

Enter at Own Risk?
Australia's Population Questions for the 21st Century

edited by

Suvendrini Perera, Graham Seal and Sue Summers

Studies in Australia, Asia and the Pacific



Enter at Own Risk? Australia's Population Questions for the 21st Century

© Black Swan Press

Published in 2010 by Black Swan Press

Curtin University
GPO Box U1987
Perth Western Australia 6845

© 2010. Copyright is vested in the author. Apart from any fair dealing permitted according to the provisions of the Copyright Act, reproduction by any process of any parts of any work may not be undertaken without written permission of the copyright holders. All rights reserved.

The National Library of Australia Cataloguing-in-Publication entry:

Title: Enter at Own Risk? Australia's Population Questions for the 21st Century

Editors: Suvendrini Perera, Graham Seal and Sue Summers

Publisher: Perth, Western Australia: Black Swan Press, 2010.

ISBN: 9780980631357 (pbk.)

Subjects:

Australia – Population – 21st Century

Australia – Emigration and immigration – Economic aspects

Australia – Emigration and immigration – Social aspects

Contributors: Linda Briskman, Hanifa Deen, Michelle Dimasi, Sue Hoffman, Regina Ganter, Peter Mares, Goldi Osuri, Suvendrini Perera and Jon Stratton.

Dewey Number: 325.94

Studies in Australia, Asia and the Pacific

This series draw primarily on the research of scholars working with the Centre for Advanced Studies in Australia, Asia and the Pacific at Curtin University in Western Australia. Books in the series include a range of historical and contemporary topics and issue relating to socio-cultural, economical, political and environmental change in Australia, Asia and the Southwest Pacific, as well as relations within and between the countries of the region. Graham Seal is General Editor of the series.

Series Publications

Farming or Foraging? Household Labour and Livelihood Strategies amongst Smallholder Cocoa Growers in Papua New Guinea, by G.N. Curry, G. Kocsberski, E Omuru and R.S. Nailina (2007).

Place and People: New Dimensions in Regional Research, by Stephen Smith and Graham Seal (2007).

People, Place and Power: Australia and the Asia Pacific, edited by Dawn Bennett, Jaya Earnest and Miyume Tanji (2009).

Enter at Own Risk? Australia's Population Questions for the 21st Century, edited by Suvendrini Perera, Graham Seal, and Sue Summers (2010).

Contents

Acknowledgements // Page vii

**From ‘Sovereignty’ to ‘Sustainability’
The Loops and Lineaments of Exclusion 2001-2010**
Suvendrini Perera // Page 1

**Preserving White Hegemony:
Skilled Migration, ‘Asians’ and Middle Class Assimilation**
Jon Stratton // Page 29

The Permanent Shift to Temporary Migration
Peter Mares // Page 65

**Once More to a Slightly Different Breach:
Race, Neoliberal Governmentality and Violence
against International Students**
Goldi Osuri // Page 91

**Looking Back, Looking Forward:
Australia, Indonesia and Asylum Seekers 1999-2009**
Sue Hoffman // Page 117

**Not Quite Australia:
Asylum Seekers on an Exceptional Island**
Linda Briskman and Michell Dimasi // Page 141

**The Fear of Small Things:
Australia in The Arc of Insecurity**
Suvendrini Perera // Page 161

Cultural Legacies of a Globalised Past
Regina Ganter// Page 187

**From Indifference to Islamophobia:
Australian Muslim responses**
Hanifa Deen // Page 205

Author Profiles // Page 215

Acknowledgements

This book has its origins in an interdisciplinary conference at the National Museum of Australia on 29 May 2009. ‘Australia, Asia and the Pacific: Imaginaries, Histories and Futures’ was initiated by Curtin University’s Centre for Advanced Studies in Australia, Asia and the Pacific (CASAAP). The conference followed a specialised workshop related to Suvendrini Perera’s ARC Discovery project, ‘Junction Zones: Practices of Coexistence in Australasia and the Pacific’, and drew on the expertise of a number of scholars, including Brij Lal, Peter Stanley, Peter Reeves and Bob Pokrant. The book features a number of papers presented to the conference, together with further contributions from scholars engaged in relevant research.

The editors and publisher would also like to thank the reviewers of the published essays, Linda Briskman, Lucy Fiske, Peter Mares, Peter Reeves, Suvendrini Perera, Bob Pokrant, Graham Seal, John Stephens, Jon Stratton and Sue Summers. Editing by Peter Reeves and Sue Summers, with attention to notes and bibliography by Kristen Phillips.

An earlier version of Peter Mares’ chapter ‘The Permanent Shift to Temporary Migration’ was published on ABC’s *Inside Story* (<http://inside.org.au>).

Suvendrini Perera’s chapter ‘The Fear of Small Things: Australia in the Arc of Instability’ appears, in slightly different form, in her book, *Australia and the Insular Imagination* (New York: Palgrave-Macmillan 2009) and is reproduced with permission from the publishers.

Jon Stratton's chapter ‘Preserving White Hegemony: Skilled Migration, ‘Asians’ and Middle-Class Assimilation’ first appeared in a slightly different form in *borderlands*, vol 8, no 3, 2009. It is reproduced here with kind permission of that journal.

Image on page 161 reproduced with permission of Richard Lewer: ‘I must learn to like myself’, acrylic on found school map, 1500mm x 1200mm.

Suvendrini Perera

Graham Seal

Sue Summers

CHAPTER 6

Not Quite Australia:

Asylum Seekers on an Exceptional Island

LINDA BRISKMAN AND MICHELLE DIMASI

Introduction and background

The depiction of islands as places of spectacular sunsets and sparkling water masks the realities of banishment, containment and exclusion for those cast outside nation states. Australia's history is replete with examples including the incarceration of Indigenous peoples, the quarantined, 'enemy aliens' and asylum seekers.¹ This chapter focuses on Australia's occupation of Christmas Island, an Indian Ocean territory of Australia, which is located 300 kilometres south of Java and 2,600 kilometres northwest of Perth, Western Australia. Here, asylum seekers of today await the sealing of their fate. For many Christmas Islanders the incarceration of the asylum seeker represents a continuum of how the island has always been a place of institutionalised exclusion and disenfranchisement. Agamben's concept of the state of exception will be used as an explanatory framework.² The essay incorporates interviews with asylum seekers and Christmas Islanders that took place in 2009.

Island banishment in the past

McCulloch points out that the geography of islands, cut off from the mainstream of life, captures the separation of prison and prisoner from outside society.³ Australia began its white dominance as a penal settlement for the unwanted from the British shore, reflecting the view that they should be sent to the "ends

of the earth”.⁴ Later developments saw the progressive use of islands within the nation as sites of punishment. Australia’s Palm Island is a notorious example of a former island prison where Indigenous people who engaged in political protest and questioned work conditions were imprisoned.⁵ Thea Astley discusses Palm, renaming it Doebin in *The Multiple Effects of Rainshadow*. In this book, the narrator says of this island:

We’re a dumping ground, a kind of island penal colony. What a mix comes here: half-castes snatched from fringe settlements around back country towns on the mainland, petty criminals, syphilitics, lepers *en route* to U-millie’s lazaret across the water, and those unfortunates who’ve served time for drunkenness or simply for flight from white interference.⁶

Drawing on this example illustrates the continuum between the legal and administrative processes that led to the ‘exceptional’ creation of the penal settlement of Palm Island and the entrenchment of Christmas Island immigration detention as a zone of exception.⁷ The deployment by governments of exclusion zones to protect borders has resulted in the establishment of condensed sites of acquisition, containment and control.⁸

The white settlement of the island continent of Australia was built upon the sweat and suffering of those forced to migrate to the new world.⁹ Christmas Island was similarly built on the suffering of those who, while not transported, were lured there and effectively found themselves in an environment where they were subjected to special laws and discriminatory policies and practices. An introduction to Christmas Island’s history provides the context for the essay.

Histories of exclusion on Christmas Island

Christmas Island’s history is marked by experiences of oppression, exclusion and colonialism. Understanding the island’s history reinforces how it is well suited for the banishment of asylum seekers in the contemporary context. The British settled Christmas Island in 1888 after the discovery of high levels of phosphate. The Christmas Island Phosphate Company controlled mining on the island.¹⁰ As no indigenous population was present, labourers were imported from China and Malaya and these Asian workers, as they were known, were exploited and treated like slaves. Their hands were tattooed with a blue dot to show they belonged to the labour agency which organised their temporary

migration to Christmas Island. They were referred to as *mai chee chai* which translates as 'slave'. In order to keep a compliant work force, labourers were supplied opium by the British government.

Asian workers were not physically imprisoned on the island as are today's asylum seekers. However, the likelihood of their leaving Christmas Island was slim. Social problems such as opium addiction and gambling debts were common. Neale explains that many indentured labourers became "entrapped in a never ending cycle of debt, gambled away their return passage and never saw their homeland again."¹¹ Some never returned home because they did not survive the harsh working conditions and nutrient-poor diet. At one stage it was questionable if the mine would continue as the workforce diminished rapidly due to the death rate from beri-beri disease.¹² The exploitative conditions and racial discrimination of the early years did not change when the Australian and New Zealand governments bought the mine in 1948 and sovereignty transferred to Australia ten years later. Despite the passing of the *Racial Discrimination Act* in 1975, oppression and racial inequality were overt and constant on the island as late as the 1970s. This included differential schooling systems, swimming pools and clubs. Meng, who arrived in the 1970s as an indentured labourer, explains: "Bit by bit I learned about the injustice that was going on. I learned about how things ticked over on the island."¹³ In interviews with the authors islanders spoke of their personal experiences of oppression that included separation from Caucasians, poor facilities and low pay premised on race.

Many islanders are apprehensive about the appropriation of island sites for asylum seeker containment.¹⁴ For the islanders, the exclusionary colonial practices directed at the Asian workers have officially ceased. However, a reinvented form of exclusion has emerged of asylum seekers mainly from Afghanistan and Sri Lanka, arising from the excision legislation which will be explained in this essay. These asylum seekers are mainly isolated in the large maximum-security detention centre that has received ongoing criticism by human rights groups and advocates, but some are also held in smaller detention sites on Christmas Island. Wherever they are located on the island, they are excluded from the form of claims processing granted to those who arrive in non-excised mainland Australia. In order to understand how Christmas Island detention came into existence, we outline the policy progression of Australia's mandatory detention policy to Christmas Island drawing on Agamben's state of exception.

‘Exceptional’ policies in ‘exceptional’ times

In the age of globalisation, the free movement of goods and people is constant. However, many nation states are determined to protect their borders from ‘foreigners’ who are seen by governments and their followers as attempting to relocate to sovereign territories. The movement of asylum seekers across the Australian border is presented as a national security threat rather than a right under international law and a humanitarian issue. This was demonstrated during the 2001 *Tampa* affair when the conservative Howard government declared a national emergency response to deal with the *Tampa* asylum seekers.¹⁵ Its refusal of entry to a Norwegian vessel that had rescued distressed asylum seekers paved the way for the Australian government to utilise Pacific islands as immigration detention centres. While Manus Island in Papua New Guinea and Nauru were the sites of the ‘Pacific Solution’, the government took a further step of creating within its own legal borders exception through the establishment of the Christmas Island securitised detention centre. Steamrolled through Parliament in the name of national security, the erection of the Christmas Island immigration detention centre demonstrates how a sovereign leader, Prime Minister John Howard (1996–2007), suspended the rule of law which paved the way for the materialisation of the Christmas Island camp in 2002.

Initially located within Australia’s borders, including the remote locations of Derby, Port Hedland and Woomera, sites of containment shifted from desert to island with the introduction of the Pacific Solution in 2001. As Perera notes, the desert and ocean alike become prisons.¹⁶ Australia’s near neighbours of Nauru and Papua New Guinea acceded for fiscal gain to provide detention facilities to accommodate Australia’s harsh policies. The Indian Ocean Solution that followed saw detention on Christmas Island increasingly expand and asylum seekers relocated there being subject to excision legislation which in essence placed them outside the nation-state into what Perera calls “not-Australia”.¹⁷ This legislation meant that Christmas, Ashmore, Cartier and the Cocos Islands were excised from Australia’s migration zone, and people arriving at those islands could not apply for a visa unless permitted by the Minister.¹⁸

Detention camps under Australian control both on the Australian mainland and offshore, have locked away asylum seekers with claims that this measure is needed to protect those who belong to Australia and to protect national sovereignty.¹⁹ Legislation that imposes mandatory detention of people arriving

without authorisation was introduced in 1992 and tightened its grip in subsequent years. Much of the fear about boat people has been manufactured by political parties and the media, enabling the incarceration of asylum seekers. The conflation of terrorism and asylum seeking after the attacks in New York and Washington on 11 September 2001 reinforced this acceptance through the language of fear, which served to create ‘moral panics’ amongst mainstream Australian society.²⁰ Hodge explains that moral panics come about “where there is insecurity, and a mass media system that can discuss that insecurity on a single issue” and where “the public response to the feared threat is completely out of proportion to its reality”.²¹ The Australian public’s reaction to the exaggerated security issue of asylum seekers meant that the Howard government could create exclusionary asylum seeker policies which were readily accepted by mainstream Australia.

One approach when analysing national security, political gains and asylum seekers in a post-9/11 climate is to adapt the theorising of Agamben’s ‘state of exception’.²² However, it is first helpful to think about how Agamben’s work is informed by Carl Schmitt’s ideas about sovereignty and exception.²³ For Schmitt, modern state power is defined by how it guarantees security and order within its borders. This function allows the state to establish a legal structure.²⁴ From this proposition Schmitt argues, “The essence of the state’s sovereignty is not the monopoly to coerce or rule, but the monopoly to decide”.²⁵ The sovereign power chooses when to suspend the law in times of emergency: “sovereign is he who decides on the exception”.²⁶ The exception cannot “be codified in the existing legal order” but can be invoked in the “case of extreme peril, a danger to the existence of the state, or the like”.²⁷ In the age of terrorism, the state of exception is invoked leading to the creation of exceptional policies.

The state of exception that is “essentially a temporary suspension of the rule of law on the basis of a factual state of danger, is now given a permanent spatial arrangement, which, as such, nevertheless remains outside the normal order”. The spatial dimension of the state of exception – the camp – is the defining aspect of Agamben’s work, which is largely influenced by his analysis of Nazi concentration camps. The camp is a “piece of land placed outside the normal juridical order” and is a “zone of indistinction between outside and inside, exception and rule, licit and illicit, in which the very concepts of subjective right and juridical protection no longer made any sense”. Those inhabiting this space are reduced to ‘bare life’ where their deaths cannot be sacrificial.²⁸

Being subjected to the Christmas Island ‘exception’ is illustrated by Ali’s narrative. Ali was a doctor in Afghanistan. Throughout medical school Ali had it tough. Despite topping his medical exams, he was repeatedly marked down simply because he is an ethnic Hazara. Ali came to Christmas Island in late 2008 and he is one of few to experience all forms of detention on the island: Phosphate Hill, North West Point and community detention. Over cups of *chai* with Michelle Dimasi, Ali discussed many things: how he misses his baby and wife; his bullet-wound scars; the constant threat of death in Afghanistan, “Every day when you walk out the front door, you ask yourself will you come back” and his dream to become a doctor in Australia. About North West Point, Ali explains, “That place is a prison”. Ali could not understand why Australia was locking up people in a prison, a question many refugee and human rights advocates continue to ask the Australian government. He said the only difference between North West Point and a prison was “no handcuffs” and if he was a prisoner he would know the length of his jail sentence. Ali found the centre intimidating, especially the over-the-top security measures. He was confused why Australia punished asylum seekers indefinitely in a detention centre when Australia was supposed to “help refugees”. Not only do detainees refer to it as a prison, they have given it their own name. As one asylum seeker explained: “We don’t call this place a detention centre, we call it the tension centre”.

Application of Agamben’s theories in the Australian context has been advanced by the work of Stratton and Perera. For Stratton the state of exception is “fundamentally raced”²⁹ and the engineering of the Australian population’s anxieties and fears around race and immigration are embodied in asylum seekers. Alongside this, Perera argues that anxiety over “national security” justifies the formalisation of the camp.³⁰

Noll explains that the word “exception” is derived from the Latin term “*ex capere*” which means to “take outside”.³¹ The policy of processing asylum seekers in remote island locations like Nauru and Christmas Island essentially does this. It takes the asylum seeker ‘outside’ of the state that he or she is seeking protection from, thus making it difficult to have his or her claim assessed according to the procedures set out in the 1951 Refugee Convention. Furthermore, Noll argues extraterritorial processing centres are all euphemisms for the “outside”. No longer are asylum seekers protected by international law, but fall into a “zone of indistinction” where their future depends completely on the Australian government’s “civility and ethical sense”.³²

The Christmas Island ‘exception’: detention

The demonisation of asylum seekers subsided in official government rhetoric after the Rudd Labor government replaced the Howard government in December 2007. However, with the 2009 increase in boat arrivals the language and stance have again shifted with the current government incorrectly labelling asylum seekers as “illegal immigrants”, combined with a diminishing of humane treatment of asylum seekers who endeavour to reach Australian shores. Through pressure and inducement Australia negotiates with Indonesia to be a holding cell for asylum seekers. At the same time Christmas Island detention is ramped up with markedly increased capacity through the installation of bunk beds and makeshift accommodation. Here we have a disjuncture between the contradictory rhetoric of kindness and harshness. The official mantra of treating the asylum seeker ‘humanely’ adopted by the new government contradicts the violence inherent in the institution of the camp and the diminishment of core human rights and human values.³³

The excision of Christmas Island from Australia’s migration zone moved the island from being an unknown entity for mainlanders. Now Christmas Island is within the bounds of the general Australian consciousness as ‘not quite Australia’. Like the Pacific islands which preceded it as sites of detention, Christmas Island detention implements the government’s border protection tactics by legal and physical location outside the Australian mainland.

Driving twenty kilometres in a northwest direction through the Christmas Island jungle, the maximum security detention centre is encountered. It cannot be missed. Nothing else is located here. Arriving at the ‘prison’ is surreal. Twenty minutes earlier, one gazes at the pristine ocean and quiet Flying Fish Cove. Next there is a witnessing of metal, electric fences and security cameras. It is the space where asylum seekers belong to a ‘zone of indistinction’ in the middle of the Indian Ocean, reinforcing Bigo’s contention that detention centres are often located in specific places at border zones, which governments refuse to consider as part of the sovereign state.³⁴

Although Australia has utilised Christmas Island as a detention site since the arrival of Chinese asylum seekers in 1992, islanders saw their treatment as low key and part of island culture.³⁵ It was the 2001 *Tampa* incident that set off a chain of events creating island ‘solutions’ and the construction of a maximum-security detention centre on Christmas Island. Agamben points out, “The

exception is not the chaos during national ‘emergency’ rather it is the state that proceeds from the suspension of the rule of law.”³⁶ When one reflects on the measures the Howard government took post-*Tampa* emergency, it is obvious how a ‘state of exception’ evolved in the Australian context. When the Howard government announced the construction of a \$197.7 million 1,200 person detention centre on Christmas Island it was seen as a matter of urgency. Plans for the centre were not referred to a Parliamentary Standing Committee on Public Works, a standard practice in Australia for any public works over six million dollars. Three months from announcing this measure, the Walter Construction Group was contracted “to design and construct the new IRPC on a fast-track basis”, a 350 person camp for construction workers was established and civil works began.³⁷

The state of exception remained the permanent state of affairs despite no boats arriving from 2002 to 2003. The Howard government continued the construction of North West Point, with the Immigration Department’s former Minister, Philip Ruddock, contending that he was “committed to the construction of the detention centre” but “the timing imperative” is “no longer critical, because of the reduction in boat arrivals”.³⁸ North West Point was scaled down to an 800 bed facility. However, this did not signal a decrease in government expenditure. Taxpayers’ money wasted, the Howard government was happy to spend it on a centre that looked unlikely ever to be used. The Pacific Solution was fully implemented and immigration authorities made it clear that boat arrivals would not be processed in Australia. The government’s detention spending spree is believed to be over \$500 million dollars.³⁹

Despite construction being almost complete by late 2007, the Howard government stated that asylum seekers would not be staying on Christmas Island. North West Point was about sending an expensive message to asylum seekers as former Immigration Minister, Kevin Andrews, expounded:

We want to send a message: (a) You won’t get to mainland Australia and
(b) The main part of the processing will occur not in Australia and we will
endeavour to settle you somewhere else around the world, not in
Australia.⁴⁰

When the Rudd government came to office in November 2007, the topic of boat people was kept quiet in the lead-up to the election. Labor’s 2007 policy platform included abolishing the Pacific Solution while keeping the

exclusionary policy of excision in place. When North West Point was ready for operation in mid-2008, it looked unlikely to open.⁴¹ Christmas Islanders believed it was a waste of money. Shire President Gordon Thomson maintained it could have another purpose with a more positive focus for the island:

We've approached the Minister for Immigration from the point of view of it becoming a science research centre. Christmas Island has attracted all sorts of people from around the world. Many universities have sent their undergraduates, postgraduates, we have senior research fellows from Hamburg in Germany, people come from Canada, all over North America, Japan. But there's another dimension, it could become a very significant research centre for climate change. It's a relatively undisturbed area.⁴²

By late 2008, the subject of boat people in Australia resurfaced. The security situation in Afghanistan and Sri Lanka had deteriorated significantly with United Nations High Commissioner for Refugees representative for Australia, New Zealand and the Pacific, Richard Towle, calling these countries "as some of the worst, troubling places on the planet".⁴³ When boat arrivals began in September 2008, detention took place at Phosphate Hill. Located at the aptly named Vagabond Road, five kilometres from the residential areas of the island, this small detention centre is divided into two sections: Phosphate Hill Immigration Detention Centre (IDC) and the Construction Camp IDC. Originally, single men or men arriving without their families were detained in the Phosphate Hill IDC and it now houses some single men in addition to those held in the North West Point facility. The Construction Camp currently houses families, separated children and women. The Australian Human Rights Commission has criticised the current use of the Construction Camp facility noting:

The area has no grass area and very few trees; the bedrooms are very small and claustrophobic; and there is no access to public phones or the internet.⁴⁴

It is the maximum-security facility, however, that receives most criticism for both its scale and expense. Christmas Islanders and refugee activists were united in surprise and unease when the custom-built maximum-security detention centre was opened in late 2008. Its location in an isolated area of national park prompted Human Rights commissioner Graham Innes to express concern:

It's bleak, it's forbidding, it's a long way from the rest of the community on Christmas Island and it's a very unwelcoming place.⁴⁵

Like islands of containment that went before it, Christmas Island is a significant site of Australia's history of racialised exclusion. The racism that enshrines mandatory detention policy in Australia⁴⁶ is even more apparent on Christmas Island which becomes a meeting point between the majority of the island's population, the Malays and Chinese, who were previously subject to economic servitude and the asylum seekers who experience what Hage refers to as "ethnic caging".⁴⁷ This term goes beyond the metaphor of the detention cage to elucidate the way that those who are feared within the nation are relegated to a category of 'otherness' which opens up the way for treatment that would not be tolerated for those designated as Australian.

Island voices: imposition

Not only are asylum seekers subject to the state of exception, but it has been a recurring pattern for the islanders who experience how 'exceptional politics' are played out. The detention incursion also symbolises how external forces dictate how the island is disrupted and shaped. Responding to our interview, Shire President Gordon Thompson proclaimed:

So in terms of governance there are issues in terms of how they affect refugees; how about that big prison here for refugees? If we had the power over the land here then we would have decided not to build a prison for refugees on Christmas Island. There you go, I can assure you that we never would have built the prison here.

Interviewee Marshall, who arrived on Christmas Island in 1973 to work in the mine, has experienced his own exclusion from human rights.⁴⁸ He speaks in support of the asylum seekers:

Being locked up for a long time in these types of places could destroy them as human being[s].

Marshall perceives the detention centre as the place of "non-persons". Paralleling the life of a North West Point detainee to that of someone living down the kitchen sink, Marshall notes that people inside the centre are imprisoned in a place not suitable for humans, especially as it is built low into the ground and detainees can only see the sky and jungle. The kitchen sink

analogy is appropriate. Former Christmas Island detainee, Sarath Tenakoon told *The Australian* in August 2009, “I am like the frog in the well – I can go round and round and look up to the sky above but I cannot get out”.⁴⁹ While both Marshall’s and Sarath’s comments do not exactly represent Agamben’s notion of ‘bare life’, they do indicate that the North West Point detainee is deemed as worthless, rightless and perceived by the state as “the scum of the earth”.⁵⁰ It is for this reason the Australian sovereign state can reduce asylum seekers to what Rancière equates to the “life of the condemned man or the life of a person in a state of a coma”.⁵¹

The recurring theme of isolating the Other is reflected in Beth’s comments on the separation of islander from detainee:

Here, you hear people stories; you know when you and I were standing at the bus watching the kids, their faces, with big smiles waving at us. And you would have to be the worst person not to see that and think that’s a person; they’ve got the same hopes as me and that’s where detention is really wrong because you are limiting the opportunities for people to connect with another. I haven’t been out there to visit; it’s hard, it’s really hard and I know it’s only twenty-three kilometres down the road but the whole process of visiting a detention centre is hard.

Based on his own labour experiences on the island of past time, long-term resident Anthony remonstrates with the government on how it dictates:

It’s not about being happy, not happy, it is a government policy and they don’t care if we happy/unhappy. They never consulted us, always they say “I am not gonna tell you!” And then they change the legislation after the *Tampa* about if people come to Ashmore, Christmas Island then they are not in Australia, whereas if you end up on Australian soil it is very much different it is not easy to send you away, so if people come to Christmas Island then this is not Australia and they may never get to Australia, so the government can do whatever they want.

Another long-term resident, Elizabeth, spoke of the fear the islanders had about excision. This acknowledges the tenuous nature of what it means to be living at Australia’s border. Although their fear was unfounded, Christmas Islanders who had not taken out citizenship were concerned that the excision provisions would apply to them:

It made a lot of people change to be Australian citizen. More and more people decided to change to an Australian passport so they could hold permanent residency. Yeah, nervous that they would be sent away.

Josephine reflects on how the move from desert to island reinforced isolation:

It is like that out of sight, out of mind mentality, because people could go to the mainland one in the desert, Woomera, people could go there and there were some shocking scenes, just shocking footage that came out on television of people protesting, people hanging on the wire, whereas here it is out of sight, out of mind; they would have to be some very staunch protesters to pay two and a half thousand dollars to get on a plane to come here just to wave a placard. I really do think that it is out of sight, out of mind here.

The way forward

As we write in mid-2010, the Christmas Island ‘camp’ which resulted from the Howard government's state of exception continues to expand under the current government. The Rudd government's announcement to double the capacity of the main Christmas Island detention centre to more than 2,000 raises concerns about how this impacts on both detained asylum seekers and islanders. The Shire of Christmas Island maintains:

The strategy that satisfies the political exigency of the day, keeping “boat people” out of Australia is not the best one for Christmas Island ... there is the troubling and ever-present assumption of government that Christmas Island is a lump of rock that may be turned to any government purpose without notice or consent of the people who occupy the Territory.⁵²

This statement accords with the islander voices in this chapter and reinforces the ongoing call for, not only consultation, but consent and agreement about island futures and a move away from how the Shire residents depict themselves as the “subjects” and “tenants of government”.⁵³ Alongside this the Shire has expressed concern for the welfare of asylum seekers.

A repeal of the excision laws would restore rights to asylum seekers and Christmas Islanders. The Australian Human Rights Commission is critical of the two-tier system of processing which means that those arriving in excised

offshore places have fewer legal safeguards than those who arrive on the mainland. The Commission reiterates that under the Refugee Convention:

Asylum seekers should not be penalised because of their method of arrival. Regardless of how or where they arrive in Australia, all people are entitled to protection of their fundamental human rights, including the right to seek asylum.⁵⁴

Current immigration policy focusing on excision, banishment and exceptional spaces reinforce the racialised policies that have been evident since colonisation. The vestiges of the White Australia Policy remain, through the restriction of ‘non-desirables’ from the nation body.⁵⁵ Human rights cannot be restored until Australia treats the other in ways that those within the ambit of the nation state expect for themselves. The policies of border protection and asylum seeker deterrence are doomed to failure at a time when global instability propels irregular migration. Island solutions are not tenable if Australia wishes to be cast as a human rights nation.

Acknowledgement

Thanks to Peter Browne, editor of *Inside Story*, for the title of the chapter.

Notes

- ¹ Jon Stratton, “Two Rescues, One History: Everyday Racism in Australia,” *Social Identities* 12, no. 6 (2006): 657–81; Allison Bashford and Carolyn Strange, “Asylum-Seekers and National Histories of Detention,” *Australian Journal of Politics and History* 4 (2002): 509–27.
- ² Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005).
- ³ Jude McCulloch, “Christmas Island Detention Centre” (paper delivered at Sisters Inside Conference, June 30, 2007) <http://www.sistersinside.com.au/media/conference2007/JudeMcCulloch.doc> (accessed October 3, 2009).
- ⁴ Jane Lennon, “Port Arthur, Norfolk Island, New Caledonia: Convict Prison Islands in the Antipodes,” in *Places of Pain and Shame: Dealing with ‘Difficult Heritage’*, ed. William Logan and Keir Reeves (London: Routledge, 2008), 166.

-
- ⁵ McCulloch, "Christmas Island Detention Centre."
- ⁶ Thea Astley, *The Multiple Effects of Rainshadow* (Melbourne: Viking, 1996), 22.
- ⁷ Dinesh Wadiwel, "'A Particularly Governmental Form of Warfare': Palm Island and Australian Sovereignty," in *Our Patch: Enacting Australian Sovereignty Post-2001*, ed. Suvendrini Perera (Perth: Network Books, 2007), 153.
- ⁸ Elizabeth McMahon, "Encapsulated Space: The Paradise-Prison of Australia's Island Imaginary," *Southerly* 65, no. 1 (2005): 20–30.
- ⁹ Lennon, "Port Arthur, Norfolk Island, New Caledonia," 166.
- ¹⁰ Department of the Environment and Water Resources, "Christmas Island Homepage," 2007, <http://www.environment.gov.au/parks/islehistory.html> (accessed March 20, 2007).
- ¹¹ Margaret Neale, *We Were the Christmas Islanders* (Canberra: Bruce Neale, 1988), 32.
- ¹² Jan Adams and Margaret Neale, *Christmas Island: The Early Years 1888-1958* (Marrickville: Southwood Press, 1993), 20.
- ¹³ Cited in Les Waters, *The Union of Christmas Island Workers* (Sydney: Allen & Unwin, 1983), 168.
- ¹⁴ Michelle Dimasi and Linda Briskman, "Let Them Land: Christmas Islander Responses to *Tampa*," *Journal of Refugee Studies*, no. 23 (2010): 199-218.
- ¹⁵ See David Marr and Marian Wilkinson, *Dark Victory* (Sydney: Allen & Unwin, 2003) for details of the *Tampa* incident.
- ¹⁶ Suvendrini Perera, "What is a Camp...?" *borderlands* 1, no. 1 (2002).
- ¹⁷ Suvendrini Perera, "A Line in the Sea," *Race and Class* 44, no. 2 (2002): 23–39.
- ¹⁸ Linda Briskman, Susie Latham, and Chris Goddard, *Human Rights Overboard: Seeking Asylum in Australia* (Melbourne: Scribe, 2008).
- ¹⁹ Deidre Tedmanson, "Isle of Exception: Sovereign Power and Palm Island," *Critical Perspectives on International Business* 4, no. 2–3 (2008): 142–65.
- ²⁰ Alperhan Babacan, "Securing Borders: Interdiction and Deterrence in Australia and Canada," in *Asylum Seekers: International Perspectives on Interdiction and Deterrence*, ed. Alperhan Babacan and Linda Briskman (Newcastle: Cambridge Scholars Publishing, 2008), 38.
- ²¹ Bob Hodge, *Borderwork in Multicultural Australia* (Sydney: Allen & Unwin, 2006), 23.

-
- ²² Agamben, *State of Exception*, 4.
- ²³ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge, Massachusetts and London: The MIT Press, 1985), 5.
- ²⁴ Savitri Taylor, "Sovereign Power at the Border," *Public Law Review* 16, no. 1 (2005): 6.
- ²⁵ Schmitt, *Political Theology*, 5.
- ²⁶ Ibid.
- ²⁷ Ibid., 6.
- ²⁸ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (California: Stanford University Press, 1998), 169, 170, 175.
- ²⁹ Jon Stratton, "Uncertain Lives: Migration, the Border and Neoliberalism in Australia," *Social Identities* 15, no. 5 (2009): 677.
- ³⁰ See Perera, "What Is a Camp...?" for a detailed analysis of the camp as an exceptional space in the Australian asylum seeker context.
- ³¹ Gregor Noll, "Visions of the Exceptional: Legal and Theoretical Issues Raised by Transit Processing Centres and Protection Zones," *European Journal of Migration and Law* 5 (2003): 338.
- ³² Agamben, *Homo Sacer*, 174.
- ³³ Lara Palombo, "Mutations of the Australian Camp," *Continuum: Journal of Media and Cultural Studies* 23, no. 5 (2009): 622.
- ³⁴ Didier Bigo, "Detention of Foreigners, States of Exception, and the Social Practices of Control of the Banopticon," in *Borderscapes: Hidden Geographies and Politics at Territory's Edge*, edited by Prem Kumar Rajaram and Carl Grundy-Warr (Minneapolis: University of Minnesota Press, 2007), 5.
- ³⁵ Dimasi and Briskman, "Let Them Land."
- ³⁶ Agamben, *State of Exception*, 12.
- ³⁷ Parliamentary Standing Committee on Public Works, *Proposed Respecified Christmas Island Immigration Reception and Processing Centre* (Canberra: The Parliament of the Commonwealth of Australia, 2003), 2.
- ³⁸ Department of Immigration and Multicultural and Indigenous Affairs, "Re-tender for Christmas Island Immigration Centre," media release, 2003, http://www.minister.immi.gov.au/media_releases/ruddock_media03/r03009.htm (accessed February 19, 2003).

-
- ³⁹ Paige Taylor, "Christmas Island Centre in Limbo," *The Australian*, March 6, 2007, online edition.
- ⁴⁰ Kevin Andrews cited by Rachael Bongiorno, "Radio Documentary on Christmas Island Immigration Detention Centre," *SBS Radio Alchemy*, September 22, 2007, http://www.sbs.com.au/podcasts/media/audio/alchemy_2007-08-20_8902.mp3
- ⁴¹ "No Detainees in Christmas Island Detention Centre," *AM*, ABC Local Radio, May 24, 2008, transcript at <http://www.abc.net.au/am/content/2008/s2254558.htm> (accessed July 15, 2010).
- ⁴² "No Detainees in Christmas Island Detention Centre."
- ⁴³ Richard Towle, interview by Philip Adams, "Refugee Influx: UNHCR," *Late Night Live*, ABC Radio National, April 16, 2009, audio recording at <http://www.abc.net.au/rn/latenightlive/stories/2009/2545130.htm> (accessed April 6, 2009).
- ⁴⁴ Joint Standing Committee on Migration, *Facilities, Services and Transparency: The Third Report into Immigration Detention* (Canberra: The Parliament of the Commonwealth of Australia, 2009).
- ⁴⁵ "Govt to Open Christmas Island Detention Centre," ABC News Online, December 19, 2008, <http://www.abc.net.au/news/stories/2008/12/19/2450749.htm> (accessed October 8, 2009).
- ⁴⁶ Briskman, Latham, and Goddard, *Human Rights Overboard*.
- ⁴⁷ Ghassan Hage, *White Nation: Fantasies of White Supremacy in a Multicultural Society* (New York: Routledge, 2000), 107.
- ⁴⁸ Some names have been changed to protect anonymity.
- ⁴⁹ "Detainees Allowed Out with Chaperone," *The Australian*, August 18, 2009, online edition.
- ⁵⁰ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harvest, 1968), 267.
- ⁵¹ Jacques Rancière, "Who is the Subject of the Rights of Man?" *South Atlantic Quarterly* 103, no. 2–3 (2004): 301.
- ⁵² Shire of Christmas Island, "DIAC Expansion," *The Islander* 444, November 14, 2009.
- ⁵³ Ibid.

⁵⁴ Australian Human Rights Commission, *Immigration Detention and Offshore Processing on Christmas Island* (Sydney: AHRC, 2009).

⁵⁵ Palombo, "Mutations of the Australian Camp," 621.

Bibliography

Agamben, Giorgio. *State of Exception*, translated by Kevin Attell. Chicago: University of Chicago Press, 2005.

—. *Homo Sacer: Sovereign Power and Bare Life*, translated by Daniel Heller-Roazen. California: Stanford University Press, 1998.

Adams, Jan, and Margaret Neale. *Christmas Island: The Early Years 1888-1958*. Marrickville: Southwood Press, 1993.

Arendt, Hannah. *The Origins of Totalitarianism*. New York: Harvest, 1968.

Astley, Thea. *The Multiple Effects of Rainshadow*. Melbourne: Viking, 1996.

Australian Human Rights Commission. *Immigration Detention and Offshore Processing on Christmas Island*. Sydney: AHRC, 2009.

Babacan, Alperhan. "Securing Borders: Interdiction and Deterrence in Australia and Canada." In *Asylum Seekers: International Perspectives on Interdiction and Deterrence*, edited by Alperhan Babacan and Linda Briskman, 28–44. Newcastle: Cambridge Scholars Publishing, 2008.

Bashford, Allison, and Carolyn Strange. "Asylum-Seekers and National Histories of Detention." *Australian Journal of Politics and History* 4 (2002): 509–27.

Bigo, Didier. "Detention of Foreigners, States of Exception, and the Social Practices of Control of the Banopticon." In *Borderscapes: Hidden Geographies and Politics at Territory's Edge*, edited by Prem Kumar Rajaram and Carl Grundy-Warr, 3–33. Minneapolis: University of Minnesota Press, 2007.

Bongiorno, Rachael. "Radio Documentary on Christmas Island Immigration Detention Centre." *SBS Radio Alchemy*, September 22, 2007. <http://www.sbs.com.au>

Briskman, Linda, Susie Latham, and Chris Goddard. *Human Rights Overboard: Seeking Asylum in Australia*. Melbourne: Scribe, 2008.

Casella, Eleanor C., and Clayton Fredericksen. "Legacy of the 'Fatal Shore': The Heritage and Archaeology of Confinement in Post-colonial Australia." *Journal of Social Archaeology* 4 (2004): 99–125.

- Department of the Environment and Water Resources. "Christmas Island Homepage," 2007. <http://www.environment.gov.au>
- Department of Immigration and Multicultural and Indigenous Affairs. "Re-tender for Christmas Island Immigration Centre." Media release, 2003. <http://www.minister.immi.gov.au>
- "Detainees Allowed Out with Chaperone." *The Australian*, August 18, 2009, online edition.
- Dimasi, Michelle, and Linda Briskman. "Let Them Land: Christmas Islander Responses to *Tampa*." *Journal of Refugee Studies* 23 (2010): 199-218.
- "Govt to Open Christmas Island Detention Centre." ABC News Online, December 19, 2008. <http://www.abc.net.au>
- Hage, Ghassan. *White Nation: Fantasies of White Supremacy in a Multicultural Society*. New York: Routledge, 2000.
- Hodge, Bob. *Borderwork in Multicultural Australia*. Sydney: Allen & Unwin, 2006.
- Joint Standing Committee on Migration. *Facilities, Services and Transparency: The Third Report into Immigration Detention*. Canberra: The Parliament of the Commonwealth of Australia, 2009.
- Lennon, Jane. "Port Arthur, Norfolk Island, New Caledonia: Convict Prison Islands in the Antipodes." In *Places of Pain and Shame: Dealing with 'Difficult Heritage'*, edited by William Logan and Keir Reeves, 165-81. London: Routledge, 2008.
- Marr, David, and Marian Wilkinson. *Dark Victory*. Sydney: Allen & Unwin, 2003.
- McCulloch, Jude. "Christmas Island Detention Centre." Paper delivered at Sisters Inside Conference, June 30, 2007. <http://www.sistersinside.com.au>
- McMahon, Elizabeth. "Encapsulated Space: The Paradise-Prison of Australia's Island Imaginary." *Southerly* 65, no. 1 (2005): 20-30.
- Neale, Margaret. *We Were the Christmas Islanders*. Canberra: Bruce Neale, 1988.
- "No Detainees in Christmas Island Detention Centre." *AM*. ABC Local Radio, May 24, 2008. Transcript at <http://www.abc.net.au>
- Noll, Gregor. "Visions of the Exceptional: Legal and Theoretical Issues Raised by Transit Processing Centres and Protection Zones." *European Journal of Migration and Law* 5 (2003): 303-42.
- Palombo, Lara. "Mutations of the Australian Camp." *Continuum: Journal of Media and Cultural Studies* 23, no. 5 (2009): 613-27.

- Parliamentary Standing Committee on Public Works. *Proposed Respecified Christmas Island Immigration Reception and Processing Centre*. Canberra: The Parliament of the Commonwealth of Australia, 2003.
- Perera, Suvendrini. "A Line in the Sea." *Race and Class* 44, no. 2 (2002): 23–39.
- . "What is a Camp...?" *borderlands* 1, no. 1 (2002).
- Rancière, Jacques. "Who is the Subject of the Rights of Man?" *South Atlantic Quarterly* 103, no. 2–3 (2004): 297–310.
- Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*, translated by George Schwab. Cambridge, Massachusetts and London: The MIT Press, 1985.
- Shire of Christmas Island. "DIAC Expansion." *The Islander* 444, November 14, 2009.
- Stratton, Jon. "Uncertain Lives: Migration, the Border and Neoliberalism in Australia." *Social Identities* 15, no. 5 (2009): 677–92.
- . "Two Rescues, One History: Everyday Racism in Australia." *Social Identities* 12, no. 6 (2006): 657–81.
- Taylor, Paige. "Christmas Island Centre in Limbo." *The Australian*, March 6, 2007, online edition.
- Taylor, Savitri. "Sovereign Power at the Border." *Public Law Review* 16, no. 1 (2005): 55–77.
- Tedmanson, Deidre. "Isle of Exception: Sovereign Power and Palm Island." *Critical Perspectives on International Business* 4, no. 2–3 (2008): 142–65.
- Towle, Richard. Interview by Philip Adams. "Refugee Influx: UNHCR." *Late Night Live*. ABC Radio National, April 16, 2009. Audio recording at <http://www.abc.net.au/>
- Wadiwel, Dinesh. "'A Particularly Governmental Form of Warfare': Palm Island and Australian Sovereignty." In *Our Patch: Enacting Australian Sovereignty Post-2001*, edited by Suvendrini Perera, 149–66. Perth: Network Books, 2007.
- Waters, Les. *The Union of Christmas Island Workers*. Sydney: Allen & Unwin, 1983.