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Deterring the 'Boat People': Explaining the Australian Government's People Swap Response to Asylum Seekers

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Abstract

This paper explains why the Australian government has taken a tough stance on 'boat people', through an analysis of the People Swap response. The findings support the view that Australia's asylum seeker policy agenda is driven by populism, wedge politics and a culture of control. The paper further argues that these political pressures, in sum, hold numerous negative implications for the tone of Australia's political debate, the quality of policy formulation, as well as for asylum seekers and refugees themselves.

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Over the last two decades, the Australian government has taken an increasingly firm stance towards asylum seekers who attempt to arrive in Australia by boat. One of the most aggressive government responses to curbing the increase of asylum seekers was the People Swap response, formed through a bilateral agreement signed on 25 July 2011 by Australia and Malaysia. Under this arrangement, the first 800 asylum seekers to arrive in Australia by boat would be transferred to Malaysia, in return for Australia accepting 4,000 refugees from Malaysia. The People Swap has been faced with many obstacles. In August 2011 the policy was declared unlawful by the High Court of Australia – in a successful challenge launched on behalf of two asylum seekers facing deportation under the arrangement – on the basis that Malaysia is not legally bound to provide the asylum seeker protections required under Australian law (M70 and M106 2011). In response, Prime Minister Julia Gillard's Labor government twice attempted to pass legislative amendments – first in September 2011, then again in June 2012 – to circumvent the High Court ruling, and allow for the implementation of the People Swap. Despite the concerted efforts of the government, on both occasions it was unsuccessful.

To contextualise the People Swap response, we can trace four waves of 'boat people' or 'irregular maritime arrivals' as it was formally known. The first wave of arrivals in 1976-1981, was a relatively small cohort of 2,059 individuals who came mainly from Vietnam on 60 boats (Parliament of Australia 2013). In general, this first wave was received by the Australian public with empathy and genuine concern for their integration into the Australian society at large. As the number of arrivals increased from 1989 to 1998, to the tune of 3,030 arrivals on 82 boats in sum, the rise of boat people in the second wave was accompanied by a greater frequency of detention over longer periods.[i] While the majority of arrivals in the second wave were sent back to their 'home' nation, the issue of boat arrivals became prominent again in the third wave (1999-2001) as 3,721 arrivals on 86 boats in 1999 alone, followed by 2,939 arrivals on 51 boats in 2000, and 5,515 arrivals on 43 boats in 2001 necessitated a stronger response, characterised by the *Tampa* Affair and the subsequent, Pacific Solution.

The *Tampa* Affair unfolded in August 2001 when John Howard's government refused the Norwegian shipping boat, the *MV Tampa*, permission to dock on the Australian territory of Christmas Island after rescuing a sinking boat of asylum

seekers on Australia's request. What ensued over the following days was a standoff, until Howard's Liberal government implemented the poorly-termed policy, the Pacific Solution. The Pacific Solution encompassed three key features. Firstly, certain territories – notably Christmas Island, Cocos Island and Ashmore Reef – were excised from Australia's migration zone, meaning that when landing on these islands, asylum seekers could not apply to Australia for refugee status. Secondly, the government was granted powers that allowed the Navy to interdict asylum seekers heading to Australia by boat. Finally, arrangements were made with Nauru and Papua New Guinea to establish detention centres for the processing of asylum seekers, thus establishing Australia's system of offshore processing. After 2001, the number of asylum seekers arriving by boat dropped dramatically, with one person arriving in 2002, and an average of 57 people each subsequent year until Kevin Rudd's Labor government was elected in 2007.

In 2008, the Rudd government honoured its election promise to take a more gentle approach to asylum seekers and dismantle the Pacific Solution. What followed was another spike in asylum seekers, and the commencement of the fourth wave (2009 – present) with 2,726 arrivals on 60 boats in 2009, followed by a record 6,555 on 134 boats in 2010, and 4,565 on 69 boats in 2011 after Julia Gillard became Prime Minister. Suffice to say, deterring the rapid rise of boat arrivals on Australia's shores has and continues to be a policy imperative for governments from either side of Australia's political spectrum – Liberal, Labor and the Coalition.[ii]

Against this backdrop, using content analysis, this study seeks to discern the main explanatory variables that influence the formation of the People Swap policy. In this pursuit, four primary sources are utilised: media releases, press conferences, House of Representatives legislative debates, and Question Time – from 7 May 2011 when the People Swap was first announced, until 28 June 2012 with the government's most recent attempt to legislate. In total, the evidence analysed includes the transcripts of four government media releases, ten press conferences, two parliamentary debates – each lasting over five hours – and all one hundred and two questions, and responses relating to asylum seekers during Questions Time in the reference period.

The analysis begins by proposing three main explanatory variables that explain the formation of the People Swap response: (1) populist appeal; (2) wedge politics; and, (3) a culture of control.

Populist Appeal

Although populism is an elusive idea that has proved notoriously difficult to define, at its core it involves vague appeals to 'the people' and an 'anti-elitist' sentiment (Canovan 1981, 294). For Hindess and Sawer (2004, 1), populist public discourse in Australia is constructed through a binary of an 'us' and 'them' framework, where 'opposition to elites (them) often goes together with a claim to speak for ordinary people (us).' As highlighted by Johnson (2004, 130-33), indicative of this 'us' and 'them' construction was the Coalition's 2001 election catch-cry: 'we will decide who comes to this country and the circumstances in which they come.'

For the Coalition, anti-elitism has proved a powerful rhetorical source. This is no clearer than under John Howard, who sought to engage the non-elites who were characterised as 'ordinary Australians' and 'Howard's battlers' (Cahill 2004, 91). Cleavages were constructed, with the elites rejected as something outside of the mainstream, while the 'fears, resentments and insecurities' of ordinary Australians were nurtured (Sawer 2004, 41). As put by Clyne (2005, 190) the elites were perceived as 'demanding unfairly generous treatment for the unworthy.' With the public suffering a 'compassion fatigue', Howard's politics fostered a popular cultural backlash against boat people trying to 'exploit our compassion and generosity' (Hage 2003, 7-8).

In much of the literature, the populist backlash to boat people is driven by a national anxiety. Some have argued that the Howard government's policies were shaped by a national concern over Australian identity and a fear of invasion, grounded in the historical threat of being 'swamped' by Australia's Asian northern neighbours (Grewcock 2007, 178; McMaster 2001, 38-9; Papastergiadis 2006). For Burke (2001, 324), the Howard government's rhetoric about protecting the sovereignty and territorial integrity of Australia in the face of boat people represents an image of an 'insecure, vulnerable Australian subject under perpetual threat.' This point is picked up by McNevin (2007, 622), who argues that the government's tough policies are a counter-balance to Australia's neo-liberal trend towards economic openness in recent decades; a 'performance of political closure' aimed at addressing national anxieties over porous national borders.

Our findings suggest a continued prevalence of populist rhetoric under the Gillard government's discourse on asylum seekers, although it is less overt than the language witnessed during the Howard era. It is now the people smugglers, rather than asylum seekers, who are demonised. People smuggling was not only framed by the government as being criminal, it was an 'evil' business, with its perpetrators depicted as predators, who 'profit', 'trade' and 'prey' on 'human misery', and the 'desperation of others'. In order to deal with such 'evil', Prime Minister Gillard and Immigration Minister Bowen adopted aggressive language. The most common phrases were to 'smash' or 'break' the people smuggler's trade, with terms such as 'eliminate', 'tackle' and 'combat' also popular.

Notably, while the Gillard government used this terminology in media releases and press conferences during the reference period, such language was largely absent from parliamentary debates. This suggests the public was the audience to which the demonisation of people smugglers was directed. Interestingly, not only did the government utilise simplistic language in these forums, it avoided the more elitist language associated with human rights and international obligations. While Gillard is far from being perceived as in touch with the views of ordinary people as Howard was, the populist overtones to her language suggest such a desire.

It is significant that the Gillard government has replaced asylum seekers with people smugglers as the overtly demonised subject. This allows the government to channel negative sentiment towards the phenomenon of asylum boat arrivals, yet distinguish the rhetoric of the Labor government from that experienced under the Coalition. This is most evident in Gillard's language following the High Court's circumvention of the People Swap. Gillard was careful to frame 'boats' as the problem, rather than the asylum seekers:

I believe it is very important, if we do see more boats, to separate in the community's mind, in

all of our minds, the problem of seeing more boats from the people who are on those boats. It is not in my mind a question of blaming the people who are on those boats (Gillard, 13 October 2011).

In the same breadth, however, Gillard attempted to appeal to mainstream Australia: 'we are at a real risk of seeing more boats, and I understand that will cause community anxiety.' Statements such as this support the view that Australia's negative response to boat people is driven by a national 'anxiety'. Despite the qualification by Gillard – that it is the boats, not the people on the boats, that are the problem – her choice to resonate with potential 'community anxiety' nonetheless serves to legitimise the view that boat arrivals are a threat or cause for fear.

The findings highlight some noteworthy distinctions between the characterisations of asylum seekers witnessed in the Howard era and those under Gillard. In part, the current government's rhetoric in relation to asylum seekers is more positive than a decade ago. Asylum seekers are no longer presented as a threat to family values and the Australian way of life as was depicted by Slattery (2003, 95) in her analysis of the Children Overboard scandal. Rather, asylum seekers are commonly framed in a more sympathetic light, as people who are 'desperate' and the 'victims' of people smugglers. While no longer overtly demonised, asylum seekers who arrive in Australia by boat nonetheless remain delegitimised through judgements made of their deservingness, and thus they remain implicitly framed as a 'problem'.

Across all analysed primary sources the derogatory term 'queue jumpers' was not once used by Gillard's government, yet the notion of there being an orderly queue that asylum seekers should join was often alluded to. Indeed, one of the trumpeted benefits of the People Swap was that it sends the message: 'if you arrive in Australian waters and are taken to Malaysia you will go to the back of the queue' (Gillard & Bowen, 7 May 2011). Not only that, they will have to 'take their place alongside 90,000 asylum seekers and they will wait their turn' (Gillard 25 July 2011).

Notwithstanding the point that there is no orderly queue, the government's rhetoric resonates with notions of fairness and in turn, implies that asylum seekers who arrive by boat are less deserving of protection or even concern. In contrast, those refugees waiting in the 'queue' *are* depicted as deserving. Unlike boat people, those refugees in Malaysia have 'waited often for many years to get a chance at a new life and a new start in a country like Australia' (Gillard, in Gillard & Bowen 12 September 2011b). Appealing to Australian ethos of a 'fair go', the government's suggestion that refugees are 'jumping the queue' works only to feed populist

resentment. This is noteworthy as it demonstrates a continuation of the populist disapproval of boat people exemplified under the Howard government.

Asylum seekers who arrive by boat are further delegitimised by the juxtaposition of the terms 'genuine refugees' and 'irregular arrivals'. While those who arrive by boat are termed 'irregular', those refugees waiting offshore are consistently described as 'genuine'.[iii] This contrast depicts asylum seekers who arrive by boat as less worthy, which in turn encourages populist antipathy to their cause.

Across press conference, media release and Question Time sources, the phrase 'genuine refugees' was mentioned 21 times, spanning the reference period. These references were in relation to the 4,000 refugees being transferred from Malaysia. Those 800 asylum seekers to be sent to Malaysia, however, were not once described as refugees, let alone 'genuine' ones. Instead labelled as 'irregular', the combination of such terminology provides a striking contrast:

> The arrangement provides for the transfer from Australia to Malaysia of up to 800 irregular maritime arrivals and formalises Australia's commitment to accept 1,000 additional genuine refugees from Malaysia every year for the next four years (Gillard & Bowen, 25 July 2011).

It is debatable as to whether these terms were selected to bolster support for increasing the humanitarian intake – by emphasising that refugees chosen from Malaysia are 'genuine' and therefore deserving – or to justify sending 800 asylum seekers back to Malaysia, or perhaps both. Gillard's implicit judgment that boat people are less deserving of Australia's compassion represents an attempt to separate herself from those elites who '[demand] unfairly generous treatment for the unworthy' (Clyne 2005, 190). As was seen under Howard, populism continues to influence the asylum policy agenda.

Wedge Politics

For Wilson and Turnbull (2001, 386), wedge politics is 'a calculated political tactic aimed at using divisive social issues to gain political support, weaken opponents, and strengthen control over the political agenda.' In doing so, wedge politics takes 'advantage of issues or policies that undermine the *support base of a political opponent'*

(their italics, Wilson & Turnbull 2001, 386). Two key tactical advantages arise from this strategy. Firstly, through tapping into populist sentiment over a divisive social issue, a political party can attract support from its opponent's support base. Secondly, the 'wedged' political party is consequently forced to either 'distance itself from unpopular causes or face political marginalisation' (Wilson & Turnbull 2001, 386).

The populist nature of the asylum seeker debate has allowed wedge politics to flourish. A corollary of this has been the People Swap. The People Swap provides an interesting case since the political debate surrounding it demonstrates not only how wedge politics can be used as an effective political strategy – in this instance by the Coalition – but also the impact this can have on the policies of the wedged political opponent, in this case the Gillard government. The findings supporting this contention are twofold. Firstly, analysis of the Coalition's rhetoric and policies[iv] suggest that wedge politics has been used against the government for political advantage. Secondly, the government's reaction to the asylum debate further suggests wedge politics are at play. With the government's political base divided over the issue, the People Swap is an attempt to balance the competing interests of its mainstream and elitist constituencies. In the words of Kevin Rudd (2010), the People Swap is a manifestation of Labor's 'lurch to the right' on the issue of asylum seekers, in a bid to rein in its suburban working-class voters. The most prominent evidence of this is found in Labor's two major policy backflips that surfaced during this period: first by introducing an offshore processing policy at all, then by doing so in a nation not signatory to the Refugee Convention. In doing so, Labor has left itself vulnerable to losing its elitist progressive voters to political parties such as the Greens. Thus, Labor's emphasis on the People Swap's humanitarian benefits indicates a desire to appease this liberal-left political base.

Our findings suggest that the divisive issue of asylum seeker politics has been used by the Coalition to drive a 'wedge' through Labor's political support base. While it is acknowledged that proving political intent is problematic, the rhetoric and contradictions of the opposition nonetheless suggests the Coalition has exploited the asylum debate for political advantage. It is also noted that 'resentments and antipathies towards minorities,' in this case asylum seekers, do not form in a vacuum (Wilson & Turnbull 2001, 386). Accordingly, the wedge politics at play over the

People Swap can be understood as a continuation of the political climate established under Howard.

Two key patterns emerge from the findings to suggest wedge politics are manifest. In the first instance, the Coalition criticised Labor for being too soft on refugees with its 'five-for-one deal', yet towards the end of the study's reference period, the People Swap was rejected for betraying refugee rights. Not only do these criticisms expose the rift in Labor's political base, the conflicting nature of the Coalition's objections suggests they are the product of a political tactic, rather than principle.

Initially, one of the Coalition's key criticisms of the People Swap was that it was a 'five-for-one deal'. Using a simplistic metaphor with populist overtones, Liberal MP Don Randall illustrated why offering protection to more refugees was a bad idea:

Walk through your shopping centres and ask anyone if they think the five-for-one swap is a good deal. The government then said to Malaysia: "have we got a deal for you. We'll take 4,000 of yours at great expense, and at a great expense we'll give you 800 of ours and we'll pay for the lot. Guess what? We think that's a good deal" (HoR 2011, 11202).

The argument follows, swapping 800 people for 4,000 was a 'bad deal' and a 'dud deal', as 'no serious, self-respecting country would allow itself to be a dumping ground for other countries' problems' (Abbott, HoR 2011, 11165). Such rhetoric fits with Wilson and Turnbull's observations that wedge politics involves 'linking political opponents' with the 'unpopular or stigmatised social issues or groups'; in this case, linking Labor with 'elitist fashion' of refugee protection (Wilson & Turnbull 2001, 385).

What is interesting, however, is how the nature of the debate shifted throughout the reference period. Despite it being a common trend among Coalition MPs in the months following the initial policy announcement, towards the end of the reference period the 'five-for-one deal' was scarcely mentioned.[v] Instead, the debate shifted to one where offshore processing policies were contested on humanitarian grounds.

The question of whether offshore processing should only be permitted in nations who are signatory to the Refugee Convention is one that has featured heavily across

the study's sources. For instance, the Refugee Convention was mentioned 97 times during the Offshore Processing Bill debate, 102 times during the Bali Process Bill debate, and 89 times across the entire Question Time reference period.

When Nauru acceded to the Refugee Convention in June 2011, the terms of the asylum debate shifted dramatically (Needham 2011; Packham 2011). The political debate could now be divided along the lines of whether to send asylum seekers to a nation signatory to the Refugee Convention, such as Nauru, or a nation that is not, such as Malaysia. In fact, the Coalition proposed amendments to both the Offshore Processing Bill and Bali Process Bill to ensure asylum seekers are sent to nations that are signatory to the Refugee Convention (HoR 2011; HoR 2012).

Nauru has been a proud feature of the Coalition's Pacific Solution long before it acceded to the Refugee Convention (Flynn & LaForgia 2002; Mathew 2002). As boasted by Tony Abbott (HoR 2011, 11165): 'We invented offshore processing. We have the patent on offshore processing.' The Coalition's recent enthusiasm for the international treaty is important to note since it suggests the opposition's approach is being driven by political opportunism. Moreover, consideration of the Coalition's other asylum policies suggests that they are not overly concerned about sending refugees to non-signatory nations. This is most pronounced with Abbott's policy of 'turn back the boats', which involves the Navy forcing boats to return to their port of origin – in most cases, Indonesia (Wilson & Vasek 2012). As put by Labor MP Laurie Ferguson: 'there are some in this House who say it is okay to send boats to Indonesia with no protections negotiated, but it is not okay to send planes to Malaysia with protections negotiated' (Ferguson, HoR 2011, 11248).

While the Coalition's full intent cannot be firmly affirmed, the findings suggest that they have used the Refugee Convention to exacerbate the rift between the toughening of Labor Party policy, as encompassed in the People Swap, and the humanitarian concerns of Labor's liberal-left constituency. This, we posit, is theoretically interesting for the understanding of wedge politics. It diverges from the common use of the political tactic, where populist issues are used to gain political support by attracting voters from an opponent's support base (Ward 2002, 29-32; Wilson & Turnbull 2001, 386). Instead, it is pursuing policies that appeal to the more ideologically distant side of its opponent's political base. The impact of this is unlikely to be the attraction of such voters – although this may be possible – but rather to

exacerbate the wedge that has already been established. Thus, it fits Wilson and Turnbull's (2001, 36) definition of the political strategy insofar that it 'weaken[s] opponents and strengthen[s] control over the political agenda.' Indeed, with the People Swap, Labor has found itself cornered. Eager to take a tough approach to asylum seekers, yet unwilling to adopt its conservative counterpart's exact policy of offshore processing on Nauru, Labor has found itself continuing to pursue a policy in spite of it being rejected by the High Court and twice by Parliament.

A Culture of Control

We suggest that Australian immigration policy, and in turn, asylum seeker policy, is driven by a 'culture of control'. As contended by Cronin (1993, 85), 'Australia is truly the lucky country' in terms of its ability to manage its borders. Girt by sea and isolated in the southern part of the world, Australia's geography has bestowed on the nation the ability to control who comes in and out of the nation, and under what circumstances. This is now the expectation and thus Australians are 'uncomfortable with *any* [boat people] arriving on their shores' (Marr & Wilkinson 2003, 30). The idea of control has become a fixation of the electorate, where the government offers 'control rhetoric and control solutions', while the opposition points to the government's 'control failings' (Cronin 1993, 87).

It was not until the late 1980s, in the second wave of arrivals, that the government's ability to control its borders came under actual threat, prompting sweeping changes to Australia's immigration policy. The objective of these changes was to establish effective mechanisms in legislation for managing immigration policy, functioning to curtail the increasing number of refugee claims and reduce judicial intervention.

On this point, Palmer (2008) has asked the question: 'why and to what purpose the quest for control?' Palmer highlights the argument that maintaining a culture of control is essential for 'nation building'. As posed by one minister:

I can understand people say there is a culture of control, but […] you can only conduct good immigration policy and good refugee policy if you are able to manage your borders (quoted in Palmer 2008, 311).

More specifically, as the number of asylum seekers arriving by boat increases, this produces a negative outcome for immigration policy as a whole, as 'public support for immigration of any kind is likely to fall' (Palmer 2008, 311).

This study has found a culture of control to be most pertinent when considering the paradox encompassed in the policy design: swapping 800 potential refugees for 4,000 refugees. The lopsided nature of the People Swap suggests it is not so much the refugees that are the issue, but rather the circumstances by which they reach Australia. Unlike offshore refugees, onshore refugees enter Australia through the 'uncontrolled door', where the government is unable to control the type of refugee they accept, nor the number who arrive (Lopez 2003, 53). As highlighted by Crock (1998, 67): 'asylum seekers represent a direct threat to the orderly conduct of a migration programme because they come uninvited and yet mandate consideration' as a result of Australia ratifying the Refugee Convention. The People Swap is an attempt to remedy this. By using deportation to Malaysia as a deterrent, 'control' may be restored to the Australian Government.

Labor MP David Bradbury took up this argument in his Offshore Processing Bill speech. Although he was one of few Labor MPs who alluded to a culture of control, his words provide interesting insight. Defending the People Swap, he framed the policy as in harmony with 'Labor values' and the party's 'history and tradition'. Consistent with the logic of the People Swap, Bradbury drew comparisons with Labor governments that welcomed large groups of immigrants, yet opposed any uncontrolled arrivals of asylum seekers by sea:

> That is why Gough Whitlam would, on the one hand, resist Vietnamese boat arrivals but, on the other, dismantle Australia's White Australia Policy. That is why Bob Hawke embraced thousands of Chinese students post-Tiananmen Square but resisted boat arrivals from Cambodia. That is why the Keating government could champion multiculturalism like no other government before it but, at the same time, introduce mandatory detention (Bradbury, HoR 2011, 11253).

Thus, although Australia is now 'prepared to embrace and welcome an extra 1,000 refugees each year,' this is contingent on whether the government can 'insist upon the ability to exercise some control over the flow of people' (Bradbury, HoR 2011, 11254). Interestingly, Bradbury argues that control is a necessity for the purpose of maintaining the success of multiculturalism in Australia. At first glance, restricting certain groups of asylum seekers from protection in Australia may seem to run counter to fostering multiculturalism. This logic, however, is consistent with that noted by Palmer (2008, 311), who highlights a rationalisation as to why maintaining control is necessary – if numbers of asylum seekers increase, public support for any type of immigration is expected to decrease.

While the People Swap is an attempt by the Gillard government to offer 'control solutions' to perceived 'control failings', the use of 'control rhetoric' was less apparent in the primary sources. What this suggests is a desire on the part of the government to differentiate itself from the Coalition's talk of control, characterised by Howard's 2001 election platform 'we will decide who comes to this country and the circumstances in which they come' (Howard 2001). That said, however, when the People Swap came under significant pressure following the High Court judgement, the tone of government's rhetoric shifted significantly. In the first five press conferences delivered by either the Prime Minister or Immigration Minister, border protection was mentioned once, with the Prime Minister stating on 25 July 2011: 'this agreement will better secure our borders.' Yet in the final three press conferences – on the 1st and 12th of September and the 13th of October, at both ends of the High Court challenge – border control rhetoric featured more frequently. For example, on 1 September 2011 the Prime Minister assured the public 'we've got more assets patrolling our border than we've ever had before', and that 'we'll continue to do everything that we do to patrol and protect Australia's borders.' Gillard went on to say how she was 'concerned about what [the High Court case] means in terms of boats trying to make their way to Australia,' before repeating once more that the government will continue 'patrolling and protecting our borders' (Gillard & Bowen, 1 September 2011). On 12 September Gillard referred back to when the Keating government formally introduced mandatory detention in 1992, framing border protection as part of the Labor Party's legacy:

We are a political party that has always been prepared to take the steps necessary to have border protection and to ensure that we had an orderly migration system. I refer you in that regard to the creation of mandatory detention by Minister Gerry Hand […] That is our heritage, that is who we are (Gillard, in Gillard & Bowen 12 September 2011b).

Furthermore, the Prime Minister suggested that 'this is not about the politics,' but rather, it was about restoring the proper state of affairs: 'this is about Australia controlling our immigration settings and particularly government controlling our immigration settings'[vi] (Gillard, in Gillard & Bowen 12 September 2011b).

The timing of this is significant since it shows that the Prime Minister chose to resort to border control rhetoric at a time when her government's policy was under heightened pressure. That the government opted to offer 'control rhetoric' and persist with its 'control solution', the People Swap, in spite of the High Court ruling, suggests that a culture of control remains a pervasive influence on the direction of asylum policy in Australia.

Discussion and Conclusion

Our findings indicate that populism, wedge politics, and a culture of control are all explanatory factors behind the People Swap. This holds numerous negative implications for the quality of Australia's political debate and policy formulation, as well as for asylum seekers and refugees themselves.

There is a nexus between populism, wedge politics, and the increasing number of asylum seeker boats coming to Australia. These three dimensions feed off each other. As boatloads of asylum seekers increase, this fuels populist antipathy towards asylum seekers and resentment of the government. With populist sentiment flourishing, wedge politics have been at play. For the Gillard government, this has left it politically weakened and lacking control over the political agenda. Until there is a policy resolution, the trend of more boats looks likely to persist. The cycle therefore continues.

The dominance of populism and shrewd wedge tactics has implications for the quality of Australia's political debate. As put by Wear (2008, 631), the 'pragmatic business of staying in power' has disintegrated the worth of political discourse, with

politics portrayed it as nothing but 'grubby business'. This is most lucid in relation to Australia's asylum seeker debate, with both major parties guilty in their hypocrisy. Despite the centrality of the Refugee Convention in parliamentary debates, it appears nothing but a political tool. For Labor, it has gone from being a necessary condition, to the very clause it has twice rejected on the floor of Parliament. For the Coalition, it is only now that Nauru has become party to the Refugee Convention that its importance has been trumpeted – an enthusiasm incompatible with Abbott's 'turn back the boats' policy. Indeed, the pervasive objective for both parties is electability, and in a populist climate this has consequences not only for the tenor of debate, but also the quality of policies pursued.

The prevalence of populism and wedge politics holds consequences for the asylum policy agenda. Firstly, it pushes governments to create 'short-term and expedient policy making' (Wear 2008, 631). Such pursuit of a 'quick fix' is nowhere clearer than in the People Swap. An ad hoc trade, the People Swap is a short-sighted policy that neglects the more critical policy question of addressing the source of people movements. Secondly, with the Labor Party matching the Coalition in their tough approach, Australia has been set on a trajectory where sending refugees offshore has become the new norm. Australia's attitude of either offshore processing – in nations such as Nauru, Papua New Guinea or East Timor – or its variant offshore 'dumping' – through policies such as the People Swap or turning boats back to Indonesia – raises questions as to whether Australia is doing its fair share to deal with what is a significant global problem (Balliet 2003; Brennan 2007, 13-16; Mares 2002, 4).

Furthermore, given the culture of control continues to influence Australia's response to asylum seekers, this holds significance for the future direction of asylum policy. Firstly, the pervasive culture of control illustrates how control imperatives trump economic and humanitarian concerns when it comes to asylum policy in Australia. What has been fostered is a false expectation that the government can and should control all movements of people across Australia's borders. It is here that links emerge between a culture of control and populism in their influence on asylum policy. Asylum seekers not only challenge the view that the government controls exactly who may enter the nation, by arriving by boat they do so in a very visible way that fuels public debate over the issue. An unfortunate consequence of this approach

has been the People Swap: a kneejerk short-term policy response which, in the government's quest for control, pushes questions of refugee protection to the periphery.

Finally, in shaping policies such as the People Swap, the explanatory factors of populism, wedge politics and a culture of control hold stark consequences for asylum seekers and refugees themselves. It is acknowledged that there are sizeable humanitarian benefits encompassed in the People Swap, notably it allows protection to be granted to an additional 4,000 refugees. Yet what of those unlucky 800 would-be refugees made an example of by being sent to Malaysia? Although the government has maintained that their arrangement with the Malaysian Government will ensure that basic human rights standards are met, the lack of any legal basis underpinning this deal throws doubt over the government's ability to make such guarantees. This concern is only exacerbated by reports highlighting the human rights abuses of non-citizens in Malaysia. Is this trade-off worth it? For those asylum seekers attempting to reach Australia by boat, almost certainly the answer would be 'no'. Yet, if it means improving electoral chances, it seems this harsh trade-off is one that politicians are prepared to make.

Notes

[i] Prior to 1992 unauthorised boat arrivals were held in detention under the *Migration Act 1958* on a discretionary basis. Mandatory immigration detention for unauthorised arrivals was introduced under the *Migration Amendment Act 1992.*

[ii] The Coalition is a formal alliance between the Liberal Party of Australia and National Party of Australia. In this alliance, Liberal Party members have a numerical majority.

[iii] It is not disputed that 'genuine refugees' is a correct description of the 4,000 people who would be resettled in Australia under the People Swap; rather, it is the suggestion that asylum seekers who arrive by boat are not genuine refugees that is problematic.

[iv] Analysis of the Coalition's rhetoric and policies is limited to the discourses encompassed in the parliamentary debates and Question Time questions analysed. Further analysis of Coalition political strategies is beyond the scope of this study.

[v] In the first two months after the policy announcement, almost a quarter of the Coalition's Question Time questions dismissed the People Swap for being a 'five-for-one deal'. Yet of the 81 questions asked after this point, this phrase was used just once.

vi This comment also relates to tensions between the executive and judiciary – a further dimension of the culture of control thesis.

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