



The Securitization of Australian Migration during the Prime Minister Malcolm Turnbull's Presidency

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Abstract

Humanitarian aspects on the issue of migration were re-introduced during the reign of Prime Minister Malcolm Turnbull through the regional instrument of Bali Declaration. Although Australia has long ratified the 1951 UN Convention relating to the status of refugees, some of Australia's political efforts have previously been contrary to the principles of the convention. Therefore, this research intends to describe the process that forms political efforts during the reign of Prime Minister Malcolm Turnbull and to determine the factors that shape the dynamics of perception regarding the issue of migration in Australia. To analyze the process, this research uses the concept of securitization with qualitative method and descriptive research by using literature review in data collection. The results show that during the reign of Prime Minister Malcolm Turnbull the issue of migration was framed as a security issue by considering the balance between border protection and fulfillment of international obligations.

Keywords: Migration, Australia, Securitization, Malcolm Turnbull, Border Protection

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INTRODUCTION

The Bali Process regional instrument was developed during the administration of Australian Prime Minister Malcolm Turnbull. The development of the Bali Process was marked by the formation of a guideline called the Bali Declaration. In the Bali Declaration, the protection of humanitarian migration was reintroduced and the principle of non-refoulement was strictly adhered to, with the determination that the refugee crisis in the Andaman Sea and Malacca Strait in 2015 should not happen again (Anugerah 2016). In fact, during the previous government, under the leadership of Prime Minister Tony Abbott, the principle of non-refoulement¹ was contradicted by the Operation Sovereign Border (OSB) policy. In this operation, migrants who arrived by boat without legal documents were considered Illegal Maritime Arrivals (IMAs), without exception, who were then expelled and returned to free waters.

Operation Sovereign Border (OSB) continued under the government of Prime Minister Malcolm Turnbull. It was later stated by Peter Dutton (2018), as Minister for Immigration and Border Protection at the time, that OSB remained in place to protect vulnerable people exploited by people smugglers, prevent loss of life at sea, and restore the integrity of Australia's borders. The restoration of Australia's policy was also stated to have helped the government to make a strong contribution to assisting refugees and asylum seekers through humanitarian programs while maintaining Australia's national security.

As one of the destination countries for asylum seekers, migration issues are not a new issue in Australia. The increasing number of migrants over time creates two objectives for Australia to achieve. On the one hand, Australia has an international obligation to protect asylum seekers as it has ratified the 1951 UN Convention since 1954. But on the other hand, Australia also seeks to maintain the integrity of its borders. This condition has been responded to differently in different periods of prime ministerial leadership. Although the ongoing response has some similarities, there are still different innovations related to one of the issues of public concern. So this research intends to find out what factors shape the dynamics of perceptions of migration issues in Australia and describe the process of forming political efforts during the reign of Prime Minister Malcolm Turnbull.

¹ The principle stated in the 1951 UN Convention, that no state shall expel or return by any means a refugee to the frontiers of a territory where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion (UNHCR 1977).

In this research, the author uses the constructivism master theory with the argument that the international system is a common understanding composed by a series of ideas, frameworks, norms, which have been compiled by certain people in certain times and places, not material forces (Jackson and Sorensen 2013). Constructivists also believe that the domestic environment has an influence and answers how international norms have different effects in different countries (Jackson and Sorensen 2013). Meanwhile, to see the construction process of the migration issue into a security issue in Australia, the author uses the concept of securitization from Barry Buzan (1983). According to Buzan (1983), problems are constructed into security issues using speech acts, and then create ideas on how the problem should be handled. Restrictive policies towards asylum seekers are the result of securitization (Watson 2009). In this case, policy makers can justify emergency measures that violate the rules. Furthermore, using the concept in Dolnic (2010) the securitization process can be simplified so that it consists of four basic elements, namely: 1. The securitization actor 2. The referent object 3. The functional actors and 4. The audience.

Australian Government's Response to Migration Issues

Since 2001, the Australian Government has adopted various border protection and human smuggling prevention measures. In simple terms, these developments fall into several key categories, namely offshore processing and resettlement; boat returns; regional cooperation, border protection and anti-smuggling; and humanitarian programs. Based on the official statement of Peter Dutton (2015), the then Minister for Immigration and Border Protection, it is said that under the leadership of Prime Minister Malcolm Turnbull, these policies are still in operation.

Dutton (2015) goes on to explain the development of policies related to the first category, namely offshore processing and resettlement. The difference lies in the change of the regional processing center model in Nauru to an open model, the controversial closure of seventeen onshore immigration detention facilities, and the third country resettlement agreement with the United States.

The second policy category is ship returns. Information disclosure regarding the execution of this policy began during the reign of Prime Minister Malcolm Turnbull. It was confirmed by Prime Minister Malcolm Turnbull (Parliament of Australia 2016) that there were a total of 28 boats carrying 734 passengers that had been returned since the operation began in December 2013.

The third policy category is regional cooperation, border protection and anti-human smuggling. Australia has allocated significant funding for border protection, regional cooperation and anti-human smuggling actions in its territory over the years (Phillips 2017). It was further noted in the 2015-16 report that there was a budget of AUD 1.3 million to continue programs through the Bali Process related to the implementation of the Regional Cooperation Framework (RCF) (Barker 2015). Implementing the RCF allows Bali Process countries to implement practical regulations aimed at improving the region's response to irregular migration. These include consistent processing of asylum claims, long-term solutions for refugees, sustainable returns for those without protection and targeting people-smuggling enterprises (baliprocess.net 2019). The Bali Process has also been developed with the Bali Declaration. The Bali Declaration (baliprocess.net 2019) states that consistency with relevant international legal instruments is required in all cases without exception. This includes the provision of protection for those who have rights and respect for the principle of non-refoulement. Furthermore, funding is also allocated for the deployment of the Australian Border Force in Indonesia, Malaysia and Sri Lanka, so that there is good coordination regarding efforts to prevent human smuggling.

The next policy category is related to humanitarian programs. Prime Minister Malcolm Turnbull attended the United Nations Summit for Refugees and Migrants which was organized with the aim of respecting the human rights of asylum seekers, supporting countries that welcome them, and enhancing the global responsibility of refugees. The Summit is also expected to strengthen the capacity of the international community to respond to mass movements of refugees and migrants (refugeesmigrants.un.org 2016). After attending the summit, Australia committed to several important points recorded in the summary document of the United Nations Summit for Refugees and Migrants agreement (unhcr.org 2016). The first point was to make additional financial contributions to the main countries of origin of asylum seekers, such as Jordan, Lebanon and Pakistan. This commitment aims to assist the resettlement or repatriation process to take place as quickly as possible. The second point is that Australia is committed to increasing refugee intake through humanitarian programs. The third point of Australia's commitment is that Australia will dedicate a fixed minimum amount over the next three years to refugees. The fourth point is that Australia will create new pathways for refugees to resettle through the establishment of 1,000 places under the Community Support Program, where communities and businesses can sponsor asylum seekers' applications and support new arrivals, leading to better resettlement outcomes. Finally, Australia committed to participate in the multilateral program led by the United States.

Compared to the previous government, the Malcolm Turnbull government proved to be a quieter year. Labor's opposition to boat returns also softened and they began to recognize the effort as long as it could be done safely (Phillips 2017). Nonetheless, there are still ongoing obstacles to migration, with Prime Minister Malcolm Turnbull's administration largely dominated by criticism of offshore processing policies. The magnitude of the problem posed by the increasing number of asylum seekers globally is a major challenge for all destination countries, including Australia. The latest UNHCR report (2018) noted that there is an annual increase in the number of forced displacements, and by the end of 2017, 68.5 million people of concern were forcibly displaced around the world as a result of persecution, conflict or generalized violence in their home countries. In Australia alone, the last three years prior to the introduction of migration securitization, from 1999-2001, saw a sharp spike in arrivals of asylum seekers using maritime routes. The majority of refugees and asylum seekers who came to Australia were from Asian and Middle Eastern countries such as Myanmar, Sri Lanka, Afghanistan, Iraq and Iran. The motives for asylum seekers to come and be granted asylum in Australia are due to push factors from the country of origin and pull factors from the country of destination. Push factors occur from many countries with repressive governments and policies, where conditions in the country of origin threaten the survival of asylum seekers. While the pull factor from Australia raises the desire of asylum seekers to go to Australia to get a guarantee of safety and a better life welfare. Australia has the attraction of economic success, social welfare, and political stability (worldsavvy.org 2013). Furthermore, Australia has been a party to the 1951 Geneva Convention Relating to the Status of Refugees since 1954, which means Australia must uphold the principles set out in the convention, and has a responsibility to fulfill the basic rights and provide appropriate protection to refugees.

Australia initially responded to the movement of asylum seekers with sympathy and opened its borders widely. In addition to Australia's international responsibility, the high productivity of asylum seekers was expected to have a positive impact as a force to build Australia. However, as noted in Phillips (2017), after 2001, the Australian Government began to adopt various border protection measures in order to prevent human smuggling in response to the surge in the flow of asylum seekers. This change in attitude is believed to be a form of assumption that irregular migration poses social, economic and security problems for Australia. The Australian public sphere focused on the issue of rising unemployment and the notion that asylum seekers were jumping the immigration queue where they could exclude refugees

who had gone through the official arrival channels and were more deserving of a place (Betts 2001). According to Betts (2001), as the number of asylum seekers arriving by boat increased, asylum seekers were perceived as invading and some parties increasingly rejected the preferential treatment given to asylum seekers. It is feared that this treatment could be abused by criminal elements who could take advantage of the asylum seekers' condition. Australia did not want to be perceived as losing control over its migrant selection (Betts 2001). Since then there has been a negative perception that asylum seekers arriving by boat are synonymous with crime.

Illegal migration facilitated by transnational crime syndicates has the potential to lead to crimes such as human smuggling, identity forgery, drug trafficking, murder, abuse, rioting and terrorism. This is considered a threat because people who enter Australian jurisdiction without going through official arrival channels do not get a full background check. Research by Klocker and Dunn (2003) even suggested that Prime Minister John Howard linked asylum seekers to terrorism by claiming that terrorists might be hiding among asylum seekers who arrived on unauthorized boats. In addition to the social and security impacts mentioned above, the arrival of asylum seekers also has an economic impact and financial burden on the government. Australia has an obligation to provide a special budget and provide allowances and accommodation rent for refugees (Phillips and Spinks 2013). This significant cost is a burden to balance the number of refugees that continues to increase every year. These impacts then encourage the Australian Government to securitize the issue of migration with various political and public policy efforts.

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The Role of Domestic and International Contexts in the Securitization of Australian Migration

The issue of migration has been an issue that entered the political debate in Australia long before the government of Prime Minister Malcolm Turnbull. This can be seen through official documents published by the Australian Government related to migration, especially asylum seekers and refugees since 1976 (Phillips 2017; Phillips and Spinks 2013). Emergency measures to address migration issues are applied by using military instruments regulated in the provisions of the Border Protection Act 2001 (Federal Register of Legislation 2001). Summarized in Phillips (2017), policies in that year included; first, the Australian Defence Force began Operation Relex to intercept unauthorized vessels arriving with asylum seekers; second, Australian islands began to be removed from the migration zone stipulated in the Migration Act Amendment; and third, Australia began to cooperate with third world countries in the South Pacific to build detention centers and offshore processing facilities for asylum seekers called the Pacific Solution. Media and public access to asylum seekers was framed within a security framework. This all happened during the reign of Prime Minister John Howard.

According to Robert Manne (2001), Australia's public culture has been reshaped under John Howard. Manne (2001) further argues that the moral turning point in relation to refugees began in October 1999, when asylum seekers fleeing two of the world's most violent tyrannies -Iraq under Saddam Hussein; Afghanistan under the Taliban, began arriving in large numbers on Australia's north coast, the scale of this displacement coming into the public eye. It was then that the idea of the refugee began to be transformed in the Australian public consciousness from a human being deserving of compassion and protection to a human being deserving of contempt. According to a poll conducted by A. C. Nielsen in Betts (2001), during the reign of Prime Minister John Howard, 77% of Australians rejected the entry of asylum seekers and 74% approved of John Howard's settlement. John Howard's skepticism was accepted by the public. In fact, the Liberal Party received an additional 5% support (Betts 2001), and John Howard won another election in 2004.

The end of eleven years of John Howard's hard policy dominance began when the election victory in 2007 was held by the Labor Party led by Prime Minister Kevin Rudd. In Prabaningtyas (2015) it is explained that Prime Minister Kevin Rudd has tried to maintain an approach that prioritizes aspects of humanity, justice and integrity as the basis for policies to deal with asylum seekers. However, with the surge in the number of asylum seekers arriving in 2010 and under the pressure and encouragement of some media and opposition parties, Kevin Rudd's policy began to shift towards a more restrictive policy. Then, there was a dynamic transition of government that greatly influenced the construction of migration issues related to asylum seekers. The Australian government transitioned from the Labor party's rule led by Julia Gillard (June 2010-June 2013) and Kevin Rudd (December 2007-June 2010; June 2013-September 2013) to the Liberal Party's leadership by Tony Abbot (September 2013-September 2015) and later replaced by Malcolm Turnbull.

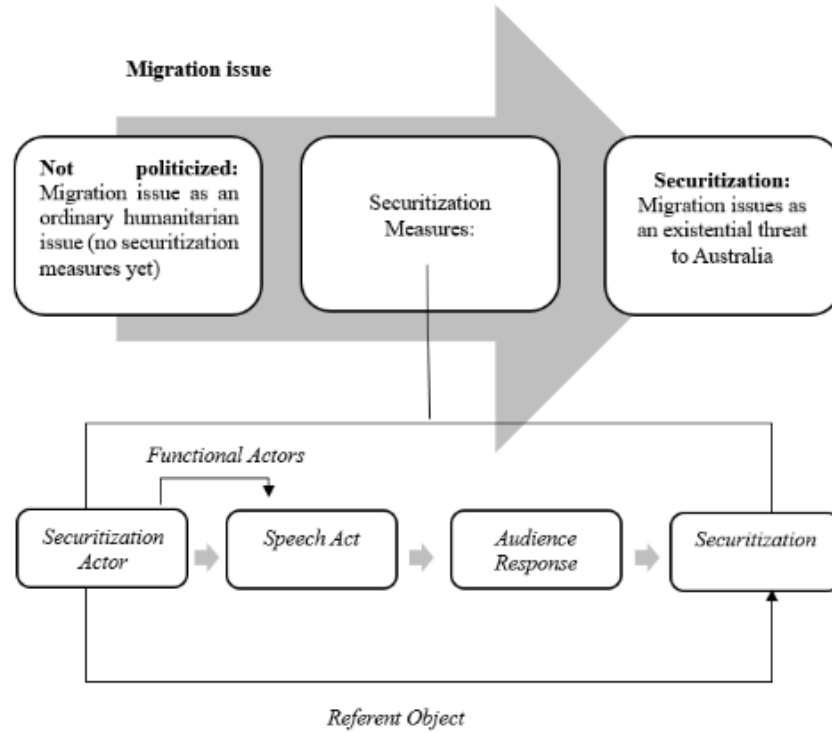
The victory of the Coalition party leader, Tony Abbott, in the 2013 election changed the color of Australia's migration issues and restored restrictive policies and overrode the human rights and humanitarian values of asylum seekers completely through the Operation Sovereign Border (OSB) policy. Reported by ABC News (2014) in Prabaningtyas (2015), OSB was implemented because Tony Abbott's government felt that Australia was in a "national emergency" situation due to the border protection crisis caused by asylum seekers who continued to arrive. In other words, at that time asylum seekers became the target of Australia's military and enemy operations. According to ABC News (2015), the main justification for the Tony Abbott government's approach to asylum seekers, as reflected in his speech,

was the idea that stopping the boats and returning them would ultimately save lives and protect the asylum seekers. The release of Amnesty International's report "By Hook or By Crook: Australia's Abuse of Asylum Seekers at Sea" raised serious questions about this claim. In the report, Amnesty International (2015) conducted research related to the case of alleged bribery of the boat crew by the Australian government, so that they turned back towards Indonesian waters, precisely in Rote, East Nusa Tenggara.

Public support for the government's stance on asylum seekers waned as a small number of refugee and human rights organizations, professional groups and churches became involved in opposing the policy. It was later found that Tony Abbott's popularity had fallen with more than two-thirds of the electorate, or 68%, dissatisfied with his performance (afr.com 2015). After Tony Abbott lost the trust of the voters, on Monday, September 14, 2015, Tony Abbott was defeated by Malcom Turnbull in an internal party election. Turnbull promised a new style of leadership by restoring traditional cabinet government where the government must genuinely consult with colleagues, MPs, senators and the wider community (theaustralian.com.au 2015). The shift in public attitudes towards asylum seekers prompted the Malcolm Turnbull Government to put more effort into its securitization efforts.

According to Buzan et al. (1998) in Emmers (2008) securitization is an extreme form of politicization. Security has become a widespread discourse of governments to frame and prioritize public policies that can target existential threats (Buzan et al. 1998). Emmers (2008) supports The Copenhagen School's argument by stating that an issue can be securitized through securitization actions. Securitization actions include the actions of securitization actors who interpret the politicized issue into an existential threat to the referent object through speech acts. Furthermore, in Emmers (2008) it is stated that in response to the nature of the threat, the securitization actor can assert that he must adopt extraordinary means that go beyond the usual norms of the issue domain. Meanwhile, the success of securitization is determined by how convincing the speech act is so that it can be accepted by the audience. The audience must agree (or not reject) that the referent object is threatened and agree to the action proposed by the securitization actor (Dolinec 2010). This process is the essence of securitization. According to Sarah Leonard (2007), framing migration as a security issue can give it political priority and justify extraordinary legal and policy measures to manage it. Below is a schematic of the securitization of migration in Australia:

Figure 1. Securitization Scheme in Australia



Source: processed from Emmers, in Contemporary Security Studies 2016

From the scheme, it can be seen that the Malcolm Turnbull government acts as a securitization actor. Australian national security as the referent object. International and domestic organizations in the form of public opinion as functional actors. The international community and Australians in particular as the audience.

One month after being sworn in as Prime Minister, in a parliamentary session, Malcolm Turnbull stated clearly that he realized Australia's border protection policy was very strict, which he also realized many people considered too harsh (House of Representatives 2015). However, in those minutes (2015) Turnbull also emphasized that it had proven to be the only way to stop deaths at sea and to ensure that Australia's sovereignty and borders remained secure. By the end of Tony Abbott's government, the "Turn Back the Boat" mantra could no longer save his popular vote (wsj.com 2015). One factor was the refugee crisis in the Andaman Sea and Malacca Strait. According to Solomon in the Australian Institute of International Affairs

(2017), the refugee crisis in the Andaman Sea and the Malacca Strait is an indication of the failure of countries in the Asia Pacific region, especially Australia, to overcome and prevent human smuggling. Meanwhile, the strict policies implemented by destination countries, including Australia, have been solely claimed to stop human smuggling and death at sea. Malcolm Turnbull has been loyal to his views and has consistently ruled out major changes from the policies established by previous Liberal Party leader Tony Abbott. The government of Prime Minister Malcolm Turnbull even produced various anti-human smuggling videos in various languages as an effective communication tool.

The response to the refugee crisis was then carried out by looking for other alternatives. The alternative is stated in the fourth point of the Bali Declaration (2016) which reads that there is a need to address the root causes of irregular migration and forced displacement, and identify the link between poor governance and the ease of human smuggling. States parties to the Bali Declaration recognized the need to improve safe and orderly migration pathways, to provide an alternative to dangerous irregular migration. At the Leaders' Summit on Refugees (2016), Malcolm Turnbull also stated that Australia would continue to play a leading role in global efforts to assist refugees. These efforts, he stated, would not be possible without Australia's strong border management and a high level of public confidence in Australia's well-managed migration system. Malcolm Turnbull further stated that without such trust, Australia would not have been able to increase its refugee intake and resettlement program to the third largest in the world at more than 35%. Thanks to these efforts, even after the refugee crisis in 2015, there was no significant change in public opinion, the majority of Australians still approve of the return policy preserved by Prime Minister Malcolm Turnbull. Furthermore, Vote Compass in ABC News (2016) provided data that in 2013, 45% of voters disapproved of the boat return policy, while in 2016, there was a decrease in rejection regarding the policy at 41%.

The actions of the Malcolm Turnbull government also consider several important elements as supporting factors for its securitization process. The first element is the legitimizing influence of functional actors, such as the political opposition. Opposition parties initially disapproved of the restrictive policies and argued that they were not working effectively (Phillips 2017). According to the Labor Party's official website (alp.org.au 2019), during the Turnbull government, the Opposition Party has been on the same page as the coalition government and supports a strong border quote if it is safe to do so. The second element that influences securitization is the media and the judiciary. In Australia, every parliamentary hearing is

disseminated live by the press gallery (Hamid 1999). Because of this openness of information, the media has an important role in reaching the audience. The third element that influences securitization is the combination of domestic and international contexts. The refugee crisis that occurred in the Andaman Sea and the Malacca Strait was an important momentum for Malcolm Turnbull's government to intensify anti-human smuggling actions while still framing asylum seekers through maritime routes as a potential threat. Australia has positioned itself as a leader in confronting irregular migration and human smuggling in the region (aph.gov.au 2016). In a speech published by ABC News (2016), Malcolm Turnbull highlighted Australia's strong border controls, saying that the policy was necessary to facilitate refugee intake and resettlement through humanitarian programs. Despite Australia's resistance to international criticism, Australia remains an active member of the international community.

The last element that influences securitization is institutionalized securitization. According to Watson (2009), restrictive measures, in this case measures designed to prevent the entry of asylum seekers, can be institutionalized once they have been successfully implemented and accepted by the wider community. The previous internationally accepted rule is that states must respect the principles of asylum seekers and refugees, namely, prohibition of expulsion, prohibition of forced return to the country of origin, border refusal, and non-extradition of asylum seekers (Sefriani 2016). Furthermore, in Sefriani (2016) it is also explained that the state must be willing to grant asylum to the asylum seeker concerned temporarily until he/she obtains asylum in another country, even though the state faces difficulties in providing permanent or long-term asylum. According to Watson (2009), securitization actors then implement policies that, although different from international principles, become "normal" as a result of the successful institutionalization of securitization.

In this case, securitization actors along with various supporting elements that have been mentioned play an important role in building the perception of migration as an existential threat. After going through the speech act process, securitization is implemented through policies that according to Malcolm Turnbull are a form of balance between border protection and fulfilling international obligations. Speech acts are used to legitimize the actions taken by the Malcolm Turnbull Government towards immigrants. Speech act is not done to form a real threat, because the construction of the threat has long been formed since the reign of Prime Minister John Howard. Policies related to migration in Australia have changed along with the change of securitization actors and changes in the conditions of supporting

elements. Although the Malcolm Turnbull government chose to maintain the restrictive policies of the previous government, some of the measures taken by the Malcolm Turnbull government also consider the humanitarian aspects of immigrants. This effort can be seen from the various international conferences and meetings related to refugees and asylum seekers that Australia has attended. Likewise, the policies implemented afterwards, such as the birth of the Bali Declaration and the increase in refugee intake in Australia's humanitarian program.

Summary

Migration securitization efforts are carried out by the government of Prime Minister Malcolm Turnbull as a securitization actor. Securitization actors then use speech acts through various official government media to articulate the issue of migration as a threat. The speech act efforts made by Prime Minister Malcolm Turnbull took into account the balance between border protection and fulfilment of international obligations, considering that there was a refugee crisis that occurred just before his administration began. The speech act received a response from the majority of people as the audience as intended by the government, so that it can be used as an excuse to take emergency actions needed to address issues that have been considered a threat to Australia's national security as a referent object.

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