



## The De-Territorialisation of Australia's Asylum Practices

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### **Abstract:**

In border theory, borders can be conceived as being two things concurrently: the “discursive landscapes of social power” and “the technical landscapes of control”.<sup>1</sup> Borders are “powerful machineries of the state”, as much physical structures on maps as the policy and imagined lines one encounters in daily practice. Asylum seekers encounter both incarnations of the border, in traditional locales and in more fluid spaces. Australia, as a signatory to the 1951 Convention on the Status of Refugees and the accompanying protocol, has certain obligations under international law to provide asylum to those arriving upon its territory seeking such protection. However, since 2001 there have been various incarnations of policies aimed at de-territorialising and strengthening the border, and in turn the technical landscapes of control. These measures have included extending Australia's reach through regional cooperation frameworks allowing for the detention, processing, or settlement of asylum seekers and refugees in neighbouring countries. These agreements have come in various forms and under various names as per each successive government, but each contain essential elements of de-territorialisation of the nation's borders and asylum practices. More importantly, each have served as a product of, and a catalyst for, stronger and more prominent discursive landscapes of power. Australia's decisions to re-instate offshore processing in 2012, and to extend this to off-shore settlement in 2013, were taken in spite of significant costs and legal opposition to these practices, and as a result of heightened political rhetoric and political motive. The de-territorialisation of asylum practices has strengthened the “discursive landscapes of power”<sup>2</sup> faced by asylum seekers in and around Australia, through increased visibility, criminalisation of asylum seeking, and burden shifting, endangering asylum seekers' rights.

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<sup>1</sup> Anssi Paasi, "Bounded Spaces in a 'Borderless World': Border Studies, Power and the Anatomy of Territory," *Journal of Power* 2 (2009): 225.

<sup>2</sup> *Ibid.*

**Résumé :**

Dans la théorie des frontières, les frontières peuvent être conçues comme étant deux choses en même temps: des «paysages discursives du pouvoir social» et «des paysages techniques de contrôle». Les frontières sont tout autant des «mécanismes puissants de l'État», des structures physiques présentes sur les cartes, des politiques et des lignes imaginaires qu'on subit dans la vie quotidienne. Les demandeurs d'asile vivent l'expérience des deux incarnations de la frontière, dans des endroits traditionnels et dans des espaces plus fluides. L'Australie, en tant que signataire de la Convention relative au statut des réfugiés de 1951 et de son protocole d'accompagnement, a certaines obligations en vertu du droit international afin d'accorder l'asile à ceux et celles qui arrivent sur son territoire et qui demandent une telle protection. Cependant, depuis 2001, il y a diverses politiques visant à déterritorialiser et à renforcer la frontière, tout en changeant son paysage technique de contrôle. Ces mesures incluent des cadres de coopération régionale permettant la détention, le traitement ou le règlement des demandeurs d'asile et des réfugiés par l'Australie dans des pays voisins. Ces accords prennent diverses formes et différents noms, mais ils ont tous en commun certains éléments essentiels de la déterritorialisation des frontières et des pratiques d'asile. De plus, ces accords représentent et renforcent des paysages discursifs de la frontière de plus en plus forts. La décision par l'Australie de rétablir le traitement hors-frontière en 2012, et de l'étendre a été prise en dépit de l'opposition légale et des coûts associés, mais en raison d'une rhétorique et des motivations politiques importantes. La déterritorialisation des pratiques d'asile du cas australien a renforcé les «paysages discursives du pouvoir» rencontrés par les demandeurs d'asile, notamment via une visibilité accrue de la frontière, une criminalisation de la demande d'asile et des délais administratifs mettant en danger les droits des demandeurs d'asile.

## Introduction

In border theory, borders can be conceived as being two things concurrently: the “discursive landscapes of social power” and “the technical landscapes of control”.<sup>3</sup> Borders are “powerful machineries of the state”,<sup>4</sup> as much physical structures on maps as the policy and imagined lines one encounters in daily practice. Asylum seekers encounter both incarnations of the border, in traditional locales and in more fluid spaces. Australia, as a signatory to the 1951 Convention on the Status of Refugees and the accompanying protocol, has certain obligations under international law to provide asylum to those arriving upon its territory seeking such protection.<sup>5</sup> However, since 2001 there have been various incarnations of policies aimed at de-territorialising and strengthening the border, and in turn the technical landscapes of control. These measures have included extending Australia’s reach through regional cooperation frameworks allowing for the detention, processing, or settlement of asylum seekers and refugees in neighbouring countries. These agreements have come in various forms and under various names as per each successive government, but each contain essential elements of de-territorialisation of the nation’s borders and asylum practices. More importantly, each have served as a product of, and a catalyst for, stronger and more prominent discursive landscapes of power.

The earliest of these agreements, then Prime Minister John Howard’s Pacific Solution of 2001, allowed for detention of asylum seekers in Nauru and the use of temporary protection visas in lieu of providing permanent protection to those deemed

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<sup>3</sup> Anssi Paasi, "Bounded Spaces in a 'Borderless World': Border Studies, Power and the Anatomy of Territory," *Journal of Power* 2 (2009): 225.

<sup>4</sup> Alison Mountz, *Seeking Asylum: Human Smuggling and Bureaucracy at the Border* (Minneapolis: University of Minnesota Press, 2010), xxi.

<sup>5</sup> Peter Mares, "Fear and Instrumentalism: Australian Policy Responses to Migration from the Global South," *The Round Table* 100 (2011): 408.

to meet the Protocol's requirements for asylum.<sup>6</sup> This program was dismantled by Kevin Rudd's government in 2007 but the sentiment remained, and new detention centres were opened in remote locations on Australian territory (Christmas Island), in conjunction with high profile, sometimes "brutal" ocean policing efforts.<sup>7</sup> With the switch to Julia Gillard's government came a new incarnation of Howard's original Pacific Solution, as in 2012 offshore processing and forcible transfers of 'illegal' asylum seeker arrivals to Papua New Guinea (PNG) and Nauru were re-introduced,<sup>8</sup> and later extended by Rudd's 2013 Regional Settlement Arrangement (RSA) allowing for permanent settlement on the said territories.<sup>9</sup>

Australia's decisions to re-instate offshore processing in 2012, and to extend this to off-shore settlement in 2013, were taken in spite of significant costs and legal opposition to these practices, and as a result of heightened political rhetoric and political motive. It is to be argued that the de-territorialisation of asylum practices has strengthened the "discursive landscapes of power" faced by asylum seekers in and around Australia, through increased visibility, criminalisation of asylum seeking, and burden shifting, endangering asylum seekers' rights.

## **Rhetoric**

It can be conceived that the de-territorialisation of borders increases threats from beyond, whereas territorialised borders can allow for stronger sovereign defence. However, as Anne McNevin concedes, the shifting territories of borders can in fact be

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<sup>6</sup> Michael Grewcock, "Australian Border Policing: Regional 'solutions' and Neocolonialism," *Race & Class* 55 (2014): 72.

<sup>7</sup> Grewcock, "Australian Border Policing," 72. Anne McNevin, "Border Policing and Sovereign Terrain: The Spatial Framing of Unwanted Migration in Melbourne and Australia," *Globalizations* 7 (2010): 411.

<sup>8</sup> *Ibid.*, 73.

<sup>9</sup> *Ibid.*, 72.

the act of their defence.<sup>10</sup> In the case of Australia's policies since 2001, these practices have been shown to not have had a significant incidence on asylum seeker rates,<sup>11</sup> have incurred high costs,<sup>12</sup> and brought into question the legality and ethics of such actions, as well as Australia's global reputation. Nonetheless, the asylum seeker picture seems to be distorted in the public eye, with public fears growing over the number of arrivals in 2010, despite the immigration rate decreasing<sup>13</sup> and the number of boat arrivals being comparatively low by international standards.<sup>14</sup>

This public distortion of the debate supports the conclusion that the decisions to re-instate and expand offshore processing and settlement could not have been made for reasons of efficacy or ethics, but rather in order to satisfy a livery rhetoric. A rhetoric that as the product of "exaggerated fear of unregulated border crossings",<sup>15</sup> is incoherent with demonstrated arrival figures<sup>16</sup> and promulgated by a narrow debate characterised by slogans and sensationalism.

The debate is often framed in terms of border security, not in terms of human rights, nor the right to asylum.<sup>17</sup> As such, it revolves around how to stop the 'people smugglers' or 'illegal immigrants',<sup>18</sup> with Abbott referring to this as a "quiet invasion" and his minister stating that Australia was "losing control of its borders".<sup>19</sup> Catch phrases such as 'Fortress Australia'<sup>20</sup> and 'Operation Sovereign Borders'<sup>21</sup> have been used to name policies relating to asylum seeker processing or settlement,

<sup>10</sup> McNevin, "Border Policing and Sovereign Terrain," 407.

<sup>11</sup> Grewcock, "Australian Border Policing," 72.

<sup>12</sup> Mares, "Fear and Instrumentalism," 413.

<sup>13</sup> Stine Neerup, "Social Cohesion and Ethnic Diversity in Australia," in *Diverse Nations, Diverse Responses: Approaches to Social Cohesion in Immigrant Societies*, ed. Paul Spoonley and Erin Tolley (Kingston: School of Policy Studies Queen's University, 2012), 61.

<sup>14</sup> McNevin, "Border Policing and Sovereign Terrain," 411.

<sup>15</sup> Mares, "Fear and Instrumentalism," 408.

<sup>16</sup> *Ibid.*, 415.

<sup>17</sup> *Ibid.*, 414-415.

<sup>18</sup> *Ibid.*, 412.

<sup>19</sup> *Ibid.*, 415.

<sup>20</sup> Lesley Instone, "Walking Towards Woomera: Touring the Boundaries of 'unAustralian Geographies'," *Cultural Geographies* 17 (2010): 359.

<sup>21</sup> Grewcock, "Australian Border Policing," 74.

effectively reinforcing the association between asylum, border security, and criminalisation. In particular, “stop the boats” has become a simplistic and omnipresent representation of the debate, and a central goal of each successive government despite boat arrivals representing a tiny portion of overall migration numbers, overshadowed tenfold by other ‘illegal immigrants’ such as visa overstayers.<sup>22</sup> This rhetoric is particularly important during elections: Rudd was seen to have been ‘soft’ on ‘people smugglers’ during the 2010 election,<sup>23</sup> a possible causal factor for the later decisions to reinstate offshore agreements in 2012/3. In 2014 a government report was released entitled: “Beyond the Boats: building an asylum and refugee policy for the long term”, showing to what extent rhetoric, exemplified by the boat issue, dominates Australian border policy and the decisions made in consequence.<sup>24</sup>

In addition, the asylum question has often been blurred into other political issues to increase fear, such as the ‘Big Australia’ debate about sustaining a growing population. For example, a Gillard campaign television advertisement spoke about harsh consequences for boat arrivals and stronger borders, before cutting to an image of freeway traffic and a discussion of ‘Big Australia’, effectively blurring the lines between the cause and effect of each issue and merging the fears of both.<sup>25</sup> Aside from the political capital gained from such blurring of the debate, for Maggie O’Neill the portrayal of asylum seekers as a threat or a ‘dangerous outsider’ by the government is particularly harmful, as it sets the stage for strengthened discursive

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<sup>22</sup> Mares, "Fear and Instrumentalism," 413. Neerup, "Social Cohesion," 73.

<sup>23</sup> Ibid., 412, 416.

<sup>24</sup> Bob Douglas, "Now We've Stopped the Boats, What Next?" *The Sydney Morning Herald*, November 5, 2014, <http://www.smh.com.au/comment/now-weve-stopped-the-boats-what-next-20141104-11h0di.html>.

<sup>25</sup> Mares, "Fear and Instrumentalism," 412.

barriers within the general public based around the same perception, in an “imagined community of government discourse”.<sup>26</sup>

While slogans and rhetoric can shape public opinion, they can also be used to justify government actions, as well as to sensationalise the issue at hand. Asylum seekers, and mixed-flow<sup>27</sup> boat arrivals in general, are often referred to as ‘illegal immigrants’, ‘bogus refugees’, or ‘queue-jumpers’. States employing these terms can exercise sovereign rights against ‘illegal’ border crossers, while not overtly contravening their international legal obligations.<sup>28</sup> In addition, language such as ‘tsunami’, ‘swamped’, and ‘inundate’<sup>29</sup> invoke a sense of crisis or exceptionalism that can justify the means of securing national borders with extreme or high profile border policing responses.<sup>30</sup> Gillard in particular favoured the slogan ‘no advantage’ to justify her aims to remove any possibility of settlement in Australia for boat arrivals, regardless of the validity of their claims, through the de-territorialisation of borders and offshore processing.<sup>31</sup> While this term has been used to justify strengthening Australia’s ‘technical landscapes of control’, the implication of its use, that of ‘gaining advantage’ through seeking asylum in Australia, in turn can strengthen the ‘discursive landscapes of social power’, and the borders faced by refugees or migrants within the community.

## **Visibility**

One profound effect of the progressive de-territorialisation of Australia’s borders and the strengthening of the corresponding discourse, in lead up to and since the 2012/3

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<sup>26</sup> Maggie O’Neill, *Asylum, Migration and Community* (Bristol: Policy Press, 2010), 78.

<sup>27</sup> Moutz 4

<sup>28</sup> McNevin, "Border Policing and Sovereign Terrain," 410.

<sup>29</sup> Mares, "Fear and Instrumentalism," 415.

<sup>30</sup> Grewcock, “Australian Border Policing,” 72.

<sup>31</sup> *Ibid.*, 73.

decisions, has been the heightened visibility experienced not only by asylum seekers and visible migrants in the community, but also that of the remote geographical grey zones where offshore processing and de-territorialisation occur. The physical territories occupied by detention or processing facilities in neighbouring states or distant islands mean that the ‘crisis’ transpires on “geographical margins of sovereign territory”, making the distant territory hyper visible yet removed.<sup>32</sup> The removal or ‘remoteness’ is used to strengthen sovereign borders while they are de-territorialised,<sup>33</sup> or to displace practices into judicially ambiguous zones.<sup>34</sup> Governments are then able to ‘manage’ spontaneous arrivals by hand picking from distant processing centres.<sup>35</sup> These camps and processing centres are in a sense ‘spaces’ and not ‘places’, as they are “not spatially but temporally outside the common place and outside the ordinary and predictable world”.<sup>36</sup> This is increasingly so, as they occupy remote, removed physical locales, and yet hyper visible spaces within the imagined communities of discourse.

Within communities firmly on Australian territory the visibility of migrants and asylum seekers is equally heightened by stronger discourse, creating “identities that accompany exclusionary geographies”.<sup>37</sup> Shahram Khosravi refers to agoraphobia, the fear of being seen, of being among others, as a common representation of this heightened visibility and stigmatisation among asylum seekers.<sup>38</sup> As a result of the framing of boat arrivals as a matter purely pertaining to border security and crime, reinforced by inflamed language and hyperboles, in 2010

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<sup>32</sup> Mountz, *Seeking Asylum*, xvii.

<sup>33</sup> Instone, "Walking Towards Woomera," 360.

<sup>34</sup> McNevin, "Border Policing and Sovereign Terrain," 411.

<sup>35</sup> Mountz, *Seeking Asylum*, 5.

<sup>36</sup> Shahram Khosravi, *'Illegal' Traveller : An Auto-Ethnography of Border* (Hampshire: Palgrave Macmillan, 2011), 70.

<sup>37</sup> Mountz, *Seeking Asylum*, xvii.

<sup>38</sup> Khosravi, *'Illegal' Traveller*, 70.



there was a significant increase in public opinion against migration and diversity, linked to a fear of lack of government control of border sovereignty.<sup>39</sup> There was a documented increase in offshore arrivals that year, along with a jump of thirty per cent in the number of people agreeing that Australia's migrant intake was too high.<sup>40</sup> This shows a clear correlation between the discourse created around 'stopping the boats', and negative public sentiment towards migration in general, a marker of increased visibility not only of the asylum issue but also of the migrants and refugees themselves. It is undoubted that this change in public sentiment would have contributed to the political calculations leading to the 2012/3 offshore decisions. However, it is also interesting to note that there has also been a strong reaction against this trend in wider contexts, such as the solidarity with visible minorities over social media in the wake of the Sydney Lindt Café attack in 2014.<sup>41</sup>

The increased visibility of migration issues also bring into question social cohesion and identity. The state is "an idea imagined, shared, and performed", one that is shaped as much by institutional decisions and public policy as it is by media or society.<sup>42</sup> The fear of a loss of common culture or values<sup>43</sup> can also fuel negative public perception of immigration, especially that which the state has deemed to be 'illegal', violating state "purity"<sup>44</sup> to the extent that it must be removed physically from the state territory. These intrusions destabilise notions of the "fixed national space and identity", and as such opposition to these policies of offshore processing and de-territorialisation are seen to be 'unAustralian'.<sup>45</sup> Accordingly, while asylum

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<sup>39</sup> Neerup, "Social Cohesion," 66.

<sup>40</sup> Ibid., 71.

<sup>41</sup> "Sydney Cafe: Australians Say to Muslims 'I'll Ride with You'," *BBC*, December 15, 2014, <http://www.bbc.com/news/blogs-trending-30479306>.

<sup>42</sup> Mountz, *Seeking Asylum*, xxiii.

<sup>43</sup> Neerup, "Social Cohesion," 68.

<sup>44</sup> Khosravi, *'Illegal' Traveller*, 70.

<sup>45</sup> Instone, "Walking Towards Woomera," 360.

seekers face the creation of territories and identities of exclusion through these policies, being forcibly moved off Australian territory, so too do Australians who may find their actions result in identities of inclusion or exclusion based on their support or opposition to such policies. The public “reproduces state boundaries in everyday life”,<sup>46</sup> taking heed from the re-instatement of offshore processing and settlement to strengthen the “discursive landscapes of power” within both Australian and immigrant communities.

### **Criminalisation**

If the decisions to further de-territorialise Australia’s asylum bordering in 2012 and 2013 have served as a catalyst for further debate around and higher visibility of asylum seekers and people smugglers, it is interesting to note that it is for that border’s very existence that the ‘illegal immigrant’ is illegal. The state and the smuggler act in symbiosis, “each necessitating and hailing the other into being”.<sup>47</sup> The decisions of 2012 and 2013 have solidified the criminalization of border transgressions, and the status of asylum seeker, both as a result of and as fodder for discourse. The extent to which discourse has influenced policy, and the resulting “production of refugee deviancy”, can detract from the understanding of bordering and asylum as human rights issues. Instead, they can be framed more as criminal or political issues,<sup>48</sup> without regard to the global forces leading to one’s ‘choice’ or lack thereof to transgress a sovereign border in a non-traditional manner and hence become a deviant in the eyes of the state. This leads to asylum and border practices that are increasingly security or criminal-oriented. One example of this is the cooperation between Australia and Indonesia, which has mainly consisted of

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<sup>46</sup> Mountz, *Seeking Asylum*, xix.

<sup>47</sup> *Ibid.*, xxvii.

<sup>48</sup> O’Neill, *Asylum, Migration and Community*, 76.

immigration detention and anti-people smuggling measures, but which is framed in rhetoric as a regional framework based on “capacity building” and ‘making sure refugees don’t risk lives to come to Australia’.<sup>49</sup>

*Burden Shifting and Asylum Seekers’ Rights*

As McNevin affirms, the spatial frames we use to map, define and border spaces and territories shape our understanding of these areas and the “possible political pathways”.<sup>50</sup> Australia’s offshore agreements are indicative of an extension of state sovereignty into other territories, as a result of burden shifting or “Incentivised Policy Transfer”<sup>51</sup> in order to satisfy the requirements imposed by the surrounding discourse and pressures to ‘solve the boat issue’. In the case of Australia and Indonesia, both nations have cooperated since the late 1990s, however almost exclusively at Australia’s initiative, and with substantial financial and diplomatic incentives for Indonesia to adopt measures consistent with the Australian government’s policy objectives.<sup>52</sup> That said, the relationship is not entirely asymmetric, as is the case of the Pacific Solution and its 2012 re-incarnation, where these measures can also be interpreted as burden shifting upon Nauru and PNG.<sup>53</sup> In these cases, cooperation has been implemented in exchange for increases in aid funding upon which these states are dependent, creating an asymmetric power relationship that has allowed for successive Australian governments to implement measures appealing to the national discourse at the expense of regional partners, as well as asylum seekers themselves.<sup>54</sup>

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<sup>49</sup> Amy Nethery and Carly Gordyn, "Australia–Indonesia Cooperation on Asylum-Seekers: A Case of ‘Incentivised Policy Transfer’," *Australian Journal of International Affairs* 68 (2014): 178.

<sup>50</sup> McNevin, "Border Policing and Sovereign Terrain," 408.

<sup>51</sup> Nethery and Gordyn, "Australia–Indonesia Cooperation", 177-178.

<sup>52</sup> *Ibid.*, 177-178.

<sup>53</sup> *Ibid.*, 181.

<sup>54</sup> Grewcock, "Australian Border Policing," 75.

The effects of these regional frameworks can be such that they inhibit the ability of an asylum seeker to gain lasting protection through “a vast network of policy designed to create physical and psychological barriers... to enter states that are parties to the Refugee Convention”.<sup>55</sup> The de-territorialisation of asylum processes has led to a “questioning of the universality of territorial norms [and the] legitimacy of different rights and mobilities allocated on account of one’s ...immigration status”,<sup>56</sup> or in other words, a “territorialisation of human rights”.<sup>57</sup> This is particularly the case as policy is amended or interpreted in such a way as to circumvent certain legal obligations of the state towards asylum seekers. The excision of up to 4,000 distant islands from Australia’s migration zone,<sup>58</sup> as well as the turning back of boats, means that it is harder for asylum seekers to reach sovereign territory to make a claim, through a legal loophole creating an effectively ‘offshore’ zone onshore.<sup>59</sup> Alison Mountz describes this strategy as “policy on the run”, using the metaphor of a long tunnel in which the asylum seekers find themselves,<sup>60</sup> not in any sovereign territory in particular as a result of the border being suspended in space and time through state manipulation.<sup>61</sup>

In addition, offshore processing in states not party to the Refugee Convention is particularly worrying at a rights level as it exposes asylum seekers to chain refoulement, moving asylum seekers back towards danger. Burden shifting, as in the case of Australia and Nauru and PNG can also be understood in a more global context of the public good of refugee protection along the Global North / Global South divide, as more powerful states may benefit from the contributions of other states without

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<sup>55</sup> Nethery and Gordyn, "Australia–Indonesia Cooperation", 179.

<sup>56</sup> McNevin, "Border Policing and Sovereign Terrain," 408.

<sup>57</sup> Khosravi, *Illegal Traveller*, 122-123.

<sup>58</sup> Instone, "Walking Towards Woomera," 360.

<sup>59</sup> McNevin, "Border Policing and Sovereign Terrain," 413.

<sup>60</sup> Mountz, *Seeking Asylum*, xvi.

<sup>61</sup> McNevin, "Border Policing and Sovereign Terrain," 414.

actually having to make contributions themselves, using agreements to limit the need to settle refugees within their territory.<sup>62</sup> The ability of such recipient countries to provide the state support and economic conditions to successfully resettle refugees is also cause for doubt,<sup>63</sup> although this is not limited to the global south: the legality of Australia's policy of providing temporary three-year protection visas to genuine refugee claimants in lieu of permanent protection, and the lack of basic rights these visas afford, have also been questioned.<sup>64</sup>

## **Conclusion**

It was acknowledged in 2010 that “the immigration issue was killing the government” and that there needed to be a “comprehensive regional solution to boat people”.<sup>65</sup> These statements are indicative of how Australia's border policies relating to asylum seekers, including the progressive de-territorialisation of borders, have been a product of political rhetoric and implemented in order to satisfy said pressures. These policies, in turn, have strengthened Australia's already robust border system, in the sense of the formal, ‘technical landscapes of control’, but have also had the effect of reinforcing the ‘discursive landscapes of power’. This has meant heightened visibility of the asylum issue, and of migrants themselves within the community, and a lively debate as to the meaning of ‘Australian’. In addition, there has been an increased criminalisation of asylum seeking and border transgressions, and burden shifting towards regional partner countries at the expense of the rights of asylum seekers themselves. In spite of these developments, the idea of “Australia as a sanctuary”<sup>66</sup>

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<sup>62</sup> Nethery and Gordyn, "Australia–Indonesia Cooperation", 180.

<sup>63</sup> Grewcock, "Australian Border Policing," 75.

<sup>64</sup> Grewcock, "Australian Border Policing," 73. McNevin, "Border Policing and Sovereign Terrain," 415.

<sup>65</sup> Mares, "Fear and Instrumentalism," 414.

<sup>66</sup> Neerup, "Social Cohesion," 72.

has continued to be put forth, while its policies are increasingly criticised within both the Australian and international communities. The Australian case is of significant interest in the context of heightened migratory movements worldwide, particularly concerning maritime arrivals in Europe and Asia. Increasing numbers of asylum seekers are highlighting the need to re-visit the way states react to such waves of human movement, and balance their obligations under international law with political pressures. For now at least, as the “state’s spatial strategies shape and disaggregate rights-bearing identities”,<sup>67</sup> asylum seekers will continue to find their rights to protection stymied by political rhetoric,<sup>68</sup> and their position to be somewhere between a “reinvigorated discourse of territorial authority and a range of global pressures conceived in deterritorialised terms”.<sup>69</sup>

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<sup>67</sup> McNevin, "Border Policing and Sovereign Terrain," 413.

<sup>68</sup> Nethery and Gordyn, "Australia–Indonesia Cooperation", 177.

<sup>69</sup> McNevin, "Border Policing and Sovereign Terrain," 409.

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