

The Refugee Swap Deal in Malaysian Online News Reports: Ideology and Representation

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ABSTRACT

Using Critical Discourse Analysis, this study attempts to examine the representation of Refugees, Asylum Seekers and Immigrants (henceforth RASIM) in news reports from three selected English online newspapers in Malaysia: The Star, The New Straits Times (NST) and Malaysiakini. This research aims to reveal the representations of RASIM and attempts to unravel the ways in which ideology and context shape the discourse surrounding RASIM. The focus of the article is the Refugee Swap Deal between Australia and Malaysia that was announced in 2011. Although the Refugee Swap deal did not take place, the media discourse provided distinctive information about discursive strategies that media draw upon to represent RASIM. The general characteristics of the news reports disclose that there are ideological differences at play and that three main themes are frequently utilised to attribute certain characteristics to RASIM: refugee protection, people smuggling and human trafficking, and policy and national security. In Malaysian media, the reporting on RASIM has been framed according to the political stance of newspapers: in a positive supportive way by the government linked media, The NST and The Star, and in a more balanced way in the alternative, or non-government linked media, Malaysiakini. These reporting styles show differences in situational context and ideology that shaped the discourse of the newspapers, contributing significantly to the portrayal of RASIM in particular ways.

Keywords: critical discourse; ideology; refugees; asylum seekers; immigrants

INTRODUCTION

In order to take legal action against undocumented arrivals of migrants in Australia, an exchange deal between Australia and Malaysia was considered. In this arrangement, both countries agreed to swap 800 asylum seekers from Australia to Malaysia and 4000 United Nations High Commissioner for Refugees (henceforth UNHCR) registered refugees from Malaysia to Australia. Several causes were provided by the two governments to commence with the arrangement. However, the highest court in Australia judged in August 2011 that the refugee swap deal did not conform to the rights of refugees and asylum seekers and halted the deal. The agreement was reported with a considerable amount of attention in the Australian and Malaysian press. Due to its controversial nature, the matter was also reported overseas.

Refugees, asylum seekers and immigrants in general are subject to significant press and political attention. van Dijk's (1988) research on representations of these groups in European press revealed a negative representation of these groups. Other studies confirmed these constructions and representations of RASIM in the British and Australian media (i.e. Teo, 2000; Gale, 2004; Gabrielatos & Baker, 2008; Baker et al., 2008; Khosravini, 2009). Through framing, the media are shaping the public opinion with the constructions,

representations and the reality they create. In their reports, newspapers provide a certain truth by determining the context, the content and the style of reporting (Simon & Xenos, 2000; de Vreese, 2002). This can result in a certain portrayal of the individuals or groups involved and can influence the norms and values of the readers of the reports. These studies (Teo, 2000; Gale, 2004; Gabrielatos & Baker, 2008; Baker et al., 2008; Khosravini, 2009; McKay et al., 2011) have provided valuable insights into ideology and social meanings through linguistic structures and discursive strategies in news reports on RASIM, and can serve as a good foundation for a similar study in Malaysia, where such research is scarce, but the issue nevertheless very current. According to the UNHCR (UNHCR country operations profile Malaysia, 2012) there are currently over 98,000 refugees registered with the United Nations Refugee Agency in Malaysia, and their office receives among the largest numbers of asylum seekers' claims for refugee status in the world. This number is accounted for mostly by people from Myanmar, as well as smaller groups from Sri Lanka, Somalia, Iraq and Afghanistan.

Despite the large number of refugees, asylum seekers and immigrants in Malaysia, Kiranjit Kaur (2007, p. 10), claims that 'media reporting on refugees has been minimal, especially in the mainstream media' and that there is a 'greater focus on migrant workers – documented and undocumented – and the problems related to them'. This research dearth is compounded by the frequent reporting of RASIM by Malaysian media from May to October 2011. The large amount of data on this matter provides an opportunity to investigate the representations of RASIM in Malaysian online news.

VULNERABLE GROUPS

As previously discussed, representations of RASIM are often negative in nature. Given the increasing numbers of RASIM in Malaysia, researchers should investigate the media and its role in the portrayal of these groups of people. Where possible influence of newspaper reports might affect the portrayal of individuals or groups, the role of media should be examined to make transparent the hidden ideologies and interpretations within these messages, because those images 'contribute to the ways we understand the roles of those groups in society' (Croteau & Hoynes, 2002, p. 159). Thus 'we must expose certain covert arguments and fallacies without shying away from addressing the underlying political, linguistic, psycho-social, relational and communicative dimensions of the issue' (Mohamad Subakir & Ravichandran Vengadasamy, 2011, p. 1). In addition, studies have highlighted how the negative portrayal psychologically affects the individuals and groups (Leudar et al., 2008). Through interviews, biographic narratives and an analysis of the newspaper representations of these groups, Leudar et al. concluded that RASIM construct their identity around these aversions and that 'refugees/asylum seekers orient to that hostility in their narrative constructions of themselves' (2008, p. 216). Certain portrayal in the media thus can have negative effects on individuals or groups and should be of greater concern to those in the production and distribution line of the media. Therefore, close analysis is needed in order to explore patterns related to the socio-political and socio-cultural opinion, the stance of different newspapers and the strategies used to construct and represent RASIM. Since Wodak defines CDA as 'fundamentally concerned with analysing opaque as well as transparent structural relationships of dominance, discrimination, power and control as manifested in language' (2001: 2-3), this approach has been chosen frequently to research discourses that involve individuals or groups that suffer from social discrimination. Traditionally, most of the literature on representations of RASIM in the news, originates from European and North American countries. However, with the increasing numbers of RASIM that are coming to or

through Malaysia, research towards RASIM's representations becomes ever more relevant in the Malaysian context.

The study emerged from concerns regarding the significant amount of literature revealing the negative portrayal of RASIM in mostly western countries. Therefore, the study attempts to fill a gap in the limited amount of literature about the situation in Malaysia. The purpose of this paper is to reveal discursive strategies and to raise awareness on this issue, by providing clear illustrations of how RASIM are represented in the Malaysian media. In addition, the study covers contemporary issues, such as people smuggling and human trafficking that are reported in Malaysian and Australian media. The current situation of RASIM in Malaysia, Australia and worldwide is an issue that is not likely to be 'solved' on a short notice. However, it deserves to be properly addressed and advocated for. Due to the increasing economy of Malaysia, the arrival of RASIM will undoubtedly increase over time and therewith become a greater issue in news reports and discourse.

RASIM IN MALAYSIA

Malaysia has not ratified the 1951 Refugee Convention, nor the 1967 Protocol. Therefore, refugees and asylum seekers are seen as undocumented migrants who, due to their illegal status can be subjected to detention, caning, prosecution and deportation. Idris (2012) argues that there are four main reasons for Malaysia's lack of commitment to refugee protection; firstly, rights and benefits endorsed to them might complicate the racial situation in Malaysia, which she describes as a 'social contract' between Bumiputera's (sons of the soil) and other races or ethnicities that migrated to Malaysia. Secondly, Idris argues that refugee protection is not a (political) issue for Malaysian leaders and that rather they are more involved with major incidents in the international context. Furthermore, Idris suggests that refugee protection is regarded a foreign issue, bearing in mind that in Malaysia there is no systematic forced migration. In addition, Idris refers to refugee protection as an uncommon phenomenon and that it is rarely discussed in the public sphere (2012, p. 42).

Albeit Malaysia's non-recognition of the 1951 Refugee Convention, according to the website from Refugee International (2012), the last three years significant changes have been carried out; police are recognising and accepting largely the UNHCR registration cards and the much criticised RELA (the community volunteers of Malaysia) have lessened or stopped home raids and detentions of refugees and asylum seekers. The human rights organisations SUARAM (Voice of the Malaysian people) in collaboration with FIDH (International Federation of Human Rights) have published an in-depth description of the situation of undocumented migrants and refugees in Malaysia (2008). Although not as up-to-date as Idris' (2012) article, the report does provide an extensive and detailed overview of the situation in Malaysia prior to 2008, including an explanation of allegations, case stories and rights violations. Despite these positive developments, the UNHCR states that most refugees are unlikely to find long-lasting solutions in Malaysia.

SMUGGLING AND TRAFFICKING

According to the 2012 Trafficking Report from the U.S. State of Department, Malaysia is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to conditions of forced labour and women and children subjected to sex trafficking (2012). The report argues further that regardless of Malaysia's Anti-Trafficking law, its efforts to raise public awareness on the issue and a 'modest but insufficient progress in protecting victims of trafficking', the 'overall victim protection efforts remained inadequate and negatively affected victims' (2012, p. 236). In the 2012 report, Malaysia has been placed

on the Tier Two Watch list for the third consecutive year. Besides Malaysia being a destination for trafficking, it is also argued by (for example) the Migration Policy Institute to be a point of embarkation for RASIM travelling by boat to Australia. Many of Malaysia's trafficking offenders are, according to the 2012 Trafficking Report, individual business people, but large organised crime syndicates are also behind trafficking. Professional people smugglers in Malaysia and Indonesia are suspected to be responsible for the often overloaded boats that depart on the dangerous journey to Australia's borders.

Australia's borders have seen an increase in the arrival of undocumented migrants by boat. Irregular migration by sea, or as called by the Australian Immigration Department 'irregular maritime arrivals' and in certain media often as 'boat people', is not an uncommon phenomenon in Australia and is subject to much political and public debate (Gale, 2004). In order to take legal measure against this irregular maritime migration, the Australian-Malaysian agreement was designed. In the (2011) arrangement, Australia and Malaysia agreed to send 800 asylum seekers from Australia to Malaysia, who have either; travelled irregularly to Australia or were intercepted while trying to. In return, the Australian government would accept 4000 UNHCR registered refugees, who adhere to Australia's legal requirements for resettlement. The resettlement of refugees in Australia will take place over a period of 4 years, even if the government of Australia decides not to transfer the 800 asylum seekers to Malaysia. After the announcement and publication of the arrangement, several voices appeared to raise question marks on the deal. UNHCR's official press statement on the Australian – Malaysian arrangement states that "the UNHCR is not a signatory to the arrangement", but that it "appreciates that both governments have consulted with the office" (25th of July, 2011). In addition it remarks that UNHCR's "preference has always been an arrangement which would enable all asylum seekers arriving by boat into Australian territory to be processed in Australia. "This would be consistent with general practice" (25th of July, 2011).

The arrangement is assumed to be an ideological contested issue, for at one side, it is perceived to be a welcome tool to combat human smuggling and trafficking and prevent further loss of life at sea, while on the other hand it is under criticism for the implementation of the plan in Malaysia, due to its non-ratification of the 1951 Convention and the 1967 Protocol. David Manne, the Executive Director of the Refugee and Immigration Legal Centre (RILC) in Australia decided to provide legal assistance to a group of asylum seekers and asked the Australian High Court to rule over the arrangement. On the 8th of August 2011, the Australian High Court decided to suspend the case and by the 31st of August 2011, the High Court ruled in favour of David Manne, deciding that the Arrangement between Australia and Malaysia is an invalid construction and halted the deal.

METHODOLOGY

A total of 24 reports were analysed; 8 reports from each of the 3 newspapers. The Star is the largest English newspaper in Malaysia, with a daily circulation of between 290,000 to 300,000 copies and is one of Malaysia's most popular news web sites (Alexa.com, 2012). It is majority owned by the Malaysian Chinese Association (MCA), which is a political party in the ruling government coalition; the Barisan Nasional alliance (Pang, 2006). The New Straits Times (NST) is Malaysia's oldest newspaper and has a circulation of more than 200,000 daily. While The NST is considered a right-wing, pro- government newspaper (Pang, 2006), Malaysiakini.com is an online-only, subscription based newspaper that publishes reports in Malaysia's four main languages: Bahasa Malaysia, English, Chinese and Tamil. Malaysiakini is considered an independent paper with a website that according to Alexa is ranked among the 20 most popular websites in Malaysia. The three newspapers have been selected for three

reasons; they are English written, have differing socio-political interests and ideologies (Pang, 2006) and are considered to enjoy a widespread popularity with their popular websites (Alexa.com, 2012) that provide reports on a daily basis. The main reason for selecting online reports is due to their accessibility. Due to advancement of technology, news is frequently accessed on smart phones, tablets or computers. Additionally, online English news reports can also be accessed and read by people outside of Malaysia.

The selected articles were published between May 2011 and October 2011 and retrieved online in May and June 2012. The 24 reports under analysis discussed the arrangement and RASIM in detail and contain voices and references that were directly related to or affecting their portrayal. The reports were selected on three main characteristics; a) the reports included references to RASIM, b) was part of the Refugee Swap Deal discourse, and c) was published between May 2011 and September 2011. The NST's reports were the most lengthy, with the total word count of the 8 reports at 4,142, followed by Malaysiakini with 3,374 words used, and The Star, 2,608 words. The reports were manually coded for ideological issues that appeared through the use of vocabulary, grammar, intertextuality and modality.

In general, the three dimensions of CDA, as proposed by Fairclough (1989, 1995, 2001) were central to the analysis of RASIM in the Australian – Malaysian arrangement discourse; discourse as a text, the discursive practice and the social practice. During the descriptive phase, as part of discourse as a text, the linguistic analysis drew on two concepts from other approaches within CDA; Wodak's Discourse-Historical Approach and van Dijk's Socio-Cognitive Approach.

The first dimension, text, is seen as the core of Fairclough's work and is concerned with analysing the text for choice of lexical items, grammar, coherence and the structure of the text that construe persuasive language. The analysis focuses on words and sentences that change or affect the ideological meaning that is embedded in the text. Fairclough proposed three ways of looking at such words; alternative wordings, word meaning and metaphors and alternative metaphors (1989). In addition, this paper focuses on two different types of values (Fairclough, 1989, p. 93): *experiential value* reveals 'the text producer's experience of the natural or social world' and *expressive value* reveals 'the producer's evaluation (in the widest sense) of the bit of the reality it relates to'. The values of lexical items are closely related to the concept of modality. The analysis of these values will form the basis of the modality which will be discussed in relation to intertextuality in the reports. 'When one wishes to represent textually some real or imaginary action, event, state of affairs or relationship, there is often a choice between different grammatical process and participant types, and the selection made can be ideologically significant' (Fairclough 1989, p. 120).

Topics and themes discussed in a news report are, according to van Dijk (1988) most important and reports that are ideologically influenced are expected to be highly topicalised and intertwined with the notion of a positive Us versus negative Them construction (van Dijk, 2000). The 3 major themes derived from the news reports were analysed according to van Dijk's notion of relevance structuring; 'the general principle is that important information must come first' (1988, p. 16). Therefore, the analysis of the themes was according to the three main parts of a news report: headline, lead and main story. Headlines cover one of the main functions of a news report. Not only does the headline often summarise the rest of the news report (van Dijk, 1988), it is also used to catch the attention of the reader. In addition, it can highlight a particular aspect from the report that is deemed most important by the author and newspaper through the use of quotation. Readers will choose to read the most appealing reports. Leads are a summary preceding the rest of the report (van Dijk, 1988). They fulfil an important role to present shortly the most essential information as perceived by its writer or publisher. The main story is the most detailed and lengthy part of the report. In the main story

the author can further structure the information according to its perceived news value, similarly to the choices made for the headline and lead. In relation to the notion on relevance structuring, the least essential information will therefore be presented at the end of the main story.

The second dimension, the discursive practice is concerned with the relationship between text and society, as Fairclough mentions, by looking at 'social orders and orders of discourse' (Fairclough, 1989, p. 24). He holds a particular interest in the intertextuality of texts, or as he describes it being the 'bridge between the text and discourse practice' (Fairclough, 1995, p. 75). Intertextuality addresses the way in which other voices or texts than that of the author are revealed, which can happen in ways of quotation or rephrasing, or come as assumptions; statements from the author in which the origin remains unclear (Fairclough, 1989). By analysing the different voices and whether they come as quotation, rephrasing or assumption, one can reveal partially the objectivity of a news report. Intertextuality is a useful tool to examine whether or not there is attention for differences in a report or signs of specific articulation or a dominant discourse that provides a one sided perspective. By means of the analysis of intertextuality and quotation patterns, the research can highlight dominant aspects in the discourse and/ or derive ideological meanings that affect the portrayal of RASIM in the Malaysian media. Modality addresses the relation of the author with the text. It focuses on those aspects that reveal the author's his or her perspective and opinion towards the text. Besides the intertextuality of a text, an author can also give the text a personal coil through statements, demands and/or interpretations. Not only is it important to interpret the authors' stance on what is the truth or the necessity of certain information, the extent to which they conform to their text is valuable information that reveals how authors alter or shape the discourse by means of their own interpretation.

Discourse as a social practice takes into consideration the historical and social context and is particularly concerned with the relation between power and discourse. The social practice is governed by certain norms and values and cultural aspects that influence language. Contextual factors such as culture, politics and the economy are influential on the construction, production and distribution of texts, and need to be introduced to the three dimensional analysis in order to interpret and explain the results from the first two dimensions. It is crucial to place the texts in the larger context and to interpret and relate the findings to it. Thus, describing the situation of RASIM in Malaysia and the discussion of trafficking, migration and the proposed arrangement between Australia and Malaysia, is compulsory to provide a larger understanding of the issue under investigation. This is important, as the 'interpreters operate from the start with assumptions (which are open to later modification) about the context, which influence the way in which linguistic features of a text are themselves processed, so that a text is always interpreted with some context in mind' (Fairclough, 1989, p. 151). In relation to the findings and discussion of the analysis, possible explanations and interpretations might appear. By incorporating discursive and social practices in the research, it is possible to construct a broad description of the influence of discourse in the society.

FINDINGS

The findings revealed that most quotations in the NST and the Star, whether direct or indirect were from Malaysian government officials. This was in strong contrast with Malaysiakini, which had very few quotations from Malaysian government leaders, but instead chose to extensively quote Australian government leaders. Below is a summary of the six most frequently directly and indirectly quoted persons per newspaper:

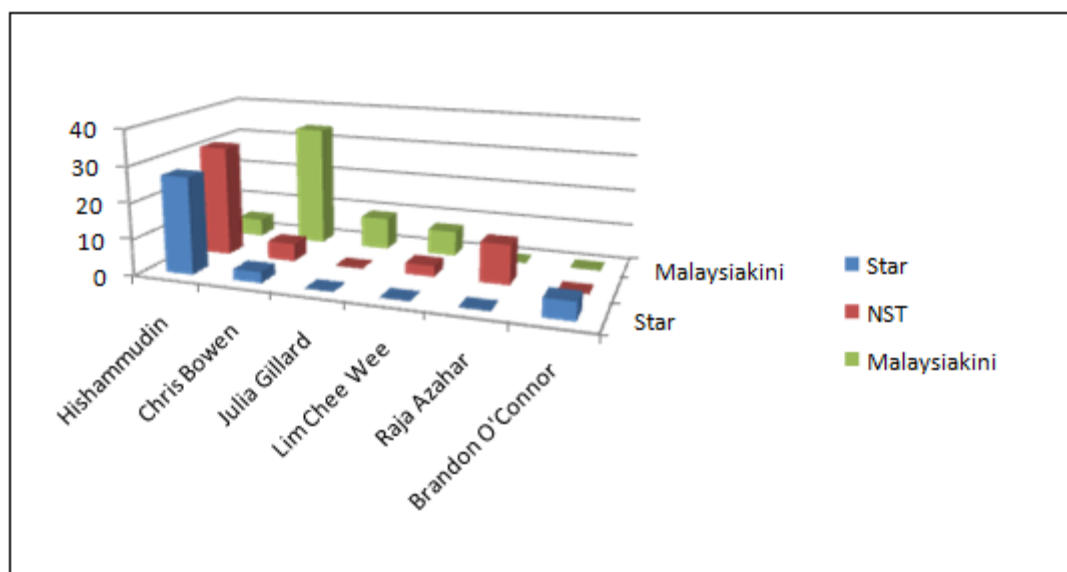


FIGURE 1. The 6 most quoted persons per newspaper.

According to the data, certain persons are foregrounded through the usage of direct and indirect quotations. Hishammuddin, the then Home Minister of Malaysia is extensively quoted in both The Star and The NST's reports, yet in Malaysiakini's reports the most extensively quoted person is Australian Immigration minister Chris Bowen. Australian Prime minister Julia Gillard is quoted in Malaysiakini, but not in The Star or NST. Raja Azahar, former Home ministry secretary-general, was quoted in the NST, but not in the Star or Malaysiakini. In addition, Lim Chee Wee, Malaysia Bar council's president who expressed his concerns over the deal, has the most attention in Malaysiakini, less in The NST and is not quoted in The Star.

This strong contrast cannot solely be ascribed to a coincidence and the source of this disparity most probably has to be sought in the nature of the newspapers being government linked or being so called 'alternative media'. All newspapers under investigation show a high degree of quoting a single person extensively. This comes as no surprise, since Azlan et al. (2012) already provided the insight that government linked media prominently cover Malaysian government officials in a positive way. Most probably Malaysiakini, by quoting Australian government officials, is trying to be non-partisan and to employ a strategy to avoid critical sentences towards Malaysian government officials and to avoid practicing a 'pro-government policy' (Pang, 2006, p. 72). This unequal distribution of space allocated to quote certain persons, reveals an ideological difference between government and non-government linked media. Yet, in order to find a specific portrayal of RASIM, it is pertinent to analyse the themes in the newspapers and discuss how the quotes and content affect their representation.

Additionally, the findings showed that refugee protection, people smuggling and human trafficking, and national security and policy were the most important themes. Table 1 below provides a breakdown of these themes and their sub-themes.

TABLE 1. Listing of themes and their sub-themes

| THEME | Subthemes |
|----------------------------|---|
| Refugee protection | <ul style="list-style-type: none"> - Prevent loss of life at sea / hazardous boat journeys - Not a signatory to the UNHCR conventions - Concerns over (preferential) protection/ treatment in Malaysia |
| People smuggling and human | <ul style="list-style-type: none"> - A solution to people smuggling and human trafficking |

| | |
|------------------------------|--|
| trafficking | - Business model for the movement of goods, money, crime, drugs and humans |
| | - Transit point for smuggling gangs |
| National security and policy | - Blacklist, criminal, terrorist |
| | - Transit centre and tracking |
| | - Controversial policy |
| | - The back of a very long queue |

Together with The Star, The NST relies heavily on the theme of people smuggling and human trafficking, which portrays RASIM as exploited victims and Australia and Malaysia as the protectors of those in need. In addition, the theme of people smuggling is related to the topos (plural: topoi – ‘topics’ in the discursive strategy of argumentation) of numbers and posits Australia as the victim of those who seek asylum there. Both the Star and The NST employ a high degree of perspectivation (Wodak, 2001) by mitigating or refraining to report the concerns over RASIM protection. This is essential for the portrayal of RASIM and their stakeholders, as for the lack of space of their voice creates a very positive Us vs. negative Them construction. Malaysiakini provides the most balanced portrayal of RASIM, the stakeholders in the discourse and is consistent in referring to concerns over RASIM protection and mentions people smuggling instead of human trafficking. Malaysiakini has quoted Australian government leaders extensively, which is most probably a strategy to be non-partisan and thus able to provide the humanitarian frame over the concerns of RASIM protection and treatment. The following section will be a discussion of the themes and subthemes that will illustrate how ideology influences the discourse of RASIM in Malaysian online news reports.

DISCUSSION

REFUGEE PROTECTION

The theme of refugee protection has two distinct sides; a) the concerns over the treatment and protection of RASIM in Malaysia, and b), the prevention of loss of RASIM lives at sea. Whereas the former is considered a humanitarian frame often utilised by individuals opposing the deal, the latter is employed more often in relation to the justification of the deal by persons that are involved in the deal. The major theme of refugee protection is also related to the theme of people smuggling and human trafficking, which focuses on the exploitation of RASIM.

The NST draws on several topoi in their reports and is referred to as the “justification of positive or negative attributions” (Wodak, 2001, p. 73). The first report under analysis from the NST employs the topos of humanitarianism and justice which are most prominently emphasised by the lead of the report: *‘Pact gives refugees protection’* (NST, May 9, 2011). The topos of humanitarianism is referred to by Wodak as ‘if a political action or decision does or does not conform with human rights or humanitarian convictions and values, one should or should not perform or take it’ (2001, p. 75). In this case, the pact that Australia and Malaysia have designed, will offer the refugees protection in Malaysia, which in addition reveals the topos of justice, as for it is ‘based on the principle and claim of equal rights for all’ (Wodak, 2001, p. 75). The portrayal of refugees then becomes that they are seen as victims; they need the protection that the pact will give them. It legitimises the agreement between Australia and Malaysia as a crucial requirement for the protection of refugees. Furthermore, the headline of the report is not a quote from one of the stakeholders in the discourse, but is rather an assumption from the writer with which its involvement or

perspectivation becomes apparent. The NST also draws heavily on the topos of reality by foregrounding a quotation from Hishammuddin in its headline that “*Aussie MPs are welcome to visit*” (NST, June 24, 2011). It creates a strong positive Us for Hishammuddin and a negative Them for the Australian opposition voices by indirectly quoting Hishammuddin in the lead; “*Australian opposition lawmakers are welcome to visit Malaysia to inspect the standard of treatment of refugees in the country*” (NST, June 24, 2011). The headline mitigates the questions and concerns raised from the deal-opposing actors regarding the treatment of RASIM in Malaysia and therewith justifying the deal that is ought to counter people smuggling in the region.

A report from Malaysiakini provides a different insight when its headline states that ‘*Australia boatpeople given immunity from caning*’ (Malaysiakini, June 9, 2011). Caning, a physical punishment that is practised by law in Malaysia could be applied to those residing undocumented in Malaysia. By opening the report with such a statement, Malaysiakini provides a frame that is concerned with preferential treatment of RASIM that are brought from Australia, while other RASIM already in Malaysia might still be subjected to these forms of punishment. Voices or sentences that express concerns over mistreatment appear frequently in Malaysiakini’s reports, employed in 7 out of 8 reports. This is in contrast with the reports from The NST which, as previously discussed has mitigated these concerns by highlighting that the pact will give refugees protection and that Aussie MPs are welcome to visit to inspect the treatment of RASIM in Malaysia. Instead, The NST refers to ‘*mixed reactions from different quarters*’ (NST, May 9, 2011) and ‘*The controversial agreement, which has seen opposition from human rights activists from both countries as well as condemnation from the Australian parliament, is being touted as a move to develop a solution to cripple human trafficking*’ (NST July 26, 2011). By refraining from the explicit mentioning of the particular concerns the opposition or NGO’s have, the NST’s reports are highly topicalised and framed in such a way that the ‘controversial’ deal seems to be the only option. In two reports the NST does explicate on the concerns over mistreatment issue, but it employs a very strong Us vs. Them construction;

“The opposition in Australia and by human rights groups here have pointed out that Australia has signed the 1951 Convention Relating to the Status of Refugees as well as the 1967 Protocol Relating to the Status of Refugees, *but Malaysia has signed neither.*

They worry that the rights of the 800 asylum seekers might not be protected. But both Malaysia and Australia are members of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, which Australia co-chairs with Indonesia”

(NST, July 26, 2011).

“Hishammuddin vowed that asylum seekers Australia sent to Malaysia under the plan *would not be abused* and that Malaysia was working *to improve the treatment of refugees and illegal workers in the country*”

(NST, September 17, 2011).

The italicised parts clearly show the Us vs. Them construction, in which the writer has framed the text in such a way that any concern is mitigated through a verb like *might* and the use of the conjunction *but* to contrast the previous sentence – something that cannot be ascribed solely to the modality of possibility. On the issue of refugee protection and concerns over mistreatment, the NST has the highest topicalised reports by refraining from making the concerns explicit and, when it does, it comes with a strong Us vs. Them construction. The

Star reports in a way that does mention concerns regarding RASIM protection in terms of referring to the 1951 Convention, yet refrains from explicit mentioning of those concerns:

“Bar councils from both countries have expressed their disagreement over the deal, noting that Malaysia is not a party to the United Nations convention relating to the status of refugees”
(Star, May 18, 2011)

“Suaram refugee coordinator Andika Abdul Wahab said there was no domestic act to protect refugees and asylum seekers in Malaysia and asked the Australian Government to push Malaysia to sign the UN Refugee convention and the UN convention against Torture”
(Star, May 26, 2011)

In four reports, the Star refers to the objections and concerns from opposing voices, of which the two above quotations are the most clear. Furthermore, it refers to *‘despite objections from certain groups’* (Star, June 18, 2011) and *‘despite the initial hiccup of a court injunction’* (Star, August 10, 2011). In all reports from the Star there is no referring to possible mistreatment of RASIM. Yet, Malaysia is not a signatory to the UN conventions, and the situational context in Malaysia, as discussed previously, does suggest that a mentioning of these worries should be included and that the concerns raised by opposing voices should be made explicit. Malaysiakini has covered these concerns mostly and consistently and therewith practices *audi alteram partem* (‘hear the other side too’). Both The Star and The NST are backgrounding and mitigating the voices that expressed concerns on refugee protection and instead rely heavily on the theme of people smuggling and human trafficking.

PEOPLE SMUGGLING AND HUMAN TRAFFICKING

People smuggling and human trafficking are international criminal offences, yet, the meanings of the two terms are different and distinct. In the reports, people smuggling and human trafficking are often used interchangeably and are collocated to issues as criminal acts, innocent victims, international syndicates and *‘resolving the rampant movement of refugees’* (The Star, May 18, 2011). Iselin & Adams distinguished human trafficking and people smuggling, according to UN protocols as follows;

“People smuggling is defined as: “The procurement, in order to obtain, directly or indirectly a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or permanent resident.

Human trafficking is defined as: “The recruitment, transportation, transfer, harbouring or receipt of persons, by the means of the threat, or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”
(Iselin & Adams, 2003, pp. 1-2)

The differences between human trafficking and people smuggling seem clear, yet the definitions are used interchangeably in the reports from The Star and The NST. People smuggling is not necessarily an indication of the exploitation of persons, as they provide a material benefit to the persons smuggling them to another country, which in this case is a payment for travelling by boat to Australia from either Malaysia or Indonesia. The journey’s wages might be outrageous, yet they have consented to it. Human trafficking on the contrary, per definition involves the exploitation of human beings without their approval and has little means to change the situation. The NST provides a very clear example of how these terms are used interchangeably:

“A blow to *people smugglers*”

“Malaysia inked a landmark refugee swap agreement with Australia yesterday aimed at combating *human trafficking* and deterring asylum seekers from making hazardous boat journeys to Australia”

(Headline and lead; NST, July 26, 2011)

It becomes clear that the usage of human trafficking in the lead is not the proper reference used. This report might suggest that people smugglers per definition are human traffickers at the same time, which is a presupposition. In addition, the stance of the newspaper regarding this deal is expressed through words like ‘a landmark’ deal, making it clear to the reader that this is a unique deal that will work as it is designed to get rid of people smuggling. Other selected headlines that fulfil this function, are; “*A regional solution with crucial safeguards*” (NST, July 26, 2011), ‘*Nauru solution won’t stop human traffickers*’ (NST, September 17, 2011) and “*Hisham: Asylum deal will deter people smugglers*” (Star, May 26, 2011).

The Star opens its first headline with the statement that ‘*Asylum swap deal is pioneering*’, in which the word pioneering is partially quoted from Hishammuddin. The Star’s lead further foregrounds Hishammuddin, though rephrasing, that the deal is ‘a pioneering and cutting-edge solution to tackle people smuggling worldwide’ (The Star, May 18, 2011). The continuous placement of people smuggling in relation to criminal acts becomes apparent in Hishammuddin’s direct quotation that ‘*I believe it is a pioneering, courageous and noble move that many will pick up to resolve this widespread issue due to economical reasons, crisis and transnational crime*’ (The Star, May 18th, 2011). Moreover, The Star quoted Hishammuddin that ‘*Such activities not only threaten the security of our countries but also allow syndicates to exploit innocent victims*’ (The Star, June 18th, 2011). The exploitation of victims however, is more associated to the definition of human trafficking than that of people smuggling, since asylum seekers consented to the smuggling and paid the smugglers to get them to Australia. It becomes apparent, that through the use of the term ‘human trafficking’, instead of people smuggling, RASIM are portrayed as human beings that are exploited and trafficked, even though they consented to and paid for the trip.

The appearance of human trafficking in the discourse is an essential part in the reports from the NST and the Star, however, it is absent in Malaysiakini’s reports. Malaysiakini is consistent in its reports to refer to people smugglers instead of human traffickers. This raises questions on why this term is presented in the government linked newspapers NST and the Star, but is absent in the online only, subscription based news portal Malaysiakini. Perhaps a possible explanation for the presence of the human trafficking issue in the NST and the STAR and the absence of it in Malaysiakini is that, as previously mentioned, Malaysia, according to the 2012 Trafficking report, is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to conditions of forced labour and women and children subjected to sex trafficking.

In a 2010 news report from The Star, which informs that Malaysia has been upgraded from tier 3 to tier 2 in the Trafficking report 2010, Malaysia’s intentions are revealed by quoting Hishammuddin who states that “Malaysia’s upgraded status is a recognition of what we have been doing so far to tackle the issue of human trafficking in the country” (The Star, June 14, 2010). Malaysia’s placement on the second tier watch list for the third consecutive year has not come unnoticed and the government will want and is trying to have their rank improved. However, the RASIM that are part of this ‘refugee swap deal’, the subject of this paper, are smuggled and thus, have paid for and consented to their boat journey to Australia. That this issue of human trafficking is apparent in government linked newspapers, might be related to reinforce the awareness that the Malaysian government is working hard to overcome the 2012 Trafficking report tier-two watch list trafficking issue. However, in this

case it is misplaced and unnecessarily portrays RASIM as exploited victims, whereas they merely consented to illegally travel to Australia and legally seek asylum there, which is their right, and is not a crime.

This mentioning of human trafficking presents Australia and Malaysia as the protectors for RASIM, by combatting traffickers 'syndicates' and destroying their 'business model' that exploit RASIM. Therewith The NST and The Star create a strong positive Us vs. negative Them concept which puts the deal in a positive light that is justified through a topos of humanitarianism (Wodak, 2001). Moreover, people smuggling is more associated with the protection of the sovereignty of a country, the crowded detention centres, the protection of its borders and to stop the illegal entry of individuals, than it is associated with the protection of individuals. Although the journey at sea is a dangerous one, the main reason to stop people smuggling is border protection. Australia therefore is being portrayed as a victim of those irregular maritime arrivals that sees the need to prevent those undocumented migrants entering its nation by boats.

POLICY AND NATIONAL SECURITY

In several reports from the different newspapers, the numbers of RASIM arriving in Australia require action. Malaysiakini reports that "*A week ago Australia announced changes to its immigration policy designed to break people smuggling and stem the wave of boats carrying asylum seekers to its shores*" (Malaysiakini, May 14, 2011). This reference, to stem the wave of boats implies huge numbers of RASIM arriving at Australia's shores. Yet, Malaysiakini concluded the report with a statement from Amnesty International's spokeswoman Claire Mallinson; "*People have a legal right to seek asylum and the numbers coming into Australia are incredibly low*" (Malaysiakini, May 14, 2011). It is interesting to see Malaysiakini's emotive language, as in '*the wave of boats*', yet in addition is countered by a frame that states that numbers are relatively small in comparison with other countries. Another salient example of this framing is apparent in the following excerpt from Malaysiakini:

"Refugees are a thorny political issue in Australia *although relatively small numbers of boatpeople* make for its shores by world standards. The government has a mandatory detention policy for asylum seekers who arrive by boat through a popular people-smuggling corridor from Indonesia. *A record influx* of almost 7,000 arrivals last year has put the system under pressure, with detainees rioting at a number of centres and processing times blowing out to 18 months or longer" (August 6, 2011)

This frame was utilised two times in Malaysiakini's reports, but not available in The Star or The NST. The Star rather referred to it in a rephrased statement by Hishammuddin that "*He said he was confident that the new approach to combat human trafficking would be picked up by other countries in resolving the rampant movement of refugees*" (Star, May 18, 2011). This rampant movement of refugees suggests and reinforces the importance of the topos of numbers and that serious actions are needed to be taken. The effects of the deal are explicitly mentioned in The Star, who quotes Hishammuddin: "*It is already having an impact where there is a reduction in the flow of people. People in crisis-ridden Middle East countries like Libya are now moving out to Europe. They have to face the same consequences and will be trying to find solutions*" (Star, May 26, 2011). It is sentences like these that reinforce the topos of numbers and that a 'reduction in the flow of people' is necessary. The NST also employs the topos of numbers by highlighting the following in the lead and follow-up:

"Back in 2004, there were 40,000 registered refugees in Malaysia, waiting for resettlement in a third country.

By this month, that number had more than doubled to just over 83,750. And over 10,000 more are waiting for their claims to be processed. Datuk Raja Azahar Raja Abdul Manap, then deputy home ministry secretary-general (since retired), told me last month that *if Malaysia did not do anything, the number would keep increasing.*

That's why Malaysia and Australia had jointly announced refugee swap deal on May 7”
(NST July 26, 2011)

CONCLUSION

Wodak's (2001) argumentation theory provided insights on how different topos are utilised to portray RASIM in a particular way, with the topos of humanitarianism, numbers and threat/danger being the most salient ones. In addition, Van Dijk's notion on relevance structuring and the analysis of themes proved useful to account for the most prominent frames that were employed in the different texts. It also showed that the political stance of the different newspapers influences the different frames utilised and strategies of mitigation and perspectivation are at play for those frames. Fairclough's (1989) textual analysis made apparent that the writers of the reports are biased towards RASIM and the Deal, and that through the use of specific words (experiential and expressive values of lexical items) they reveal their stance towards the themes and subjects in the texts. In addition, by including the contextual analysis, and the notion on intertextuality, possible explanations for some of the results were found. It has become apparent that the discourse is shaped by its situational context and ideological differences between the newspapers.

In Malaysia, without being judgemental towards the Refugee Swap Deal with Australia, the reporting on RASIM has been framed according to the political stance of newspapers: in a positive supporting way regarding the deal by government linked media The NST and The Star, and in a more balanced manner in the alternative, or non-government linked media Malaysiakini, journalists construct a particular image of RASIM that influences the reader. In this study, the ideological stance of a newspaper has been the most influential for the portrayal of RASIM, which is in line with much other research conducted in the field (i.e. Teo, 2000; Gale, 2004; Gabrielatos & Baker, 2008; Baker et al., 2008; Khosravini, 2009; McKay et al., 2011). This paper also confirms research done in Malaysia by Pang (2006), Azlan et al. (2012) and Gill et al. (2012), that there is a strong agenda from government linked media to frame reports in a particular, pro-government way. Had The NST and The Star reported more different voices and used less strategies of mitigation, it would have adopted the 'audi alteram partem' approach, which is in line with the ethics of proper journalism. Malaysiakini has done that much more frequently and thus provided the most balanced reporting.

Despite the rich findings that this research has provided, there is much more research that should be conducted. As described previously, and supported by Kiranjit Kaur (2007), research and reporting on RASIM has been very limited in Malaysia. Yet, it reflects the significance of this kind of research, especially considering the significant numbers of RASIM residing in Malaysia. Due the lack of literature and research on these vulnerable groups, this paper could provide some of the information necessary or point of departure to advance or improve research on RASIM in Malaysia and their portrayal in Malaysian media.

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