied and explicit power, and infiltrates political, legal and social spheres. Between its federation in 1901 and the mid-1970s, Australia maintained an overtly race-based and exclusionary immigration policy aptly named the "White Australia Policy," which was developed in response to the (White) public's fears about rising Asian immigration. Such a policy, its assumptions, and its effects have continued to resonate in the Australian community (Anderson and Taylor 2005). What it has cemented and legitimated is the notion of White supremacy and the positioning of the White majority in Australia as the national "hosts" and thus able to claim "ownership" of the country (Hage 2012: 18)—an ownership only made possible through the continued dispossession of Indigenous peoples. This "ownership" pervades all aspects of modern Australian life, for example in relation to the place names of cities and

landmarks, as "[t]he persistent presence of English names continues to convey a sense of Anglocentric whiteness's divine right and entitlement to Australia" (Moreton-Robinson 2007: 86).

However, the dominance of White supremacy needs to be continually maintained in the face of increasing challenges (Elder et al. 2004). This is one of the areas in which both Indigenous peoples and asylum seekers are of use to the Australian state, to "cohere" mainstream Australia and reinforce a national identity. In the same way that the treatment, containment, and control of Indigenous peoples in Australia in the nineteenth century worked to "delineate who was included in the nation and who was not" (Nethery 2009: 75), asylum seekers, their politics, and their bodies are co-opted today by the Australian state to affirm national identity and belonging.

Furthermore, even in the new era of Australian multiculturalism these assumptions and hierarchies remain unchanged—as exemplified in Hage's 2012 notion of a "White nation fantasy." He describes this as an understanding of the nation as a "space structured around a White culture, where Aboriginal people and non-White 'ethnics' are merely national objects to be moved or removed according to a White national will" (2012: 18). This is particularly evident in the way that groups of non-White people are compartmentalized and managed as separate, meaning that the links and similarities between them are often missed, while the overall space for attention to these issues is narrowed (Elder et al. 2004). This was evident in the shifting of the public's interest from Indigenous reconciliation to asylum-seeker issues in the early 2000s (Elder et al. 2004: 217). This compartmentalization works to obscure the connection of historical processes and dynamics to contemporary issues. It is also an example of colonial logic in action, reinforcing White supremacy through processes of statecraft.

### Subversions, Rearticulations, Possibilities

Importantly, while the dominant political discourse does not explicitly make links between Indigenous and asylum seeker politics in Australia, many links and connections are made by individuals and groups on the ground. This can be seen in the statements and actions of Indigenous leaders who have expressed discontent with the Australian government's response to asylum seekers. Positioning themselves as the rightful and traditional owners of the land, they have offered their support to asylum seekers. For example, Wadjularbinna, a Gungalidda Elder, states:

The refugees were coming here, to OUR country, which we as Aboriginal people have a spiritual connection to. Our culture teaches us that we are all connected, to the land and to everybody else. (Nulyarimma 2002)

Or, more recently, from Rev. Rronang Garrawurra:

We are the first people, and as first people, it upsets me that we haven't been asked for our input on any of this...[People seeking refuge] should be given their freedom, they should be welcomed here. (Kasynathan 2017)

These statements firmly position Indigenous peoples in the context of their custodianship of the land, and subvert the discourse that only the Australian government should have jurisdiction over how asylum seekers are treated in Australia. Furthermore, and in resistance to the government's defensive stance, many such assertions also focus on the responsibilities that ownership of land should bring (Rajaram 2003: 292). As a further example of such an assertion, following the Tampa incident of 2001,<sup>10</sup> the Aboriginal Tent Embassy in Canberra<sup>11</sup> offered visas to the asylum seekers, a move that was completely ignored by the Australian government and mainstream media. Catriona Elder and colleagues situate this non-response as falling outside of what the Australian government was prepared to conceptualize as reality (2004: 218). However, it

can further be understood as an attempt by Indigenous Australians to rearticulate sovereignty in Australia by highlighting the questionable legitimacy of the Australian government in determining who is and who is not to be welcomed to the country. There are ongoing examples of Indigenous–migrant solidarities, such as the Aboriginal Passport Ceremonies conducted by Indigenous leader Uncle Ray Jackson whereby Aboriginal passports were issued to asylum seekers and refugees present at the ceremony, and also to those asylum seekers who were at the time held (or had died) in Australia's detention centers (Pugliese 2015).

Similarly, asylum seekers subjected to Australia's policies have also been finding ways to voice their opposition to the situation, particularly those who were held in offshore processing on Manus Island or Nauru. Despite the enforced separation and isolation designed into offshore processing (including the strict limitations on media access given to the centers over the years), many asylum seekers have continued to share information about their plight. In fact, some of these accounts articulate the relationship between the policies they are subjected to and broader power dynamics within Australian society. Notably, Behrouz Boochani (2018a), who was detained on Manus Island, highlights in his writing the intersection of racism and colonialism that underwrites Australia's asylum policies. He writes:

I frame events in Manus prison through the concept of the kyriarchal system—a web of intersecting oppressions (racism, sexism, colonialism et cetera) that maintains society's dominant hierarchies. (Boochani 2018b)

Importantly, many of the processes of bordering and marginalisation of both Indigenous people and asylum seekers rely on particular representations of these groups. Boochani notes this directly, stating that

Australia has done everything it can to ensure that we're not perceived . . . as professionals, as valuable and insightful contributors to this discourse . . . because they know that if we were seen in this light, things would be different. (Boochani 2018a: 373)

As such, these acts of transgression and of articulating the links between the groups are inherently powerful in unsettling this dominant discourse and highlighting the colonial logic on which it is based.

#### Conclusion

This discussion has sought to exemplify the deeper understanding that can be gained from applying a historical and power-aware lens to the responses of governments to asylum seekers. In moving beyond a strictly territorial lens, it is possible to focus on the power relations, particularly those based on colonial logic, that have been intertwined with the development of refugee law and policy. In the case of Australia, it becomes clear how colonial logic continues to underwrite the actions of the government, and how it provides important context to practices of statecraft that seek to reinforce the status quo. Such practices of statecraft have increased urgency in Australia, where the reality and impact of colonial history is increasingly coming to light. I argue that this is reflected in the severity with which the Australian government treats asylum seekers arriving by boat and in the way that Whiteness continues to be centered by the state. Indigenous claims-making inherently threatens the Australian state, because the state positions Indigenous interests in opposition to those of mainstream society. In such actions, the Australian state inadvertently highlights that its ideologies and actions continue to be based on colonial logic, a logic that is similarly applied to asylum seekers. As Sonia Tascón writes:

"Aboriginal peoples of this country have felt its [the coloniality of power] full impact most consistently and enduringly. They are the original colonised subjects of this nation. Onshore refugees have become the most recent" (2002: 240).

This analysis posits that this intersection between asylum seekers and Indigenous peoples in Australia can provide important insights into the severity of the Australian government's treatment of asylum seekers. In doing so, it suggests two related points. The first point is that policies in Australia need to be considered in light of the colonial context of the country. To analyze Australia's policies toward asylum seekers as separate from those toward Indigenous peoples obscures the impact that colonialism continues to have in Australia and the extent to which colonial logic continues to inform the functioning of the state. To disregard such dynamics further conceals the power and politics inherent in refugee law and policies more generally. As such, the second point is that asylum seeker policy in any given country should be systemically situated within its broader context and seen as being connected to historical and contemporary issues.

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#### NOTES

- 1. The numbers of "unauthorized maritime arrivals" peaked at around 20,000 in 2013 (Parliament of Australia 2015).
- Twelve people have died between 2013 and 2018 while held by Australia in offshore processing centers.
- 3. The United Nations High Commissioner for Refugees (UNHCR) has called for the immediate evacuation of all held in offshore detention, and the centers were called an "affront to humanity" by UN Human Rights Chief Michelle Bachelet in her 2018 maiden speech (Coffrini 2018).
- 4. Such as the "myth of difference" coined by Chimni, an incorrectly held assumption (repeated by many scholars of refugee studies) that the numbers and nature of the "refugee" has changed greatly from the time of the founding of the Refugee Convention to contemporary times.
- 5. Even during the peak in boat arrivals in 2012, those seeking asylum by boat represented only half of the numbers of onshore applications for asylum (Parliament of Australia 2015).

- 6. Grant rates for those arriving by boat have consistently been over 88 percent compared to a 40–50 percent grant rate for those seeking asylum by plane (Refugee Council of Australia n.d.).
- 7. The Tampa incident refers to a political stand-off where Australia refused to let a Norwegian vessel that had rescued a group of asylum seekers land on Australian territory. Unfolding at the same time as the events of 9/11, it represented a direct and explicit linking of fears of the Australian public to the "threat" of terrorism with unauthorized migration.
- 8. Mabo and Others v. Queensland (No. 2) [1992] HCA 23; (1992) 175 CLR 1 F.C. 92/014 (3 June 1992).
- 9. Costs in 2016–2017 were AUD4 billion for offshore processing, onshore detention centers, and other border enforcement measures (Karp 2018).
- 10. See note 7.
- 11. The Aboriginal Tent Embassy sits on the lawns opposite the Parliament House of Australia. Set up by Indigenous activists in 1972, it continues to be a central point for activism around Indigenous sovereignty and self-determination.

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