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**The Race Issue in Australia's 2001 Election:
A Creation of Politicians or the Press?**

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The Origins of the Crisis

In late August 2001, the routine journey across the Indian Ocean of a Norwegian freighter, the *Tampa*, would become a voyage from hell, with the *Tampa* itself transformed into a floating monument to inhumanity, the focus of an international political dispute, and a bitter symbol in Australia's 2001 national election. The story of the *Tampa* is a modern morality tale: it documents the tragedy of refugee policy and global migrations – the conflict between asylum-seekers desperate to find a better life and the reluctance of citizenry of the rich stable democracies to embrace them. It also contains a powerful lesson for the press – and a warning of challenges to come.

On August 26, the *Tampa* was traveling from the Australian port of Fremantle to Singapore. In response to an Australian search and rescue broadcast, it intercepted a stricken Indonesian vessel and took aboard 433 people, nearly all of them Afghans headed for Australia's remote Christmas Island and what they hoped would be a new home in Australia itself. The pick-up occurred within the Indonesian rescue zone* and so the *Tampa's* experienced captain, Arne Rinnan, set course for the port of Merak on the Indonesian island of Java 250 miles away, where permission to land had been given. But Captain Rinnan soon found himself under duress by the unarmed asylum-seekers, led by five men who came to the bridge, "talking in aggressive and highly excited voices." Their demand was "either take us to Christmas Island or go to any Western country." With his crew of thirteen vastly outnumbered; the captain turned the ship about, and headed for Christmas Island.¹

* The Indonesian rescue zone, established by maritime agreement, covers the area where Indonesia has search-and-rescue responsibility.

Before the *Tampa* reached the island, however Australian authorities ordered it to remain at least twelve miles offshore, outside territorial waters. The Australian government, alarmed by the growing number of boat people arriving (more than 8,300 in the two previous years) saw the ship as the most blatant assault yet on Australian sovereignty by the people-smuggling industry. (It has never been questioned – at the time or later – that the boat people collected by the *Tampa* were part of a people smuggling operation.) The cabinet thus decided on the morning of August 27 to deny disembarkation rights, and Prime Minister John Howard argued that the *Tampa*, under international law, should return to Indonesia. The cabinet was infuriated that the Afghans, rescued by a Norwegian Vessel and in the process of being returned to Indonesia, were now intimidating their way to Australia. If they succeeded, the *Tampa* would signal his government's inability to control the borders, an issue that had been receiving growing attention in Australia. As Howard explained, "We simply cannot allow a situation to develop where Australia is seen around the world as a country of easy destination." As a result, the *Tampa* would "not be given permission to land in Australia or any Australian territories."²

Summary of the Project

This project tells the story of the *Tampa*, of Australia's new and punitive refugee policy in 2001, of the reaction and role of the country's leading newspapers to this event, and their complex connections. The transformation in Australian policy is the most dramatic by a democracy to combat the ever-increasing flow of asylum-seekers that began a decade ago. As right-wing anti-immigration sentiment gains influence across Europe, and the United States moves towards tougher policies against asylum-seekers and illegal immigrants as part of its new war against terrorism, the Australian experience offers a template of how intricate new forces may well play out. There is an urgent conclusion drawn: democracies need a deeper, more informed public debate to balance border protection with human rights. The refugee issue is here for the long haul – asylum-seekers are driven by ongoing disintegration of dozens of impoverished states and the quest for a better life in the developed world.

The story begins with the Howard government's refusal in August 2001 to allow the *Tampa* to disembark and finishes with the government's re-election on November 10, 2001. In those ten weeks, Australia's refugee policy was utterly transformed. The project offers a narrative account of the tension and clash between the press coverage of the refugee issue and the Howard government's stand, which was backed by public opinion. It finds that the Australian government went beyond protection of Australia's borders to demonize the boat people and that it lied to the Australian community about events on the water. It concludes in this respect that the press criticism of the government for stirring xenophobia and racism was valid.

The project also, however, points to the split in Australia between elite and popular opinion, a division replicated in most of the Western democracies. It argues that this split reflects a profound conflict of perceptions over whether asylum-seekers are seen as a test of humanitarian values or as a threat to developed nation's norms of community and stability. The Howard government's re-election offers convincing evidence that, for a compassionate refugee policy to work, it must be sustained by a national interest rationale—and that press advocacy for these policies based solely on humanitarian grounds will not prevail. This project argues further that the lesson from the Australian experience is that the international press needs to help re-frame the global refugee issue, not solely as a contest between tolerance and intolerance, but as a serious 21st century challenge to the liberal democratic state between competing ideas of universal human rights and the expression of voters' demands that governments tighten borders in the name of sovereignty.

Towards The Showdown

Australian politics is conspicuous for its structural stability, with the long-standing party contest between the conservative Liberal and National Coalition in opposition to the liberal Australian Labor Party. In March 1996, the Liberal government was returned to power under the leadership of John Winston Howard, an under-estimated mixture of economic liberal, social conservative and calculating populist. Often depicted as the “plain man's plain man,” Howard privately enjoyed the comparison between himself and Harry S Truman. His own hero was the country's most successful Liberal

Prime Minister, Sir Robert Menzies, and while he lacked the magisterial power of Menzies, there was a quality they shared – an insight into the conservative character of the Australian people. Howard was re-elected in 1998 and, under Australia’s three year parliamentary terms, he had to call another election before the end of 2001. But his majority was narrow and a very modest national swing of less than one per cent would bring his defeat. Howard’s opponent was Labor Party leader, Kim Christian Beazley, a down-to-earth former academic, a veteran Defense Minister and an instinctual counter-puncher. Labor’s research had documented a strong lead in the marginal seats and Beazley expected to win the 2001 election based on Howard’s growing unpopularity.³

Howard’s prime ministership was dominated by two ideas – a series of pro-market economic reforms and a cultural conservatism that had seen him defeat the referendum for an Australian republic, refuse an apology to the Aboriginal people for past injustice, and re-orient foreign policy away from Asia towards America. Howard was a fierce critic of his Labor predecessor, Paul Keating, who had espoused what amounted to a national identity change: a multicultural Australian republic tied to Asia. A feature of Howard’s success from 1996 onwards was his cultivation of the Howard “battlers,” an Australian version of Ronald Reagan’s Democrats. Howard had a proven ability to penetrate the Labor base vote and win support from the working class off the back of his conservative cultural agenda. His 2001 stand against the boat people would lift this technique to its zenith.

Central to the 2001 political crisis was Australia’s bipartisan immigration and refugee tradition. A system of “controlled immigration,” inaugurated in 1947, has

welcomed six million people as migrants, contributing to a population of just over nineteen million today. It has been a vast project of social engineering: in per capita terms, only Israel had accepted more immigrants than Australia and 22 per cent of its current population was born overseas (the comparable figure for the United States is 11 per cent).⁴ Three principles underwrote Australia's program – a non-discriminatory entry policy in terms of race, color, ethnicity and religion; a philosophy of national economic interest rather than international humanitarianism; and administrative procedures that reflected a high degree of government control meant to ensure orderly migrant approval and prohibit illegal entry.⁵ It was this philosophy of control as a cornerstone of Australia's approach to refugees that led directly to Howard's response to the *Tampa*.

As part of its overall immigration policy, “over the past half century Australia has accepted about 500,000 refugees – from German Jews to East Europeans and Southeast Asians fleeing Communist regimes. These refugees, however, came overwhelmingly through offshore processing managed by the Australian government rather than arriving unannounced and destitute on the country's coastline. The system upholds the idea of border sanctity and reflects its values, codified in its policies: Australia wants its refugee program based “offshore” and becomes alarmed whenever refugee claimants arrive by boat to lodge an “onshore” application. In the 1970s and 1980s when Australia accepted a very large number of Vietnamese boat people, the key to their political acceptance was halting illegal boats landing through international agreement under which holding camps were established in the region in return for countries such as America, Canada and Australia taking a large number of refugee from the camps.⁶ As a result, Australia's annual refugee and humanitarian intake – set at 12,000 in recent years – has been

structured as a zero sum game so that any upsurge in “onshore” arrivals of refugees meant a corresponding cut in the “offshore” program. The purpose is to show the Australian people that it is their government, not the refugees, who controls the entry numbers regardless of the human tragedy involved. It also implies that there are two classes of refugees differentiated by morality – the “honest” migrants who await their deliverance in camps and the “dishonest” who jump queue.⁷

That August the *Tampa* sailed into a struggle over refugee policy that the Howard government was waging at home and internationally. Legally, Howard had the power to deny the *Tampa* disembarkation rights, but also knew that politically and morally its human cargo could not be abandoned on the water. Australia’s refusal of entry, therefore, was only viable if Indonesia agreed to accept them, and Indonesia refused. Its refusal was conveyed to Australia later on August 27, the same day of Howard’s announcement. Meanwhile Australia’s Foreign Minister told his Norwegian counterpart that Australia’s defense forces would act if the *Tampa* entered its territorial waters.

In an effort to break the stalemate and alarmed at the rapidly deteriorating health conditions on his ship, Captain Rinnan defied Australia on August 29 and advanced into territorial waters off the coast of Christmas Island. He felt that the condition of some of the boat people was such that deaths might occur. This became, in effect, the decisive moment in the crisis. The asylum-seekers, in practical and legal terms, had arrived in Australia although they had used intimidation to achieve their goal. While Australia had had a powerful argument that the ship should proceed to Indonesia, that option had evaporated with Jakarta’s refusal. At this point, the Howard cabinet could have retreated from its two-day-old stand, allowed the *Tampa* to land its Afghan passengers and then

processed these 433 asylum-seekers in the same way that it had processed the previous 8300 over the two years. The incident would have been a severe embarrassment, with the risk of Howard being depicted as a vacillating leader and Australia as an achievable destination. It is equally likely, however, that a speedy resolution of the crisis would have killed the news story with the electoral agenda moving to other issues.

But John Howard did not intend to retreat, because he saw the contest as a test of will. For Howard, the issue was about a fundamental political principle: he was defending Australia's border security against a concerted assault from the people-smuggling industry. For two years, the government had been moving towards a harder line on such boat arrivals – always a highly visible issue in Australia. For Howard, the *Tampa* now represented the ultimate test of his will to defend Australian sovereignty as well as the strength of his own leadership on the eve of an election campaign in which he was convinced that leadership would be his principal asset over Beazley. This was a defining moment for Howard: he judged that the public would reward him for taking a tough stand. So, he pressed ahead, improvising as he went, with a series of bold yet dangerous decisions.

First, he ordered the SAS, Australia's elite commandos, to board the *Tampa*, informing the Parliament on August 29 that "the ship is now under the control of the SAS." Howard then told Parliament that Australia had received a message from the captain saying that he had entered territorial waters because the boat people "had indicated that they would begin jumping overboard if medical assistance was not provided quickly." This phase would later assume a deeper significance. Howard revealed that the SAS mission was to return the *Tampa* to international waters and that

the troops had urged this upon the captain. But, once again, the Norwegian captain would defy Australia.⁸

A stalemate resulted. Howard's advantage at this point was that the *Tampa* offered this group of boat people a secure vessel, not an unreliable and overloaded Indonesian boat at risk of sinking. This gave Howard the time to search for a solution short of backing down.

The Stakes Involved

The SAS's seizure of the *Tampa* raised the stakes involved on three different levels – the viability of the global refugee regime, the utility and values of Australia's refugee policy, and the potency of this issue with voters in the 2001 election.

The principal international agreement governing global refugee movements is the 1951 United Nations Convention Relating to the Status of Refugees. Subsequently signed by 140 nations, the Convention defines a “refugee” as a person unable to avail himself of the protection of his own country because of a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” Obligations are imposed when an asylum-seeker (a person who claims refugee status) arrives in a signatory country. The main obligation is “non-refoulement” – not returning the person to possible persecution and not penalizing asylum-seekers who enter a country “illegally.” Having prohibited refoulement, however, the Convention offers no assistance to host nations that incur such obligations. It takes no account of the political

or social impact of these obligations upon the host nation nor does it impose sanctions upon nations that persecute or expel their own people.⁹

The politics surrounding this convention have changed irrevocably in the past half-century. Most of the Western states that are party to it would probably not sign it today, because the convention was written for a set of circumstances that no longer exist – a world still shocked by the Nazis and the Holocaust and gripped by the Cold War.¹⁰ As Professor Monica Toft at Harvard’s Carr Center for Human Rights notes, during the Cold War, refugee policy was an extension of foreign policy. With such refugees relatively few in number, often well educated, and serving as propaganda pawns in the conflict, the convention was meant to apply to postwar Europe. Although the definition was amended in 1967 to recognize a global process, Toft explains that the end of the Cold War a decade ago “changed every variable of the refugee equation... OECD countries would soon be bracing to receive floods of people of all ages, skills and backgrounds. Criminals, the infirm, mentally ill, drug addicts and fanatics of all stripes would join with the masses of normal citizens seeking asylum in the West where they would be greeted with as much enthusiasm as a plague of locusts.”¹¹

The Convention had worked for the previous generation for several political reasons: Communist nations had tried to restrict their refugee outflows, mass flows (Hungary in 1956 and Czechoslovakia in 1968 were the exception) and forced migration outside Europe was legally separate from the mandate of the UN High Commissioner for Refugees (UNHCR). Significant refugee flows in the developing world remained within the region of origin, hardly affecting Europe, North America or Australia.¹² As a consequence, the flows of asylum-seekers that began in the 1990s are divorced from the

political circumstances that led to the formulation of the 1951 Convention. The problem is that no new political rationale has been devised with the consequence that the main argument for asylum-seeker acceptance is humanitarian. Humanitarian concern should not be under-estimated, but the absence of a compelling national interest for accepting refugees on a large-scale is fundamental to the current debate,¹³ a debate whose importance is reinforced by the numbers of refugees estimated by the UNHCR at the start of 2001 as roughly 12 million refugees worldwide (excluding four million Palestinians who fall under a separate UN mandate).¹⁴ The communications revolution and the rise of a global people-smuggling industry means that a significant number of those asylum-seekers travel thousands of miles to reach their preferred destinations. At the same time, the lines between economic migrants and refugees have blurred in a way the 1951 Convention did not anticipate, while its definition of persecution as a hostile act by the state against the individual has been eclipsed by a new paradigm: the contagion of failed states. As Toft explains, “most of the millions of refugees since 1981 have taken flight not as a result of systematic state persecution but as a consequence of state failure, manifested most often by civil war. In 1997 for example, 20 countries were responsible for producing 100,000 or more refugees each. Civil wars precipitated 16 of these large-scale refugee flows.”¹⁵

Under these changed circumstances, as United Nations Secretary-General Kofi Annan warned in late 2001, “in the minds of many, refugees are equated at best with cheats, criminals or even terrorists.” Anxious to uphold the viability of the global community’s key instrument for people-flow management, he added, “We must refute this gross calumny,” before arguing that the Convention still offered “a perfectly good

basis for separating those who genuinely need international protection from those who do not.” A number of scholars, likewise, insist that politicians and bureaucrats in the developed nations should not be allowed to distort the Convention’s enduring meaning. As William Maley, Professor of Politics at the Australian Defense Forces Academy, observes, “The claim that the Refugee Convention is not working as it was intended in 1951 is spurious. Unquestionably, more people now fall within the definition of refugees in the Convention than its originators expected.... The refugee crisis is actually a crisis of moral failure as states seek to shed obligations which they freely entered.”¹⁶

In her speech marking the 50th anniversary of the Convention, Erica Feller, the director of the UNHCR’s Department of International Protection, warned, “asylum-seekers are having a difficult time accessing procedures and overcoming presumptions about the validity of their claims.... Simply because people arrived illegally does not delegitimize their claim... resolute leadership is called for to de-dramatise and de-politicize the essentially humanitarian challenge of protecting refugees... responsibility for such a trust must be shared by many, or it will be borne by no one.”¹⁷ The idea that national self-interest resides ultimately in an approach based upon collective responsibility for refugees is fundamental to retaining support for the Convention.

Long before the *Tampa* sailed into sight, the Howard government had entered this international debate as a critic of the global refugee system. Its brief was carried by Howard’s Immigration Minister, Philip Ruddock, whose grasp of detail and former status as a leading light from the progressive wing of the party meant that his advocacy of punitive policies carried credibility at the cabinet table. Ruddock branded as “obscene” the international media’s obsession with 500,000 asylum-seekers, many of whom had

paid to cross several borders in search of a better future while the UNHCR struggled to handle 22 million people of concern, including both refugees and displaced people. Underscoring with new intensity the traditional Australian preference for taking refugees “offshore” rather than “onshore,” Ruddock invested this convenience with a high morality. He stressed Australia’s role as one of only ten nations that take an annual quota of refugees from camps run by the UNHCR, unlike most nations that receive refugees on an ad hoc basis or as asylum-seekers arrive on their doorstep. Two features in Ruddock’s approach – it “allows Australia to choose who it will accept,” and it “favors young, healthy and skilled applicants” – also meant that Australia rarely touched the huge refugee camps of Africa and the Middle East.¹⁸ It also enabled Howard to make international comparisons based exclusively upon such annual offshore programs to argue Australia’s superior virtue, and boast of his government’s generosity to the world community via CNN: “We, of course, take more refugees on a per capita basis than any other country in the world after Canada, so nobody can accuse Australia of being hard-hearted.”¹⁹ This line – that Australia was the second most generous nation – became a Howard-Ruddock refrain during the final months of 2001, even though it cannot be sustained by a close scrutiny of the facts.²⁰

Self-armed with such virtue, Ruddock attacked the global system for being soft on asylum-seekers, a message that proved increasingly welcome in Europe. In Ruddock’s vision, the asylum-seekers had become a political scourge: they dominated the struggle for government funding, monopolized the compassion factor in public opinion, commanded the media’s attention and, in many cases, proved not to be classic refugees, but economic migrants, who self-select their preferred rich nation. “While refugees have

a right to protection,” he declared, “they do not have a right to choose the country that provides the protection. Nor do they have the right to abandon protection in one country to seek it in another. Australia believes that those who undertake secondary movement to their country of choice because they have the financial resources to do so are undermining the international system of protection.” The Howard-Ruddock case was that the international system was at risk from a sinister coalition – a smuggling industry and its asylum-seeking clients. Ruddock traveled the world complaining that the developed nations are spending about \$US10 billion to manage half a million asylum-seekers while the UNHCR has only \$US800 million to support its 22 million refugees and people of concern.²¹

But Australia’s credentials in pursuing a better global system have been undermined by the inhumanity of its own approach, including its unique system of mandatory detention for boat people (including children). The nation’s preeminent scholar of migration issues, the Australian National University’s Dr James Jupp argues that this bipartisan policy seems to breach the 1951 Convention’s principle that asylum-seekers should not be imprisoned for entering a signatory nation without a visa. In addition, Jupp highlights Australia’s dual approach to asylum-seekers: it puts arrivals without a visa into detention yet allows those who enter on student or tourist visas and then overstay in order to claim refugee status to remain within the community.²²

These views about the 1951 Convention from various stakeholders reveal the complexity of the system and the strains upon it. The liberal democracies have witnessed two simultaneous and conflicting trends over the recent years – the expansion of refugee rights in constitutions, statutes and judicial rulings driven by the power of the human

rights idea and, set against this, moves by the executive branch of governments to limit or deny such rights via detention, restrictive visas, greater border controls and fresh curbs on judicial discretion.²³

Australia “Goes It Alone “

From the onset of the crisis, the political imperative was dominant. It was the Prime Minister’s office and his Department that largely controlled this dynamic, with Ruddock in the role of administrative agent and public defender, leaving the Labor Party to watch agog as the *Tampa* drama unfolded.²⁴ Beazley’s initial instinct was to support Howard – but he knew this delivered all the political advantages to the Prime Minister. Thus after Howard made his dramatic statement in Parliament at 2pm on August 29 that he had ordered the SAS into action, Beazley rose to offer full endorsement with a memorable phrase that he would regret: given the situation, “this country and this Parliament do not need a carping Opposition.” Beazley’s mind was with the troops, not the refugees, and said the task of the Opposition was to “understand the difficult circumstances” and pledged to do just that.²⁵ His promise lasted just five hours.

Howard was now on the political warpath; his blood was up. Just as he had invoked the armed forces over the defense of East Timor, so he invoked them again in another cause close to his heart. Howard’s trouble was the legal doubt surrounding his resort to the military: under the law asylum-seekers were supposed to be protected, not threatened, by troops. To remedy that flaw, shortly after 6 PM that night Howard gave Beazley a copy of an extraordinary bill he would introduce in the House forty minutes

later. Called the Border Protection Bill, it was designed to validate retrospectively the military action taken against the *Tampa* and the ship's intended removal from territorial waters. The bill authorized Australian personnel to remove vessels from territorial waters, to board them, to remove boat people, to make arrests and to take action against any attempt to resist "by jumping overboard." Under the bill, all such actions would be excluded from challenge in any Australian court and any boat people involved in such incidents would be denied any claim for refugee status. These powers had general application and were not *Tampa*-specific.

The rushed bill was too much for an agitated Labor Party. Beazley knew that he had to give Howard what he craved – a tactical split over the border protection regime. Beazley accused Howard of playing "wedge politics," by stoking voter's fears, rather than addressing the problem. Labor opposed the bill as "ill-considered, draconian and unconstitutional," which, to many, seemed a fair description. While Beazley had merit on his side, he lost this contest of perceptions since Howard successfully depicted Labor as vacillating in the polarizing climate he had engendered. Three weeks later a modified bill was introduced by the government in vindication of Beazley's stance and was passed – but there was no compensation for Labor in terms of public support.²⁶ Howard pursued Beazley ruthlessly for weeks, casting him in virtually every interview he gave as a "flip-flop" leader.

Before Howard acted there had been little demand in Australia to halt the boats completely. So, Howard led rather than followed public opinion. But having struck boldly, he had no trouble mobilizing a massive constituency for his action. With his keen insight into the Australian psyche, he tapped one of its deepest elements – the border

protection imperative. Long associated with the “White Australia policy” and racist fears of invasion, it has outlasted the “White Australia policy” that was abolished in the late 1960s and early 1970s.²⁷ Border protection, however, constitutes a more enduring element of Australian nationalism – the idea of the continent as the nation. It is also an appeal to national security because the seas that surround the continent can be monitored and unwanted arrivals detected in a way that is impossible for most nations with land borders. Border protection thus remains integral to how Australia relates to the world and that worldview, as argued previously, is embedded in the post-war immigration program.

It was in Howard’s search for a solution to the *Tampa* dilemma that he put in place over the next month the most restrictive changes to Australia’s refugee policy in its history. Beazley, having broken with Howard on the initial legislation to validate the *Tampa*’s seizure, now returned to utter solidarity, leaving the “true believers” of the Labor left enraged as Howard carried Beazley with him in constructing an anti-asylum-seeker “rim of steel,” composed of six important elements.

First, the government reached agreements with several South Pacific nations to accept for processing the *Tampa* boat people as well as any future boat people who arrived on Australian territory. While New Zealand as a close neighbor took a number of the *Tampa* asylum-seekers, Australia used financial incentives to persuade weak states such as Nauru and Papua New Guinea to cooperate with its so-called “Pacific solution.” (It even explored the option of sending some asylum-seekers to impoverished East Timor.) The “Pacific solution” meant that asylum-seekers who landed on the Australian territories henceforth would be immediately consigned offshore to these islands for processing. As the first step, the people on board the *Tampa* were transferred at sea to

Australian naval vessels and then transported to various South Pacific destinations—enabling Howard to keep his original pledge that the *Tampa* people would never set foot on Australia or its territories.

Second, a new refugee jurisdiction was created. This new regime applied henceforth to all people arriving at the “offshore territories” (Christmas Island, Ashmore Reef and the Cocos or Keeling Islands), which effectively meant all the boat people. They would be labeled an “offshore entry person” and would in effect be excluded from Australia’s obligations under international refugee law. Such people even after processing in South Pacific islands would thus never be eligible for permanent residence in Australia, regardless of their refugee status. Instead, they would only be entitled to a “temporary protection visa” limited to between three and five years. After that, their ability to return to their homeland would be re-assessed. Their families would never in any case be able to join them in Australia. This was a regime calculated to dissuade asylum-seekers arriving by boat—but happened to be a definition of border protection manifestly in conflict with Australia’s international obligations under the 1951 Convention.²⁸

Third, people smugglers involved in the trade to Australia would face harsher penalties: a minimum of five years in prison and up to 20 years for a first offense, with harsher provisions for a second offense. Fourth, people arriving by boat with no documents – despite having traveled through several countries en route – would have “adverse conclusions” drawn against them, thereby making refugee status much harder to obtain. Fifth, any judicial efforts to expand the definition of the term “refugee” as well as the right of Federal Court and the High Court to review refugee determination decisions

at the administrative level were restricted, and. class action suits against unfavorable decisions were prohibited. These measures reflected the executive's hostility towards judicial interpretation that it saw as frustrating government policy by permitting asylum-seekers a de facto permanent status via protracted legal appeals.

The sixth arm of Howard's new policy, however, quickly became the most visible to the Australian people – the deployment of the Australian military to intercept boats carrying potential asylum-seekers. This operation would cause intense dispute within the military forces and guarantee a media watch for new boats during the election campaign.

The Press – The Initial Reaction

The two most influential papers in Australia are the *Sydney Morning Herald*, based in Sydney and sold throughout the state with the largest population, (New South Wales) and *The Australian*, the national daily that circulates across the country. *The Herald* is part of the John Fairfax group and *The Australian* is owned by News Corporation.²⁹ *The Australian* is the newspaper for which I have worked since 1986, as National Affairs Editor (1986-91), as Editor-in-Chief (1991-96) and then as International Editor (a writing position).³⁰ I was involved closely as a commentator in the events described here and one of the purposes of this project has been to review not only the issue and the newspaper coverage but to re-assess my own perspectives.

The Herald and *The Australian* have been selected because they offered a sustained critique of Howard's policies at a time when the Labor Opposition fell into line. In this respect, the two newspapers provided a leadership role for those searching for

another perspective or alienated from the Howard-Beazley position. This project, therefore, does not purport to review the overall newspaper reaction to Howard's refugee policy, the aim, rather, is to study the response of his newspaper critics, to identify their arguments and to assess their validity and wider significance.

The Herald and *The Australian* found themselves facing a newspaper market that gave considerable support to Howard, reflected most strongly in the *Sydney Daily Telegraph*, the *Herald's* tabloid rival and part of Rupert Murdoch's News Corporation group. Both *The Herald* and *The Australian* can be described as "quality broadsheets" that devote considerable attention to national and international issues; both papers eventually endorsed John Howard over Kim Beazley in the 2001 election; both papers have their readership among the educated, professional and middle to upper income-earners; finally, both papers reflect the Australian tradition of journalistic aggressiveness and, more recently, the discretion for opinion within news stories. However the papers are by no means identical editorially, with the *Herald* more liberal (in the U. S. meaning) and *The Australian* orientated more to social and cultural conservatism. As a consequence, the *Herald* throughout the Howard era has been more critical than *The Australian* of the Prime Minister across a range of issues.

There were two distinct episodes in the press coverage of the period. The first in late August and early September dealt with the *Tampa* crisis and the *Tampa*-driven new refugee policy, and the second in October and early November dealt with the even more intense campaign period.

If there was an underlying theme to press coverage in the first phase it was concern – often emotional concern – about the inhumanity of the *Tampa* policy when

measured against what appeared to be the dubious national interest benefits claimed by Howard. From the start, and throughout the electoral campaign phase, the papers judged Howard's policy on the test he defined: stopping the boats. As long as the boats kept coming (and they arrived throughout the election period), the papers argued that Howard's stand had not succeeded.³¹

In its editorials (as distinct from its news coverage), the *Herald* was supportive initially of Howard's refusal to accept the *Tampa*; but it grew concerned and then increasingly critical as his solution emerged. Its editorials over the first week of the crisis were notably moderate, and began by declaring that Howard's line on the *Tampa* was a "decision that should stand." While sympathetic to the boat people, it said that Australia had no obligation to accept them and hoped the issue might strengthen "the wider international response to the enormous problem of refugees and asylum-seekers."³² *The Herald's* concerns grew when Howard resorted to the SAS, which it branded a "significant escalation" that risked squandering "the moral authority [the government] needs to carry through its decision."³³ It was skeptical of tiny Nauru's recruitment to help solve Australia's refugee problem and, after four days of the *Tampa* crisis, was more worried about Howard's direction: "Time will tell whether the results justify the damage to Australia's reputation and the ugly polarization of domestic opinion."

The Herald's initial news coverage by contrast was strong, emotional and critical. The *Tampa* crisis dominated its front pages. The focus of coverage was the plight of the boat people and Howard's inhumanity. Its page-one headlines in the opening days were "Three nations cut refugees adrift,"³⁴ followed the next day by "Mercy ship: help, we can't cope" with the article's opening sentence reporting that fifteen refugees had fallen

unconscious on the *Tampa*'s deck. The article then quoted the *Tampa*'s radio operator as saying "I don't think we can hold out any longer," while the adjacent story was headlined "They're intimidating us: PM" and quoted Howard alleging that the boat people were "trying to intimidate us with their decency."³⁵ Two days later *The Herald*'s page-one headline read, "Australia fights to save face."

The Herald's senior staff correspondents were strongly critical of Howard usually on one or all of three grounds – lack of moral principle, policy improvisation with little prospect of success, and provocation of an unnecessary polarization of the community. Their coverage focused on the government's struggle to find a solution, its reliance upon the armed forces and the growing international criticism of Australia that came from Norway, Indonesia, the United Nations and overseas media. (As UN Human Rights Commissioner, Mary Robinson put it, "Australia has the primary responsibility. It is pointing to Indonesia, it's even pointing to East Timor, but I think it's very clear where the responsibility is.")³⁶

The Herald's respected senior political correspondent, Michelle Grattan, wrote that the *Tampa* issue "has descended into a dangerous crisis that continues to worsen" and that "the government has got progressively deeper and deeper into this mire." Her early judgment was that "the government would have been wiser to have accepted these people," with Howard cutting his losses and backing down.³⁷ Grattan said Howard's mistake had been "to overestimate Australia's clout" and that he "has been embarrassingly stood up by [Indonesia's] President Megawati."³⁸ A few days later Grattan said Australia had adopted "the most extreme and outlandish" tactics, with its Prime Minister talking as though Australia were "at war" – an approach that made

Australia look “at best, slightly ridiculous, and at worst, a bully.”³⁹ In a major article a week into the crisis *The Herald’s* Foreign Editor, Hamish McDonald, criticized the ineptitude of the government’s response under the headline “Canberra bullyboys lack intelligence to stem the tide,” and attacked Howard for his “ineffable shamelessness.”⁴⁰ These articles established the twin critique from the onset – inhumanity and incompetence.

The majority of the paper’s op-ed columns were also critical of Howard – but there were occasional exceptions. For example, *The Herald’s* irascible veteran and most experienced Canberra columnist, Alan Ramsey, renowned for his fearless onslaughts, turned his sights on the quality press, including his own paper. For Ramsey, the emotional news coverage was far too one-sided. Revealing a rare sympathy for Howard, Ramsey wrote that the core issue was “Australia’s system of willy-nilly accepting, for genuine assessment, all manner of charlatans posing as ‘refugees’ as they’re siphoned down a corrupt boat-people pipeline... rorted with utter contempt by international spivs and shonks.”^{41*}

Sydney-based columnist Jennifer Hewett, by contrast said the issue had exposed “huge tears” in Australia’s self-image of racial tolerance and cultural diversity and that the *Tampa* consequently involved a core moral issue.⁴² Three high profile *Herald* non-staff columnists Robert Manne, Richard Glover and Mike Carlton did raise the racism charge. In an op-ed piece headed “New slant on White Australia” Manne said Howard’s policy allowed Australia to be typecast as “selfish, wealthy, and racist,”⁴³ while Glover wrote, “our self-serving politicians are fanning the flames of racism and fear”⁴⁴

* “to rort” is to trick or deceive with grave consequences, to rip off; a “spiv” is a flashy crook or dubious operator; a “shonk” is a “spiv” without the flash.

Even so, “racism” was not the principal charge leveled against Howard. (A computer-based search of *The Herald’s* first three weeks of coverage matching “Howard” with “racism” or “racist” showed, for example, only 11 connections, most made in letters or news stories.)⁴⁵ The main thrust of the moral argument against him in *The Herald* in this phase was his perceived lack of humanity, not racism.

But as *The Herald’s* coverage became more critical, the depth of public support for Howard became more apparent. The paper’s own telephone poll a week into the crisis (conducted by the A. C. Nielsen organization) showed 77 per cent support for Howard’s refusal of entry (with 66 per cent support among Labor voters). Howard swiftly grasped the political implication of his stand among the Labor base vote: it meant that Beazley was locked into Howard’s position by necessity, but was seen as a follower not a leader.

Howard’s stand on *Tampa* and refugees in effect, had split the nation along elite-populist lines to his electoral favor. *The Herald* reported a survey of e-mails, faxes and letters it received over two days in the opening week of the *Tampa* crisis that showed: 431 against Howard, 159 for him, and 55 neutral. *The Herald’s* readers’ views were directly opposite to national opinion. Its highly critical coverage was out of step with public opinion but consistent with its own audience. *The Herald* in short was writing to the converted.

This analysis of the first phase of the coverage suggests that *The Herald’s* response was measured in its editorials, emotional in its news, critical (though not unfairly) of Howard in its news and columns and cynical about his motives. But the paper was also writing to a minority position in a polarized community: the popularity Howard had mobilized was impervious to its critique about the impracticality of his solution.

The Australian in its editorials was an immediate and harsher critic of Howard than the *Herald*. It attacked his policy as self-defeating, inhumane and in breach of Australia's international obligations. On the third day of the crisis, *The Australian* launched an assault upon the government's *Tampa* strategy and its new refugee policy that was sustained until election day. It editorialized that the government's response "has degenerated from an offensive, inhumane embarrassment into a full-blown domestic and foreign policy crisis." It said the deployment of the SAS "should never have happened." It pointed out that, using the government's own figures, three out of four boat people had been deemed refugees, and it urged "the government to allow these stranded people on Australian shores" since Australia had "a legal and moral duty" to accept and process the *Tampa* people as asylum-seekers.⁴⁶ Two days later it said, "Mr. Howard's legitimacy has been undermined and our reputation damaged." The paper editorialised that: "it is becoming more difficult to see all this as necessary to protect the national interest and harder to avoid the conclusion that it is instead designed to protect the political security of the Prime Minister."⁴⁷

In its page-one coverage of the initial crisis *The Australian* focused on the themes of misery and mercy, viewing the plight of the boat people as the heart of this gripping story, with headlines that included: "Refugees trapped at sea," "Cargo of human misery," "Let the refugees land," and "Please PM, have mercy on us."⁴⁸

The Australian's commentary focused on Howard's incompetence, his domestic political windfall and the gulf between means and ends. The strongest criticism came from Foreign Editor Greg Sheridan, who attacked Howard's *Tampa* policy as

“characterized by amateurism, a lack of planning and overwhelmingly decided by crude domestic political calculation.” Sheridan pointed to the damage being done to Australian society, saying the government had managed “to inflame the public against Muslims and refugees from the Middle East and Afghanistan.”⁴⁹

As International Editor of *The Australian*, I wrote several articles over the early weeks of the *Tampa* crisis that were skeptical of Howard’s skills but alert to his determination. “It has been an inept saga of crisis management,” I noted, “But Australia’s diplomatic resources are fully mobilized to ensure Howard achieves his aim.”⁵⁰ In a longer analysis I argued that the policy was an unnecessary response given the scale of the problem: “The key to the Howard government’s handling of the *Tampa* boat people is the deep but false sense of national crisis it has engendered. Howard’s response to the *Tampa* has taken the nation into a state of over-hype in which judgment is lost. A nation that has absorbed 5.7 million immigrants including about 500,000 refugees and has such an impressive record suddenly looks to be nervous, insecure and paranoid over 438 boat people. How did such an absurdity arise? The conclusion seems irresistible: the Howard government’s myopic response to the *Tampa* has brought out many of our worst attitudes and suppressed many of our best.”⁵¹

A principal theme in Canberra coverage was the election consequences. Evaluation of the policy on merit had to be balanced against its public impact. Senior Canberra correspondent Dennis Shanahan, predicted at an early stage, “Race is looming as a central issue in the federal election.” Political correspondent Ian Henderson reported Liberal backbencher Fran Bailey saying, “I’ve never seen anything like it before. I’ve actually had people coming up to me in the street saying, ‘Tell little Johnny not to give

in.” Canberra correspondent, Matt Price captured Howard’s mood by reporting on a visit by the Prime Minister to *The Australian*’s office one night during which he told reporters, “That boat will NEVER land in our waters – NEVER.”⁵²

It was *The Australian* that first documented the electoral support for Howard after the *Tampa* crisis. It showed a leap in the government’s primary vote from 40 to 45 per cent and a 6 percentage point lead over Labor.⁵³ On the boat people issue, it found that 50 per cent supported refusing to accept any asylum-seeker boats, 38 per cent for acceptance of some boats and only 9 per cent saying that all asylum-seekers should be accepted. The significance of these degrees of support was that only 9 per cent supported Australia’s obligations under the 1951 Convention requiring signatory nations to accept for processing all such asylum-seekers. It exposed the extent to which support in Australia for the international refugee regime had collapsed. By implication, it also highlighted the influence of leaders in either promoting or undermining the UN Convention. But it also raised doubts about the Convention: if support for its obligations was this low in a nation like Australia, had the Convention lost its wider democratic legitimacy?

In his analysis, however, Dennis Shanahan offered a somewhat different version of the reasons for Howard’s electoral boost. While recognizing the racial element, he argued that the core problem was one of leadership. For Shanahan, Howard was displaying the technique that he had used on previous occasions: depicting himself as “acting in the national interest, making a hard decision and standing on principle.”⁵⁴ This was a contentious question for the quality newspaper coverage: was Howard winning votes not just by trading in xenophobia but by standing as the champion of the principle of border protection? Amid a mostly cynical press, the idea that a majority of the

Australian people saw Howard's stand as involving principle was largely incomprehensible even though the Prime Minister was careful always to present his actions in terms of principle and national interest. The case against Howard, however, was that he broke too many other principles – notably Australia's international obligations – to deserve to have his claim to be acting on principle accepted at face value.

A computer-based search shows that in the first three weeks of the *Tampa* story there were only 14 items in *The Australian* that linked "Howard" with "racism" or "racist."⁵⁵ Most of these were in letters; other mentions included an accusation of racist policies from religion writer, James Murray, an op-ed column from progressive Liberal Greg Barns claiming that Howard was playing to the nation's racist underbelly, and a claim from the chair of the Australia-Afghan Association, Khaliq Fazal, that Australia was behaving as a racist country.

In summary, the initial coverage in *The Australian* and *The Herald* largely avoided attacking the new refugee policies as racist. Both papers tended to be guided by the letter of the policy rather than its atmospherics. There was an argument put after the election by the former Chief Justice of Australia's High Court, Sir Harry Gibbs, that "the Pacific solution does not discriminate against the boatpeople on the ground of race."⁵⁶ The policy was discriminatory – it was discriminatory against all asylum-seekers arriving by boat – as opposed to other asylum-seekers or offshore refugees. In this sense the Howard government and the Labor Opposition could argue that the line of discrimination was not racial. The reality, however, was that the asylum-seekers arriving by boat were mainly Muslim and mainly from the Middle East or Central Asia, in particular, from Iraq and Afghanistan. This was known and recognized by the public. Rehome Monitors is the

main group that surveys opinion on Australia's talkback radio and its director, Peter Maher, said that in the first week of the crisis half the talkback radio callers stressed that the boat people were Muslim.⁵⁷ A retiring Labor MP, Colin Hollis, insisted the entire operation was racially-based: "Does anyone believe that the government would refuse to allow a ship to offload 400 European people that had been rescued?" It was the question being posed in conversations around the country and the conclusion that the government's action stirred racist and religious resentment is inescapable.

This analysis also shows that the government and the press framed the issue in crucially-different ways. For the government, the boat people were a threat to Australian sovereignty, its border security and the democratic right of its people to determine who came to their country. For the quality newspapers, the boat people posed a humanitarian challenge that needed to be met within the terms of Australia's traditional refugee policy in a way that was humane, consistent with Australia's legal obligations and moral responsibility. The press was concerned that Howard's real goal was to engineer his re-election. The government and the quality press, in short, were talking past each other to different constituencies.

The Drift to Demonization

During the election campaign, however, perceptions of the refugee issue changed. It was probably inevitable that such an emotionally-charged issue, when placed at the center of an election contest, would produce its own cathartic moment, one that arose from the Howard government's descent under pressure into demonizing the boat people.

The judgment is harsh, but ultimately irresistible – the government proved not content just to halt the *Tampa*, deny its people entry and introduce a punitive refugee policy, but chose to attack the boat people. In this sense, the Australian saga offers a universal morality lesson: when democratic leaders shut the gates against a group of people, they justify their actions by discrediting the moral standing of their victims.

A defining element of Howard’s policy was his resort to the armed forces. Australia, unlike the United States, does not have a coast guard responsible for sea-borne border security and prevention of illegal entry. One reason is that Australia enjoys the protection of great oceans on all sides of its continental mass, and for centuries nature and geography have been the guardians of the antipodean order. In an effort to prove Labor’s credentials against unwanted boat arrivals Kim Beazley had some years earlier committed the Labor Party to the creation of a Coast Guard, a pledge made well before the *Tampa* crisis and a testament to Beazley’s acute instincts. But with a crisis at hand, Howard would revel in being able to deploy the Australian Navy.

Several days into the *Tampa* incident, he announced an “enhanced surveillance patrol and response operation in international waters between the Indonesian archipelago and Australia.” It involved five navy vessels and four P-3 Orion surveillance aircraft. The aim was to “try and create a greater deterrent,” although Howard, ever anxious to play down expectations, said there was “no guarantee” that refugee boats from Indonesia could be halted.⁵⁸ But as *The Herald’s* Michelle Grattan correctly pointed out, Howard knew he would win politically anyway, because “the more boat people, the more Labor is on the back foot.”⁵⁹

His naval and air deployment was significant not just in operational terms but more importantly in shaping the Australian public's perception of the boat people. Resort to the military was a confirmation that the government saw the boats as a direct security threat to Australia. Where there is a threat there is an enemy – and here the boat people were the enemy, the risk to Australia's order and way of life. Having raised the stakes this high, the Howard government felt compelled to discredit the boat people because if, by contrast, the boat people were decent men and women driven to extreme action by intolerable conditions then Howard's policy would be judged as inhumane and unwise. But the military deployment was potentially risky. It meant that Australian forces and the boat people would engage at sea during an election campaign. Asking the navy to try to repel these vulnerable craft would have a sure political impact, even as it put the navy in an invidious situation.

With his plans in place, Howard turned to a ritualistic act of statecraft long cherished by Australian leaders – a visit to the United States, to meet a new President, George W. Bush. Howard relished the trip since he had been an intense private supporter of Bush against Al Gore. (Howard and Bill Clinton had never failed to conceal their lack of rapport.) Howard met Bush at the White House on September 10 where the two leaders exchanged views and celebrated the fiftieth anniversary of the Australian-American defense alliance.

The Prime Minister was conducting a press conference in his Washington hotel on the morning of September 11 when the Pentagon – where he had been the previous day – was attacked. In an emotional day, a visibly-moved Howard expressed an immediate solidarity with the US. Drawing a direct comparison between America and Australia, he

said, “It’s not just an attack on the United States, it’s an attack on all of us,” and promising “Australia will provide all support that might be requested of us by the United States” a signal that Australia would participate in a US military response if asked. For Howard, a military response was justified and necessary. Before he left a traumatized America, he was calling Bush his “soul mate.”⁶⁰

In psychological terms, September 11 only reinforced the climate of apprehension within Australia – the sense that the world was becoming a more unpredictable and less safe place. While Australia was distant from this American tragedy, the television, radio and press coverage was sustained and dramatic. There was overwhelming sympathy for the American people and an affirmation of the shared values between the two peoples. For many weeks, the Australian media was dominated by two stories as rarely before – the war on terrorism and Australia’s campaign against the boats, September 11 highlighting the role of Islamic extremists and the magnitude of the upheaval in the Muslim world. For Australians, there were two paradigms on display: Muslims as terrorists and Muslims as asylum-seekers, with the unspoken potential to link these two pictures into the notion of asylum-seekers as terrorists. This task was undertaken, initially by Australia’s Defense Minister, Peter Reith, a tall, stoop-shouldered political veteran, an aggressive yet able Howard loyalist who had smashed Australia’s waterfront union as a prelude to running the military.

As the minister responsible for the naval detection operation against the boat people, Reith said there was “absolutely no doubt” that September 11 proved the need for tough refugee screening. He affirmed the surveillance operation as “part and parcel of the overall security posture of the country.” When criticized for making the link between

terrorists and asylum-seekers, Reith seized on a remark made in Jakarta by US Assistant Secretary of State Jim Kelly, telling Australians that Kelly's message was that "you've got to be able to manage people coming into your country... otherwise it can be a pipeline for terrorists."⁶¹ The government had now closed the circle, offering September 11 as proof that national security was now the election issue, and that Howard was the leader able to deliver national security against terrorists and boat people. A struggling Kim Beazley had to adjust, and integrated his domestic economic agenda and foreign policy into a new slogan – Labor would guarantee "security at home and security abroad."

On October 4, Howard announced Australia's military contribution to Bush's war on terrorism – an SAS contingent and air support, saying that total military involvement could reach 1000 personnel. The next day he called an election for November 10, declaring that at a time of "immense security and economic challenges" Australia needed leadership based on strength and clear beliefs. With Howard now in a distinct lead in the polls, two days later on October 7 came the decisive incident on the water.

The HMAS *Adelaide* on border surveillance operations intercepted and boarded an Indonesian vessel overloaded with asylum-seekers north of Christmas Island. This followed a protracted encounter at sea, during which *Adelaide* had warned the Indonesian boat on two occasions to steer away with no effect. A series of repeated warning shots fired 50 feet in front of the vessel evoked no response. After further close-quarter maneuvers a boarding party took control of the ship which was now inside the Australian contiguous zone: it was carrying 223 Iraqi boat people and five crew.⁶²

The *Adelaide*'s logbook shows that when the Australians came aboard, boat people began threatening to jump overboard, to commit suicide and threatened the boarding party with sticks and timber torn from the vessel. In her subsequent report into these events, an officer from the Department of Prime Minister and Cabinet, Jennifer Bryant, said, "The general environment was very busy, tense and demanding." A total of fourteen boat people jumped into the water and were retrieved by navy personnel, Bryant reported, based on statements from the *Adelaide*'s crew, and that a man was seen holding a child over the side, intimating that he would drop the child into the water (although he didn't.)

But amid the confusion that morning in a telephone call between the *Adelaide*'s commander Norman Banks and, Brigadier Michael Silverstone, the commander of the Joint Task Force in Darwin, the impression was left that a child or children had been thrown overboard. Banks later conceded he may have said a child was being thrown over the side, and Silverstone's notes recorded "men in water, child thrown over the side." This was in any case the message Silverstone had then sent up the chain of command.

Normally such a mistake would have been quickly corrected, but these naval operations were not normal. That morning the government's People Smuggling Task Force assigned to monitor the operation, was told at its regular meeting in Canberra "those on board were jumping in the water and throwing children in (sailors were returning them to the boat)." One of this group's tasks was to prepare briefs for the ministers, but Minister Ruddock rang in during the meeting and was passed this information by his Department head; a short time later Ruddock announced to the media that "a number of children have been thrown into the water," and described the action as

“disturbing, planned and premeditated.” Howard then declared that his government would not be intimidated by boat people throwing their children overboard. It had been just four hours since the *Adelaide*’s boarding, and the upshot was that the “children overboard” story dominated the front pages of the newspapers.⁶³ The Prime Minister’s main statement the next day was blunt: “I don’t want in this country people who are prepared, if these reports are true, to throw their children overboard. That kind of emotional blackmail is very distressing.”⁶⁴ His statement effectively vetoed any moral claims the boat people might have had to enter Australia since their actions had vindicated his rejection of them: they weren’t fit to enter the Australian community. The false “children overboard” story was incorporated into official advices prepared that day including for the Prime Minister.

Later on October 7 the *Adelaide* led the Indonesian vessel northwards away from Australia as the boat people conducted various acts of sabotage. On the afternoon of October 8 it began to sink and the *Adelaide*’s crew had to rescue a number of women and children from the water. Photographs and a video taken of this rescue were transmitted up the chain of command. At this stage there was a second crucial communications blunder: when the photographs were sent to the Defense Minister Reith’s office, the minister’s staff thought they confirmed the “children overboard” event of October 7 rather than the rescue of 8 October. With the media pressing for the photographs, Reith released them after getting confirmation from the Chief of the Australian Defense Force, Admiral Chris Barrie, who was under the same misapprehension. The misdated photographs were then published with Reith declaring, of October 7, “It is an absolute fact; children were thrown

into the water. If you don't accept that, you don't accept anything."⁶⁵ The circle of self-deception had become a lie to the Australian public.⁶⁶

The lie was then perpetuated over the next month through ignorance, cowardice and incompetence within the military-civilian structure, becoming, along the way an episode that betrayed both systematic flaws in the Australian system and leadership weakness. The military chain-of-command was unable to handle the stresses of an intense political climate that demanded a fast flow of information from the naval engagements. At the political level, ministers and their advisers heard and saw what they wanted to hear and see rather than carefully confirming the authenticity of material. Some of Australia's civil servants then collaborated in the government's self-interest in not being told the truth so that when the truth was exposed, Howard's excuse was ignorance: he had been misled by false advice.

The government's contempt for the boat people was further betrayed in its reaction to a separate incident: the drowning of 353 people on a vessel from Indonesia that sank in high seas on October 19. While Beazley blundered in attributing the sinking to the government's own policy failure, Ruddock was remorseless in his advocacy: "The great bulk of those on the vessel, 90 per cent, were people who had not put to the UNHCR in Indonesia claims for refugee protection and were, I suspect, people looking for family reunion outcomes." Meanwhile Australians opened their newspapers to see photographs of the children drowned in the tragedy.⁶⁷

The Newspapers Confront Howard

This second and final phase of this story saw *The Herald* and *The Australian* intensify their criticism of the government and become far more active in their opposition. Both papers, in their own ways, now assumed a stronger leadership role to intensify the pressure on Howard and to develop a sense of national revulsion against his tough new policy. *The Australian* exposed the “children overboard” story as a lie and *The Herald* orchestrated what amounted to a major “third party” campaign against the Prime Minister.

The Australian’s Foreign Editor, Greg Sheridan, invoked the drownings to argue the government’s moral bankruptcy: “The death of 353 asylum-seekers bound for Australia from Indonesia should remind us of one thing above all others – that in refugee policy we are dealing with human beings...What does it tell us for sure? That the people who got on board the boat were certainly desperate, at the end of their tether. They knew it was an unsafe boat; a substantial number who had paid for passage refused to proceed with it. But such was the desperation of the 400 who set sail that they took the risk. The way the government has systematically trivialized and demonized these people is shown in the starkest terms for the slander it has always been.”⁶⁸

This reflected the mood of the paper’s coverage in the final two weeks, with these post-*Tampa* incidents becoming the focus of a more intense critique of the government’s inhumanity.

The decisive disclosure came in *The Australian* on November 7, three days before the vote. It confirmed the undercurrent of suspicion that had surrounded the original “children overboard” story. The paper’s Perth bureau reported two Christmas Islanders

saying that they had been told by naval officers that the “children overboard” story was untrue despite the photographs.⁶⁹ No sources were named but one man said he was told “not to believe what he saw on television – it never happened.” One of the residents involved said he had spoken to two naval officers who told him that people had been in the water because the boat was already sinking. Two days later the Perth bureau filed another story that went to the heart of the confusion: “Children videoed in rough seas off Christmas Island were swimming for their lives to life rafts because their boat was sinking and not because their parents had thrown them overboard, a navy petty officer has confirmed.”⁷⁰ The story quoted an anonymous officer from the *Adelaide* saying “I am quite certain. There were definitely no young people thrown into the water.”

The long-denied truth now emerged in a torrent. That same day the Chief of the Navy, Vice-Admiral David Shackelton, confirmed the Perth story, saying that “our advice was there were people being threatened to be thrown in the water and I don’t know what happened to the message after that.”⁷¹ An infuriated Howard hit back: “If, in fact, that advice is now wrong, it would have been a very good idea if we had been told that a month ago by the navy.”⁷² But Howard was reduced to a pathetic rationalization on the eve of the election: “When I first made my claims, the claims were based on what Mr. Ruddock and Mr. Reith had told me and they in turn had based their claims on Navy advice. Now in those circumstances we just move on, you make a claim like that, you believe it.”

The day before the vote *The Australian*’s political editor, Dennis Shanahan, wrote “For a month the Australian public has been operating on the belief that asylum-seekers threw their children overboard to place navy personnel under duress. This has colored the

entire political debate during the election campaign... What it means for the Coalition (government) is that those who oppose its asylum-seeker policy will be vindicated and have their views reinforced.”⁷³ The pent-up rage in the navy began to break out. *The Australian* reported a naval doctor, Duncan Wallace, discussing the psychological toll on defense personnel involved in these operations. “Nearly everyone I spoke to knew that what they were doing was wrong,” he said. A former navy chief, Admiral Michael Hudson, wrote in *The Australian*, “I challenge any policy that may require our servicemen to act in a way that transgresses fundamental laws of decency by coercing the boat people back.”⁷⁴

Investigations undertaken after the election revealed that senior navy figures fought to reveal the truth immediately after the false statements by ministers, but that those efforts were ignored or rejected at the political level and by the Chief of the Defense Force, Admiral Barrie. Barrie took a position contrary to that of his senior officers and kept insisting until February 2002 that the children had been thrown into the water on October 7, a claim he finally withdrew, humiliated at being one of the last to admit the truth.⁷⁵ Inquiries also revealed that Defense Minister Reith was told directly on November 7 by the navy in the context of *The Australian*’s report that the “children overboard” story was wrong. Reith later admitted that he declined to pass this official advice to Howard in the three days before the election.⁷⁶

The Australian had exposed the government’s lies by dint of its tenacious reporting, but Labor, given its bipartisan stand, was unable to exploit the revelation. The journalists’ electoral impact was twofold – existing attitudes within the community were reinforced and, to the extent that press coverage exposing the Howard government

dominated the campaign's final days, it helped Howard since it played to his strongest weapon—voter support for his refugee policies.⁷⁷

In the final week of the campaign, *The Herald* reported upon, and simultaneously facilitated, a groundswell of elite opinion against the policy in effect, rallying a “third party” opposition to Howard. This reached its zenith with a page-one headline on November 8, “Howard, Beazley lashed over Race.” The article, written by two of its senior staff, Marion Wilkinson and David Marr, began, “Australia’s most senior religious leaders have joined leading academics and prominent Liberal and Labor figures to condemn the refugees policies of both parties as xenophobic and inhumane.” The first religious leader quoted was the Rev. Tim Costello, President of the Baptist Union, who said, “I don’t remember a time when there has been an election with such a clear moral issue but treated by the major parties with such clear amoral electioneering.” Costello was the brother of Howard’s deputy Treasurer Peter Costello who backed the policy. Anglican, Uniting, Catholic and Jewish leaders were quoted in strong terms.

A telling feature of these “third party” attacks on the governing class is that it came from Australia’s retired political leaders on both sides. *The Herald* quoted one of Australia’s toughest and most successful Labor figures, the former premier of New South Wales, Neville Wran, “The race card has been introduced into this election. It’s a card and an introduction which we and our children will live to regret.” A former federal Liberal leader, Dr John Hewson, accused Howard of tapping “latent racial prejudice in significant sections of the Australian community.” Howard’s predecessor as Liberal Prime Minister, Malcolm Fraser, attacked the government for its “inhumane” policies under which “the destitute have been made pawns” in “a policy without a conscience.”

The former head of the Immigration Department, John Menadue, said, “It is cowardice; it is not courage and it is not strong leadership.” Former Liberal Immigration Minister, Ian Macphee, called Howard “a throwback we must throw out.” The former head of Australia’s Foreign Affairs Department, Richard Woolcott, said, “We are witnessing a recrudescence of those old barbarisms: racism, religious intolerance and jingoism.”⁷⁸

The next day November 9, *The Herald* maintained this reporting technique by marshaling the recently-retired Governor-General (who represents the Queen in Australia) Sir William Deane; the Labor Party’s advertising director in past campaigns, John Singleton; a former High Court judge, Sir Ronald Wilson; and a former Liberal Aboriginal Affairs Minister, Ian Viner, who all condemned the policy or warned of its dangers. The normal reporting task in an election campaign had been re-defined: *The Herald* had moved from the contest – Government versus Opposition – to a new alignment – the newspapers and the former governing class against the current governing class. It was a bizarre end to the campaign.

The Herald’s senior correspondents now also starkly laid the race card charge against Howard which they had withheld at the start of the *Tampa* affair. Its senior Canberra correspondent, Michelle Grattan, wrote that Howard had “resorted to a scare with racial overtones.” If Howard succeeded, she said the risk was that “history will turn on him fiercely,” and that the government was buying success “by ruthlessly exploiting Australia’s recurring xenophobia.” For Grattan this was worse than harboring a personal racist viewpoint – it amounted to a willingness to “manipulate, shamelessly, these attitudes in sections of the community.” She declared that the campaign “had displayed a side of the nation that we hoped we had left behind.”⁷⁹ Marian Wilkinson and David Marr

unleashed a broadside: “Demonizing the boat people was nothing new. The Howard government has linked them with terrorists, tarred them with the Taliban brush, christened them “illegals” and denounced them as abusers of the Australian court system.” Returning to the “children overboard” deception, Wilkinson and Marr also offered a sure insight into mindset of the press: “If the press is turning savagely on the Howard government now in the last hours of the election campaign, it’s not least because Howard and his ministers were so savage then to those who continued to question a story that was too neat, too pat, too useful.”⁸⁰

A senior Canberra correspondent for *The Herald*, Mike Secombe, wrote, “Media images were engineered by the government to make the asylum-seekers appear a threat, rather than a tragedy.... And the more media controversy there was, the more dog-whistle message was amplified and broadcast. It was hardline, authoritarian, and in its essence, racist.”⁸¹ In an interview with Howard, *The Herald*’s Jennifer Hewett reported Howard saying “I feel quite sorry for some of the Muslim people. They must feel under a lot of pressure.”⁸² The paper’s influential non-staff op-ed column Robert Manne wrote, “In all my years of observing Australian politics I cannot recall a more indecent or brilliantly effective act.”⁸³ A computer search of the link between Howard and “racist” in the *Herald*’s coverage over the final three weeks showed 29 documents (only five being letters), evidence of a much deeper link than in the first three weeks of the *Tampa* affair.⁸⁴

The most savage political judgments, however, came post-election. Howard’s virulent enemy, the man he defeated at the 1996 election, former Labor Prime Minister Paul Keating, declared that Howard’s victory was “illegitimate,” Howard had won “by

staining the soul of the country,” and his accusation was that “we’ve got a Prime Minister who got elected on a racist manifesto. That’s the long and short of it.”⁸⁵ Yet Howard had smashed the conventional parameters of Australia’s refugee policy. He turned back boats, lied to the people and had the former political class railing against him. Howard had won and the newspapers that defended the established refugee policy were rendered impotent.

Howard’s November 10 victory was convincing, with a 1.9 per cent overall swing to the government and Howard was re-elected with an increased majority, a trend that had looked highly improbable before the *Tampa*. Yet, it is wrong to assert that Howard could not have won the election without the *Tampa* since the immediate pre-*Tampa* political climate had been highly competitive. But it is also obvious that the boat people crisis and refugee policy were a major advantage for the government in its victory.

Afterwards the Liberal Party campaign director, Lynton Crosby, tried to downplay the *Tampa*’s influence and argued that the key factor had been Howard’s leadership: “He’s always prepared to stand his ground if he thinks it is to Australia’s benefit. In an era of political cynicism this is a gold-like quality.”⁸⁶ But the Labor Party campaign director, Geoff Walsh, dismissed this rationalization and cited his own party’s polling. “*Tampa* remade John Howard’s image,” Walsh said. “Before *Tampa*, he was seen as tired, out-of-touch and the architect of an unpopular tax. Let’s put an end to this nonsense that the Coalition won this election on any other issue or that their campaign was built around any other issue.” Walsh said that in June 2001, Labor had had a 4-6 percent swing in its favor in the key marginal seats. The *Tampa* crisis produced “an 8 point turn about in voting intention,” creating a Liberal lead that was never reversed.⁸⁷

This reports finding on this second phase of the coverage is that the press, by and large, was correct in its criticism of Howard – that his government was exploiting xenophobia, prejudice and racism. It was possible for a government to take a more punitive line against the boat people without trying to demonize them – but the Howard government was not such a government. Both the *Australian* and *The Herald* deployed their reporting and opinion-making resources with effect to expose official lies and offer a critique that was not coming from within the political system. This is, however, only one part of the *Tampa*'s lesson.

The press was right to criticize the government's manipulation of the issue for electoral gain, but in a sense, the press missed the point. Howard's demonization of the boat people was an authentic insight into his mindset. The Howard government was not just being cynical. It was acting from a structure of convictions and views that it had created over a long period - that the boat people were illegitimate refugees; that they should await their turn; that they were trying to intimidate their way into Australia. The lie the ministers told the people about the children overboard was the lie they wanted to believe and the lie they dared not check lest its true nature be exposed.

Conclusion

The *Tampa* crisis and its aftermath has been the most important clash, to date, within a democracy over refugee policy, and it carries two messages for the international news media from the performance of the Australian press.

The first is that the obligation of the press is not just to expose inhumanity and hypocrisy although this is a priority. The true service of the press to the public is a clear-sighted exposition of the issues – and this is where Australia’s newspapers were disappointing. The crisis facing Australia was intellectual as much as moral. Yet, the debate became trapped in a conflict of absolutes. It was between a government that sought to turn back all boats and deny full refugee status in order to achieve a new absolute of border security and newspaper critics who invoked a moral absolute that all boat people had to be accepted regardless of numbers and that measures to dissuade them were immoral.

This meant the result was certain. The newspapers, in effect, assisted the Howard victory. The more Howard was attacked for being immoral and racist, the more the public concluded that his opponents were devoid of solutions and that his hard line seemed the best resort. Telling voters that their own preferences are immoral or racist is no way to move public opinion or throw light upon the public policy challenge. This view was reinforced in 2002 when the absence of any new boats enabled Howard to argue that his policy had achieved its purpose.

The history of refugee policy in Australia is based upon enlightened self-interest, a fusion of realism and morality; the same applies in most Western nations. There have always been political limits in relation to tolerance for refugees. Yet, this sense of balance was lost in Australia’s 2001 polarization, a tribute to Howard’s dark skills. For Australia, there are two imperatives in the refugee debate. No Australian government can ignore the border security requirement and survive; and no Australian government can repudiate the 1951 Convention without betraying a fundamental element of Australia’s compact with

the world. The task for statecraft has been to manage this potential contradiction. Yet when a country with Australia's high rate of refugee acceptance over five decades succumbs to the punitive sentiments of 2001, it heralds the collapse of the enlightened self-interest approach and not a character switch to intolerance and racism. Nations do not change their character overnight, but their peoples must respond to new events. When the newspapers took a leadership role, they were courageous in confronting the Howard government on moral grounds – but they failed to point towards any policy alternative that made sense to the Australian people.

The second message for the press is thus to frame this crisis not just as a contest between tolerance and intolerance, because, while true, it is not the whole truth. What emerged from the *Tampa* is a clash between two principles – the principle of universal human rights as applied to asylum-seekers and the principle that people in constitutional democracies will assert their own political right to determine who settles in their countries and becomes one of them. In this sense, the *Tampa* is a serious challenge to the values and process of the liberal-democratic state. Both principles have their own integrity and the search for compromise must begin upon this foundation.⁸⁸

¹ Press Conference, John Howard and Philip Ruddock, 27 August 2001 (www.pm.gov.au); John Howard, radio interview, 3AW, 29 August, 2001; Paul Kelly, *The Australian*, 29 August 2001

² John Howard, Ministerial Statement, Hansard, House of Representatives, 29 August 2001; Department of Immigration and Multicultural Affairs, Information Paper 15 October 2001

³ Refer ALP National Secretary, Geoff Walsh's speech to the National Press Club, December 2001; also, the trend revealed in *The Australian's* Newspoll during 2001 (www.theaustralian.com.au).

⁴ Philip Ruddock, Foreign Policy Center, London, 10 December 2001 (www.minister.immi.gov.au)

⁵ Ibid; see Kathryn Cronin, "A Culture of control: an overview of immigration" in James Jupp and Marie Kabala (eds.), *The Politics of Australian Immigration*, AGPS, Canberra, 1993.

⁶ Only 2059 people were unannounced boat arrivals and 56,000 eventually came through regular refugee entry. Refer Paul Kelly, 100 Years – *The Australian Story*, Allen & Unwin, Sydney, 2001, chapter two.

⁷ "Refugee and Humanitarian Issues, Australia's Response," October 2001, Department of Immigration and Ethnic Affairs (www.immi.gov.au); Australia's Immigration Minister, Philip Ruddock, had argued that many and perhaps most of the asylum-seekers were not genuine refugees.

⁸ See Howard, Hansard, *House of Representatives*, 29 August 2001, p 30516.

⁹ Refer www.unhcr.ch.

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- ¹⁰ “The Problem with the 1951 Refugee Convention,” Research Paper no. 5, 2000-01, Parliamentary Library, Parliament House, Canberra.
- ¹¹ Monica Duffy Toft, “Repatriation Of Refugees: A Failing Policy?” Unpublished Research Paper P6
- ¹² Ibid, p 3-8. Refer Astri Suhrke, Kathleen Newland, UNHCR: Uphill into the Future, *The International Migration Review*, Spring 2001.
- ¹³ Refer Matthew J Gibney, “The State of Asylum,” Working Paper No 50, *New Issues In Refugee Research*, Refugee Studies Centre, University of Oxford, October 2001.
- ¹⁴ Refer UNHCR Publications at www.unhcr.ch.
- ¹⁵ Monica Duffy Toft, “Repatriation Of Refugees?” p. 8. Toft defines a “failed state” arising when “states cannot regulate the physical security of a majority of their citizens.”
- ¹⁶ William Maley, “A Global Refugee Crisis?” in *Refugees and the Myth of the Borderless World, 02 Keynotes*, Department of International Relations, The Australian National University, Canberra.
- ¹⁷ Erika Feller, *The Georgetown Journal of International Affairs*, winter/spring 2002; refer www.unhcr.ch
- ¹⁸ James Jupp, “Australia’s refugee and humanitarian policies,” in *Refugees and the Myth of the Borderless World, 02 Keynotes*, Department of International Relations, Australian National University, Canberra.
- ¹⁹ John Howard, CNN interview, 31 August 2001 (www.pm.gov.au).
- ²⁰ A recent analysis of Australia’s refugee performance has been made by Thuy Do, “Statistics: Refugees and Australia’s Contribution,” in *Refugees and the Myth of the Borderless World, 02 Keynotes*, Department of International Relations, Australian National University. The method has been to compare Australia’s intake with other nations including those taking refugees and asylum-seekers outside a yearly quota. She finds in 2000 Australia ranked 32 in the world in the number of refugees it hosts with the top three being Pakistan, Iran and Germany. On a per capita basis, Australia ranked number 39. When compared to 31 other industrialized nations Australia was number eight. It is also relevant that Australia is the only nation with a policy of mandatory detention for all asylum-seekers that arrive “illegally “.
- ²¹ Refugee and Humanitarian Issues, Australia’s Response, October 2001, Department of Immigration and Multicultural Affairs; Philip Ruddock, Foreign Policy Centre, London, 10 December 2001; see www.minister.immi.gov.au; refer Paul Kelly, *The Australian*, 16 June 2001 to see the common ground on this issue between Ruddock and former United Kingdom Home Secretary, Jack Straw.
- ²² The system of mandatory detention was introduced in the 1990s by the former Labor Government and, as a result, the Labor Opposition was circumspect in its criticism of the detention system in the prelude to the 2001 election. See James Jupp, “Australia’s Refugee and Humanitarian Policies,” in *Refugees and the Myth of the Borderless World, 02 Keynotes*, Department of International Relations, Australian National University.
- ²³ The idea for this argument originates in the article by Matthew J Gibney, “The State of Asylum,” working paper no 50, *New Issues in Refugee Research*, Refugee Studies Centre, University of Oxford.
- ²⁴ Refer James Jupp, “The Pacific Solution,” *Dialogue, Academy of Social Sciences in Australia newsletter*, volume 21.
- ²⁵ Kim Beazley, Hansard, House of Representatives, 29 August 2001
- ²⁶ *ibid*
- ²⁷ The White Australia policy was the common name for the provisions of the Immigration Restriction Act carried in 1901, the first major law passed by the new Commonwealth Parliament that provided a dictation test as a mechanism to prevent colored migration to Australia.
- ²⁸ Refer James Jupp, Australia’s Refugee and Humanitarian Policies, in *Refugees and the Myth of the Borderless World, 02 Keynotes*, Department of International Relations, Australian National University.
- ²⁹ *The Sydney Morning Herald* sells 390,000 at the weekend and 230,00 during the week; *The Australia’s* circulation is 300,000 at the weekend and 130,000 during the week.
- ³⁰ I was employed by *The Sydney Morning Herald* during 1980-85 as its Chief Political Correspondent and then as its National Editor at head office.
- ³¹ The boats did cease during the first several months of 2002 thereby enabling the Howard Government to claim that the policy had achieved its purpose.
- ³² *The Sydney Morning Herald*, 29 August, 2001
- ³³ *The Sydney Morning Herald*, 30 August 2001
- ³⁴ *The Sydney Morning Herald*, 28 August 2001
- ³⁵ *The Sydney Morning Herald*, 29 August 2001
- ³⁶ *The Sydney Morning Herald*, 1 September 2001

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- ³⁷ *The Sydney Morning Herald*, 30 August 2001
- ³⁸ *The Sydney Morning Herald*, 1 September 2001
- ³⁹ *The Sydney Morning Herald*, 3 September 2001
- ⁴⁰ *The Sydney Morning Herald*, 4 September 2001
- ⁴¹ *The Sydney Morning Herald*, 1 September 2001
- ⁴² *The Sydney Morning Herald*, 31 August 2001
- ⁴³ *The Sydney Morning Herald* 10 September 2001
- ⁴⁴ *The Sydney Morning Herald*, 1 September 2001
- ⁴⁵ This was conducted through the search engine at *The Herald's* website (www.smh.com.au).
- ⁴⁶ *The Australian*, 30 August 2001
- ⁴⁷ *The Australian*, 1 and 3 September 2001
- ⁴⁸ *The Australian*, 28, 29 August, 1, 3 September
- ⁴⁹ *The Australian*, 1 September
- ⁵⁰ *ibid*
- ⁵¹ *The Australian*, 8 September 2001
- ⁵² *The Australian*, 30 August, 1 September.
- ⁵³ *The Australian* 4 September 2001. Newspoll is perhaps the best-known political poll in Australia. It is part of the News Corporation group and its polls are published in *The Australian*.
- ⁵⁴ *The Australian*, 4 September 2001
- ⁵⁵ This was conducted through the search engine at *The Australian's* website (www.newstext.com.au).
- ⁵⁶ *The Australian* 28 January 2002
- ⁵⁷ *The Sydney Morning Herald*, 1 September 2001
- ⁵⁸ John Howard, press statement, 1 September 2001 (www.pm.gov.au).
- ⁵⁹ *The Sydney Morning Herald*, 10 September 2001
- ⁶⁰ Refer *The Australian*, 12, 13 September 2001
- ⁶¹ Peter Reith, interview with 3AK, 13 September 2001
- ⁶² The story of these events at sea is based on reports later commissioned by the re-elected Howard Government and presented to the Australian Parliament. Refer House of Representatives, tabled documents, February 2002, Investigation Into Advice Provided To Ministers on "SIEV 4", Jennifer Bryant, Department of Prime Minister and Cabinet, 21 January 2001 and The Report Of The Routine Inquiry Into Operation Relax by Major General R A Powell, 14 December 2001.
- ⁶³ *The Sydney Morning Herald*, 8 October 2001
- ⁶⁴ John Howard, interview, 2UE, 8 October 2001
- ⁶⁵ John Howard, interview, 2UE, 11 October 2001. Refer Reith, media interview, 3LO Melbourne, 10 October 2001.
- ⁶⁶ A detailed account of these events and the misunderstanding is contained in Jennifer Bryant, Investigation Into Advice Provided To Ministers on "SIEV 4".
- ⁶⁷ *The Sydney Morning Herald*, 25 October 2001
- ⁶⁸ *The Australian*, 25 October 2001
- ⁶⁹ *The Australian*, 7 November 2001
- ⁷⁰ *The Australian*, 9 November 2001
- ⁷¹ *ibid*
- ⁷² *ibid*
- ⁷³ *ibid*
- ⁷⁴ *ibid*
- ⁷⁵ *The Sydney Morning Herald*, 21 February 2002
- ⁷⁶ *The Sydney Morning Herald*, 22 February 2002
- ⁷⁷ This final week trend in voting intention is documented in Newspoll published in *The Australian*. Refer (www.theaustralian.com.au)
- ⁷⁸ *The Sydney Morning Herald*, 8 November 2001
- ⁷⁹ *The Sydney Morning Herald*, 9 November 2001
- ⁸⁰ *The Sydney Morning Herald*, 10 November 2001
- ⁸¹ *The Sydney Morning Herald*, 5 November, 2001
- ⁸² *The Sydney Morning Herald*, 27 October 2001
- ⁸³ *The Sydney Morning Herald*, 8 October 2001

⁸⁴ This was conducted using the Herald's search engine at its website www.smh.com.au

⁸⁵ *The Sydney Morning Herald*, 13, 17 November 2001

⁸⁶ Speech to the National Press Club, Canberra, 21 November 2001

⁸⁷ Speech to the National Press Club, Canberra, 3 December 2001

⁸⁸ This argument draws upon the ideas of Matthew J Gibney, "The State of Asylum," Refugee Studies Centre, University of Oxford.