Homo Sacer and Australia’s polymorphic borders: Reflecting on Australia’s neo-colonial dominance of Pacific neighbours via ‘offshore’ detention arrangements as part of photojournalistic practice.

Dr Kasun Uabayasiri and the detainees of KP APoD

Abstract

This paper posits the post-hoc reflective theorisation of photojournalistic documentation of refugee migrant protest at the Australian Government’s Kangaroo Point Alternative Place of Detention in Brisbane, should consider Australia’s neo-colonial biopower; and Australia’s polymorphic territoriality of the Pacific, particularly the use of its former colonies in Nauru and Papua New Guinea’s Manus Island as offshore detention ‘facilities’ – dumping grounds for asylum-seekers.

While acknowledging it is not always practical for journalists to arrive at an assignment with comprehensive knowledge of their subject matter, this paper maintains the value of reflective practice in enabling practitioners acquire a deeper understanding of the issues they cover. It is asserts that making sense of images does not end with the initial capture, but continues through their successive presentation and representation over time, where the images as visual artifacts enable and animate public discourse.

Introduction

This study centres around the post-hoc theorisation of the researcher’s own work as an accredited photojournalist covering refugees and asylum-seekers held at the Kangaroo Point Alternative Place of Detention (KP APoD) in Brisbane between April 2, 2020 and April 14, 2021; and a subsequent two-year slow-journalism project documenting their migration narratives. It posits that the photographs of refugees locked up in immigration detention, in this case KP APoD, can be unpacked and explored through a rich theoretical framework that provides deeper meaning to the images and positions these refugees’ experiences within the wider scopic regime of refugee migration and contemporary Australia identity.

While this paper acknowledges the impracticality of a photojournalist always arriving at a given news event equipped with a rich theoretical understanding of what is being photographed and reported, it argues post-hoc theorisations and reflections on professional praxis help produce richer and more robust journalism. As the legendary documentary photographer Sebastião Salgado notes “You don’t just go to photography because you like photography. If you believe that you are a photographer, you must have some tools — without them it would be very complicated — and those tools are anthropology, sociology, economics, politics,” (Salgado, as cited in ryanlashphotography, 2013).

This paper argues that, two decades after the Howard Government’s mediatised demonisation of the Tampa refugees in August 2001, there is a need for photojournalists, particularly those engaged in human rights journalism, to examine and (re)think the scopic regimes surrounding refugees and refugee migration, within the wider notions of Australian identity, sovereignty, borders and territoriality – media narratives that continue to perpetuate hegemonic thinking with little contestation or exploration.

Drawing from a wide range of theoretical concepts, this paper argues the importance of photojournalism, challenging these hegemonic scopic regimes, by (re)framing, (re)shaping and consciously mediating the reality of refugee migration and indeed building a reflective practice that draws on wider theoretical conceptualisations that position such experiences. As such this paper suggests the images of the KP APoD protests can be seen through a discussion of territoriality and bordering through cultural geography; and a discussion of neo-colonial governmentality and biopower that continues to shape Australia's socio-political identity.
Background of the KP APoD refugees

For the purpose of this paper, the refugees’ story begins on July 13, 2019, when then Australian Prime Minister Kevin Rudd made a televised declaration that no asylum seeker arriving by boat would be settled in Australia. Asylum seekers arriving in this manner after this announcement, including many who were already at sea, would be scooped up by the navy and processed on Christmas Island before being sent to long-term indefinite immigration detention.

Most refugees caught up in this situation were subsequently sent to offshore detention centres on Nauru and Papua New Guinea’s Manus Island, while about one third were granted bridging visas for mainland Australia. It is nearly impossible to ascertain what criteria was applied to these arrivals, if any, because demographic data on refugees and asylum seekers in Australia’s various detention centres is not easily accessible- even at a political level there is often little transparency. Only select data released through avenues such as Senate Estimates hearings offer a glimpse of this selection process. For example, in response to a question from Greens Senator Nick McKim, the Immigration and Border Protection Portfolio noted on March 29, 2017, that:

(B)etween 19 July 2013 and the last boat arrival on 27 July 2014, 79 boats arrived in Australia. There has not been a boat arrival in more than 950 days. Of the individuals on board, 1,596 were transferred to the Nauru Regional Processing Centre, 1,523 were transferred to the Manus Regional Processing Centre and 1,414 were issued with bridging visas in Australia (Department of Immigration and Border Protection, 2017).

The decision to grant bridging visas for some and not others was dismissed as simply the Minister exercising his “non-delegable personal power”. The process remains opaque, and the resultant statistics are stripped of even the most basic humanising, demographic information. This bureaucratic dehumanisation often assigned people a processing number based on their three-letter boat identification. Legislatively the asylum seekers were referred to as ‘transitory persons’, reinforcing the idea that the Australian government considered their stay to be temporary with no prospect of permanent settlement on Australian soil. It is worth noting that throughout this process the Federal government refused to reference or acknowledge these migrants as asylum seekers or refugees, even after they had been formally processed as such through Australia’s own immigration structures. An Iranian refugee who was sent from Christmas Island to Manus Island before being transferred to Kangaroo Point noted “the Australian government did everything they could not to refer to us as refugees or asylum seekers. I was ‘a client’ in Christmas Island, ‘the transferee’ on Manus Island, ‘a resident’ after the Supreme Court ruling, and a ‘detainee’ at Kangaroo Point” (personal communication, 2020).

Between July 2013 and March 2019, refugees needing serious medical care had to undergo a lengthy approvals process, often through the courts, before they could be evacuated to Australia for treatment. The Asylum Seeker Resource Centre (2021) notes “sick refugees and asylum seekers in offshore detention were waiting for two years (on average) for medical transfer to Australia for treatment, even after a medical transfer recommendation had been made by the Government’s own appointed doctors”.

The Medevac Bill which became law on March 1, 2019, paved the way for doctors to make medical rulings for medical evacuations without the need to engage the courts. By the time the Law was repealed a year later, 192 detainees had been evacuated. At the start of 2020, they were detained primarily at the Kangaroo Point Alternative Place of Detention (APoD), and Melbourne’s Park Hotel APoD.

When Queensland entered a hard COVID lockdown on April 2, 2020, 120 Medevac refugees at the KP APoD began a protest on the hotel balcony, pleading for freedom. Unable to practice social distancing or quarantine, and with 80-90 security guards and Serco staff coming in and out of the compound unchecked on a daily basis, these men feared the pandemic. Supporters and activists soon took up their cause, establishing an ongoing protest presence outside the gates of the hotel for more than 50 weeks until the refugees within were relocated and the facility shut down. The photojournalistic coverage at the foreground of this study was commenced on the third day of the refugees’ balcony protest and continued until KP APoD was closed.

Mediation and Mediatisation: The visual politics of refugee migration to Australia
How refugees are photographed and what narratives those images might convey matter, because those images shape public discourse (Chouliaraki & Stolić, 2017 and 2019; Lenette & Miskovic, 2018).

In their analysis of news photojournalism on the 2015 European migration crisis, Chouliaraki and Stolić describe the images as a "political encounter between western publics and arriving migrants, where the latter are not simply 'the represented' but people who act within the photographic space." (2019, p. 311). They argue "From the ‘refugees welcome’ protests to rescue-hero narratives, and from human tragedies on sea to reports on camps and reception centres, this unprecedented coverage of the migration ‘crisis’ in mainstream news contributed to shaping the continent’s collective imagination of arriving ‘others’" (2019, p. 311).

Such a consciousness of media influence, then opens the door into the study of cognitive media effects – Agenda setting, the idea that the news media set the agenda on what we should think about; and Framing, whereby the media not only tells us what to think about, but how to think about an issue by constructing largely unseen frameworks that ‘subconsciously’ shape our thinking. Such a reading also brings into sharp focus the duality of the mediation and mediatisation paradox, where mediation refers to the process of bringing multiple contested realities together to craft a representative reality within the media space (McNair, 2006; Newton, 2013; Shoemaker & Reese, 1996), while mediatisation refers to its impact on the audience (Kunelius & Reunanen, 2012). This line of media theorisation, of images and text as artefacts of public meaning making, reaches the inevitable, yet incomplete, conclusion that it is impossible to present value neutral journalism, unembellished and unadorned by the producers’ own perspectives.

Such a view of images, and indeed text, as value-laden cultural artifacts, runs counter to journalism’s ‘truth claims’ (Broersma, 2010) and the obstinate insistence on ‘just-the-facts’ objectivity – a seemingly reasonable position, but one which all too often leads to the wholesale abandonment of objectivity for unbridled subjectivity.

Few theorists, Canadian Ethicist Stephen Ward chief among them, have attempted to reconcile journalism’s truth claims and perceptions of professional objectivity, against mounting theorisation that suggest the futility of objectivity in light of ‘deliberately’ agenda set and framed narratives. Ward’s notion of objectivity, which draws on pragmatics offers a conceptual bridge breaking the bifurcated choice between subjectivity or objectivity. In his introduction to Ward’s 1999 discussion paper Richard Parker says pragmatic objectivity “recognizes the inherent qualities of judgment that reporters must employ, and entails an understanding of the inherent fallibility of such judgments, while holding them to community or collective standards that usefully promote the central goals of reporting itself” (Ward, 1999, p. 1). In this regard he presents three standards of objectivity, or pragmatic objectivity – “empirical standards that test a report’s accord with facts derived by careful observation, controlled experiments, or statistical measure; standards of coherence that tell us how consistent an interpretation is with what else we believe; and standards of rational debate that include a commitment to rational persuasion and tolerance, and openness to rival views and counter-evidence” (Ward, 1999, p. 1).

Ward’s theorisation of pragmatic objectivity, then provides a workable solution to the cognitive media effects conundrum, suggesting that since agenda setting and framing are inevitable, there needs to be greater pragmatism in understanding the contexts surrounding the framing (Ward, 1999; Ward 2010) and, in this case, what underlying frames manifest in the images photojournalists produce. In providing a working model of objectivity that accounts for journalistic judgment and exploration beyond ‘just the facts’ or ‘he said/she said’ reporting, Ward also offers foundational tools for journalists to conceptualise and engage with the cognitive capacity of journalism to make meaning, and to situate that meaning construction and framing within a pragmatically objective workspace – in deeper, reflective thinking.

Pragmatic objectivity then is a process – the deeper a practitioner observes an issue through multiple angles and countervailing narratives, the more pragmatically objective their reporting is likely to become, because a journalist with a simplistic understanding of established hegemonic tropes is unlikely to make in-depth observations. Ward then proposes the development of an actively truth-seeking and inquiring journalist, instead of a passive collector and disseminator of ‘facts’. Such a quest for deeper understanding however also necessitates a departure from what Santos de Sousa (2001) calls an epistemology of blindness which can loosely be described as being oblivious to the confines of the hegemonic structures that limit our understanding. With
Respect to refugee reportage then, a new way of seeing and understanding must challenge ‘accepted’ hegemonic notions of citizenship, belonging, territoriality and borders that represent existing ‘knowledge’, and bring forth deeper professional reflectivity of the photojournalistic praxis.

(Re)thinking the border: polymorphic not monolithic

Refugees in Australia are seen through a lens of national security (Gale, 2004; McKay et al., 2011), stripped of humanity (Bleiker et al., 2013) and context. In his 2004 critique of the Australian refugee policy Richard Devetak wrote:

On 26 August 2001 Australia came under attack. To extinguish the threat to Australia’s national security, three days later, Prime Minister Howard swiftly deployed crack SAS troops who successfully averted an invasion of the mainland by the enemy, thus preserving Australia’s territorial integrity and national sovereignty...

In mobilising armed force to ward off danger, John Howard was doing what several Australian Prime Ministers before him have had to do. When Japanese bombers attacked Darwin and when Japanese midget submarines were detected in Sydney Harbour in 1942, Prime Minister Curtin quite naturally defended Australia by force (Devetak, 2004, p. 101)

Devetak’s account is clearly satirical, but in drawing a parallel with wartime invasion he makes a clear point of reframing Howard’s Tampa strategy, revealing it as one which demonised asylum seekers and presented them through a hyper-securitised frame. This strategy proved popular among the Australian public, Howard ultimately winning the next Federal election on the back of it, but what is also significant about this historic moment is how the Tampa ‘crisis’ provided a pivot point that fuelled a two-decade-long conversation singularising and shaping the nature of the Australian border in the collective consciousness. This new consciousness, politicised and mediatised through jingoistic references to strong borders and ‘invasion’ narratives (Parker, 2015), suggested an omnipresent and monolithic line on a map – a position which ultimately fails to bear up to scrutiny when examined in detail.

In their theorisation of polymorphous borders, Burridge et al. (2017) challenge dominant narratives of territoriality defined by homogenous, coherent and secure borders; arguing instead for a reimagining of borders as they really are – fractured and highly contextual. The Kangaroo Point refugee experience demonstrates this polymorphism of borders at two levels.

On the one hand the men inside the motel were not in Australia ‘proper’, but rather, stuck in a perpetual immigration departure lounge, neither here nor there. Despite physically standing on the balcony of a suburban hotel in Brisbane, the Kangaroo Point ApoD refugees were in many ways still positioned outside of Australia, somewhere in limbo between their last location on Manus Island in Papua New Guinea and their next, as yet unknown, destination. At first glance this situation can be considered the result of the Rudd government’s edict that boat arrivals would never be settled in Australia, a position vigorously reinforced by the Morrison government. But it is also the result of the Gillard government’s extraordinary extension to Howard’s offshore program which effectively excised the entire country from the migration zone for irregular boat arrivals (Grewcock, 2014a; Vogl, 2015). The upshot of this is that for as long as they remain refugees, most of these men will never technically step foot on Australian soil no matter how many borders they ‘cross’ or how far they travel.

On the other hand, the boundary of the physical entity that was the Kangaroo Point Central Hotel itself presented a classic example of the often polymorphous nature of borders, in that it was porous for some, yet impenetrable to others. For the security guards and staff moving in and out of the compound, the spatiality of the perimeter wall merely presented as the outer fence line of their place of work; for the Australian anti-detention protestors it represented the boundary of a private property which if crossed, would mean trespass; and for the refugees inside it was akin to both razor wire fortification ringing their prison and an arbitrary divider marking their separation from the Australian citizenry and their in-betweeness in immigration purgatory. Within the scope of this analysis then, the photographable perimeter wall that prevents the refugees
from leaving the compound, and is sporadically besieged by protestors, can in a refugee-centric narrative, be considered a continuum of the Australian border.

However in this respect, the Federal government’s ‘border checkpoints’ at the gates of the hotel are manned by Serco security subcontractors and Queensland state police as opposed to the Federal Border Force, further demonstrating the re-spatialisation of national sovereignty and the polymorphic interpretation of borders – where the border, while still serving the purpose of a migration barrier from a refugee and legislative perspective, is no longer represented as the unbroken edge of Australia’s territorial sovereignty projected in traditionalist narratives as ‘coherent, monstrous, omnipotent and omniscient’ (Burridge et al, 2017) and border breaches, such as those by protestors, are matters of ‘law and order’ under the State’s jurisdiction, instead of a border incursion under Federal law.

From the journalistic perspective of mediating reality, it becomes imperative that journalists fully comprehend the polymorphic nature of this border if they are to attempt representing reality and not blindly reproduce the Federal government’s contestable ‘strong border’ rhetoric. The task of the journalist, and indeed the photojournalist, is to highlight the highly contextual nature of the border and the apparent absence of a universal border that is tangible and photographtable. The challenge is to present the image in such way as to provoke debate and challenge this hegemony. As Susan Sontag’s notes in her seminal text On Photography, breaking free of this ‘Plato’s cave’ where we confuse fragmented representations as real, is no simple task (Sontag, 1979, p. 3).

**Offshore detention: Australia’s sub-imperialism and neo-colonialism**

The securitisation of the Australian border and the heightened national consciousness of the country’s border, runs concurrent with a heightened sense of territoriality.

This territoriality is rooted in a nationalist imagining of Australianness, deeply seated in colonial identity, both in the ongoing colonisation of Aboriginal land as colonial proxies of the British crown, and a neo-colonial view of the neighbouring Pacific region (Grewcock, 2014b). Australian historian Humphrey McQueen argues that for much of Australia’s history, the colonists who occupied the continent as an outpost of the British Empire have in return, viewed the neighbouring Pacific region though Australia’s own version of a ‘Monroe Doctrine’, exhibiting sub-imperial tendencies first as a group of pre-federation British colonies and later as federated neo-colonialists – where the colonial dominion of the Pacific shifted from Britain to Australia.

There is a sense of continuity then, that Australia’s response to ‘incursion’ or ‘attack’ from the ‘invading force’ of 430 asylum seekers, was to do what it has always done, which was to use the Pacific nations as a buffer.

The ‘Pacific Solution’, first introduced by Prime Minister Howard in September 2001 with bipartisan support, is the culmination of this response. In 2007 Labor under Prime Minister Rudd briefly dismantled offshore processing, but Prime Minister Gillard reignited the idea of a Howard-type offshore system in late 2012, reinstating detention centres on Manus and Nauru after the Australian High Court rejected a government proposal to exchange asylum seekers with processed refugees in Malaysia – popularly known as the ‘Malaysian Solution’. In July 2013 the second Rudd government signed an agreement with the Papua New Guinean government to permanently settle processed refugees in PNG. The Abbot government that came to power in September 2013 implemented Operation Sovereign Borders, touting a ‘zero tolerance’ policy towards refugee and asylum seekers arriving by boat, and changing the terminology of such arrivals from ‘irregular maritime arrivals’ to ‘illegal maritime arrivals’.

Successive Australian government’s use of Nauru, and Manus Island in PNG as a dumping ground for refugees is particularly telling of Australia’s neo-imperialist mindset towards Pacific nations. Grewcock notes “Historically, both of these states have been under direct Australian control or influence and the willingness of their current governments to implement offshore processing and entertain resettlement cannot be separated from their dependency on Australian aid and development funding” (2014b, p. 75).

This mindset is evident as far back as 1883 when Queensland pastoralist and State Premier Thomas McIlwraith unilaterally attempted to annex eastern New Guinea to Queensland by raising the British flag in Port Moresby.
on the other side of the border to those outside it, leaving opened the detention centre doors and giving refuge to those already within their jurisdiction, but closing their “continued breach of their constitutional and human rights.”

It was necessary to cease and prevent the continued unconstitutional and illegal detention of asylum seekers, and the interference of a foreign power from its own sense of sovereignty ever.

This complex asymmetric partnership with Nauru and Papua New Guinea is central to framing and mediating the political reality of contemporary refugee migration, where Australia continues to use its former colonies in the Pacific, tethering them now though the promise of ongoing foreign aid and using them as a buffer against irregular refugee migration into Australia.

Historically, Australian dominance over Nauru runs along similar lines to their dominance over Papua New Guinea, the only difference being New Zealand’s sub-imperialist involvement, joining forces with Australia and Britain in the early 1900’s to subordinate the tiny phosphorous-rich Pacific nation for commercial mining purposes. Over the next 50 years Nauru would be stripped of its natural assets and the landscape declared uninhabitable to the point where Australia proposed wholesale relocation of the population to Queensland’s Curtis Island, stripping Nauruans completely of their sovereignty and making them Australian citizens. Australia’s cavalier attitude to Nauruan sovereignty, and the use and abuse of the small island for Australian interests, has continued despite Nauru demanding and securing independence in 1968. Exerting economic dominance over Nauru via the refugee resettlement agreement is a case in point. A few months after PM Rudd’s offshore deal with Nauru, Grewcock (2014b) wrote “the resettlement agreement secured an aid payment of $29.9 million and a further $17 million to refurbish the local prison. These were significant sums for a country with a national budget of only $35 million and reflect Australia’s extensive and direct involvement in Nauru’s financial and political affairs” (2014, p. 75). Australia provided $28.6m in aid to Nauru in 2019-20, and has projected a bilateral allocation of $25.5m and total aid allocation of $32.2m for 2021-22 (DFAT, 2022).

On September 24, 2021, Home Affairs Minister Karen Andrews announced the Australian government had “signed a memorandum of understanding to establish an enduring regional processing capability in Nauru” (Home Affairs Portfolio, 2021). Two weeks later, on October 6, 2021, the Morrison government announced it would close offshore processing in PNG, putting an end to a Clayton’s solution that had become untenable after a five-judge bench of the PNG supreme court asserted the country’s independence in April 2016 and ruled the detention centre on Manus Island to be “unconstitutional and illegal” (BBC, 2016).

This created a complex situation for many of the men in the Kangaroo Point APoD. As they stood on their balcony, the refugees originating from Manus Island were not only trapped on the wrong side of Australia’s ever-morphing national border, but they had also been pushed back over the net by the PNG judiciary as it drew from its own sense of sovereignty and values to reject the continued detention of refugees on its soil on behalf of a foreign power. The 2016 ruling stated that PNG and Australian governments should “forthwith take all steps necessary to cease and prevent the continued unconstitutional and illegal detention” of asylum seekers, and the “continued breach ... of their constitutional and human rights.” In a bureaucratically pragmatic move, PNG opened the detention centre doors and gave refuge to those already within their jurisdiction, but closed their border to those outside it, leaving the KP APoD men with nowhere to return to, and no prospect of settlement on the other side of the hotel wall. It would be easy to cast aspersions on the PNG government’s decision to
reject jurisdictional responsibility for the Medevacked refugees, but the reality is, it was Australia’s imperialist behaviour which foisted the responsibility on them in the first place.

**Refugee as Homo Sacer:**

The (re)spatialisation and territorialisation of refugee migration inevitably brings the conversation around to the people who are moved within this space – the refugees.

The conceptualisation of borders as polymorphic, and of territoriality though rubbery definitions of space, lends itself to seeing refugees in that space as being neither here nor there – what Giorgio Agamben would call a state of exception (Stratton, 2009), or a ‘zone of indistinction (Oesch, 2017). Refugee detention regime which support on-shore and off-shore detention centres, immigration transit accommodation and alternative places of detention, present ambiguous spaces where Australian sovereignty determines membership, relegating non-members to outside of political society, the Australian citizenry – and in the case of the refugees on the KP APoD balcony, invisible, yet photographeable in plain sight.

The inbetweenness of the KP APoD refugees aligns with Agamben’s idea of Homo Sacer. His idea of Homo Sacer draws upon the Roman concept of a paradoxical figure banished outside of the political sphere and reduced to a state of bare existence – one who can be killed with impunity, yet not worth sacrificing to the gods. The Homo Sacer refugee is moved, removed and bartered at the whim and pleasure of the state without any real agency to determine their own fate. At least 12 refugees and asylum seekers have died by their own hand while in Australian immigration detention on Manus and Nauru, and many more even after varying degrees of settlement. Yet as Homo Sacer outside of the Australian citizenry their deaths, psychologically associated with trauma resulting or exacerbated by detention, rarely register as a state responsibility. Experiences of suicidal ideation are common among refugee detainee Homo Sacer, and yet in a largely unchallenged demonstration of biopower the state continues to prolong their life in immigration purgatory, securitising mental health and deploying rigorous security measures to prevent the capacity for suicide, instead of offering psychological relief through a permanent, settled solution to their indeterminate status.

The state’s narratives and its use of symbols that frame refugees seeking asylum as ‘queue jumpers’ and ‘illegals’ continues to justify their exclusion from society through suppositions of deviance and criminality that are never openly discussed or legally proven. This deliberate criminalisation of refugees also justifies the execution of biopower and the relegation of these Homo Sacer to a seemingly endless and inescapable immigration limbo.

**Conclusion:**

When a photojournalist considers concepts such as polymorphic borders and territoriality, and refugees as Homo Sacer, in framing their images, the photojournalism they create can teach us what Susan Sontag calls “a new visual code”, giving us what she describes as “a grammar, and more importantly, an ethics of seeing” (Sontag, 1979, p. 3). Deliberately and purposefully seeing the KP APoD refugees through the distortion of Australian territoriality, whereby Australia is able to shrink and retract its border to exclude and dehumanise refugees, and imperiously stretch it to exercise dominion over Nauru and PNG, a photojournalist can broaden their framing of images to challenge the scopic hegemony of Australian refugee migration.

Such a reconceptualization of the Kangaroo Point refugee protest positions the resultant photojournalism beyond the news event, moving the images from an epistemology of blindness to an epistemology of seeing, where the images become visual artefacts in a discourse of deductive reasoning that might be harnessed to analyse and dissect the true nature of the refugee migratory experience. The deeper we look at these images and the deeper we read them, the less these images become what Susan Sontag (1979) calls shadows on Plato’s cave and the more they take on real shape able to convey discourse beyond fragments of reality.
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