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Australia's Boatpeople Policy: Regional Cooperation or Passing the Buck?

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Keywords: International migration, asylum seekers, regional cooperation, Australia, Oceania, immigration, international law

1. Introduction:

The ability to manage the movement of people across national borders is usually seen as one of the primary responsibilities of the nation-state, but by its very nature international migration always involves more than one country. The world has become increasingly globalized and international migration has followed suit. The vast majority of states have come to realize that successful and effective migration policies involve cooperation and coordination with other states, sometimes by choice and

sometimes by necessity. However, these efforts, both regionally and globally, are often highly contentious and result in conflict internally and externally.

This paper examines efforts to manage migration in a regional context with a specific focus on the Oceania region, but also involves a global component as the vast majority of the migrants in question come from outside the region. Furthermore, the study incorporates two main themes that are highly connected and integrates border studies theory into the analysis. Although the world is becoming increasingly globalized, borders still matter and are particularly important with respect to international migration. Borders shape our notions of place, identity, community, culture, legal standing, nationality, and so forth. Naples (2010) suggests a distinction between "social science based borderlands studies and cultural studies-oriented border theory," but the approach in this paper is interdisciplinary and is not designed to prefer one perspective over the other.

The first theme involves the Australian government's attempt to manage irregular maritime immigration through the implementation of regional arrangements with neighboring countries, primarily with Papua New Guinea. The Australian federal election on September 7, 2013 resulted in a major change in government, and it is therefore necessary to cover the immigration policies of both the previous and current governments. The so-called PNG Solution, which will be discussed in greater detail in a later section, was actually concluded under the previous government and it was transformed into a broader action called Operation Sovereign Borders that began on September 18, 2013, less than two weeks after the federal election.

The second theme involves the panic in Australia over irregular maritime arrivals (IMAs), or asylum-seekers colloquially known as "boatpeople." The central argument is that the Australian government is merely shifting its responsibilities to developing countries instead of engaging in mutually beneficial efforts at regional cooperation, a clear instance of buck-passing, and that the situation has been exaggerated and overstates the scale of the problem. Border studies will play a key role in the discussion of the political, economic, historical, and cultural dynamics between Australia and Papua New Guinea, as these are essential aspects when considering the regional arrangement between these two countries. The paper concludes with some general observations related to the issues of boatpeople and regional arrangements.

2. International Migration and the Oceania Region:

The terms asylum seeker and refugee are sometimes used interchangeably, which reflects the confusion related to irregular migration, and especially for migrants who are fleeing persecution and other difficult situations. According to the UN Refugee Agency (2013a), "An asylum-seeker is someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated." It is important to note that refugee status confers a certain legal status under international law, such that some asylum seekers may eventually be recognized as refugees while others will not.

This paper is focused on the Australian government's response to increasing numbers of irregular maritime arrivals and does not include an examination of those that arrive via other methods. The Oceania region is an intriguing case study of international migration in that nearly every state in the region is an island and is unique with respect to border studies, as opposed to Europe, for example, where many countries share multiple borders with their neighbors. Travel among these South Pacific states involves long distances and is therefore far more challenging and costly in comparison to other regions where cross-border migration is possible. Migrants traveling to Australia must either arrive via plane or boat, a far different dynamic than a landlocked country with multiple shared borders.

Migration in the 21st century is often characterized by movement from the Global South to the Global North, or from poorer, developing countries to richer, developed countries as people leave their countries of origin in search of greater economic opportunities in destination countries. Immigration tends to take on a particularly divisive tone in developed countries, and it has been an extraordinary challenge for governments to maintain effective immigration policies while simultaneously addressing the concerns of domestic constituencies. The native-born populations in destination countries are concerned immigrants will take jobs, drain government resources, and fail to integrate and assimilate successfully into the host society.

The Australian government, like the majority of its peer member states in the Organization for Economic Cooperation and Development (OECD), tends to view immigration in general and boatpeople in particular as a problem. In both policy and media debates immigration is cast in an overwhelmingly negative light. The public sees these immigrants as unwanted and undesirable, and tends to have little interest in looking into any potential benefits that might result from immigration. The liberal capitalist economic model used in Australia and many other countries produces winners and losers, and some elements of society may perceive a change in the status quo as being a result of migration.

It is important to note that the South-North distinction does not mean that all countries in the southern hemisphere are poor and all those in the northern hemisphere are rich. Australia and New Zealand, for example, are considered to be part of the Global North due to their high levels of economic development and membership in the OECD. The primary regional arrangement in the Oceania area is the Pacific Islands Forum (PIF) with 16 members and most member states have very small populations. Australia is the dominant state in the region, home to about 23 million of the region's 36 million people, and maintains an economy five times larger than the other states combined. In comparison, many of the small island states in the region have populations of less than 25,000 people. Australia and New Zealand are wealthy, developed OECD members; in contrast, the vast majority of the small island states in the region are relatively poor and underdeveloped.

With respect to regional integration outside of Oceania, Australia and New Zealand in particular are heavily involved with their Asian neighbors, although they are often seen as ancillary countries to the core member states of the Association of Southeast Asian Nations (ASEAN). Moreover, as "New World" immigrant countries, many Asian countries consider them to be part of the West and outsiders in the Asian sphere. It has been difficult for Australia to bridge this divide largely as a result of its close ties to the United States and preference for EU-style regional integration ("G'day Asia," 2008).

With its relatively small overall population, the Oceania region does not play a major role in global migration, hosting 8 million of the 232 million international migrants, or just over three percent of all international migrants. However, it is interesting to note that it has the highest proportion of migrants of any region at 21 percent and this increase in migration has contributed to population growth in recent years. Australia and New Zealand are attractive destinations for international migrants, especially from the United Kingdom, and the region has net immigration as a result. Moreover, both of these larger countries have implemented temporary seasonal worker programs with the smaller Pacific Island countries in an effort to spur economic development in the countries of origin (Hugo, 2009).

3. Prime Ministers, Politics, and Policy:

Before moving to a discussion of Australia's policy toward boatpeople, some background on its domestic politics in general and the role of the prime minister in particular is helpful in shedding additional light on how the current situation has evolved in recent years. As the

country's political leader, the prime minister is also a member of the House of Representatives and leads the parliamentary party, or coalition of parties, and is not elected directly by the Australian people. The legislative and executive branches are therefore interconnected, which is much different than the United States, for example, where these two branches are kept separate. There is no fixed term for the prime minister and he or she may face challenges from within the party or coalition and even be removed from the leadership position.

Kevin Rudd was prime minister from November 2007 to June 2010 and resigned his post when he became decidedly unpopular with the Australian people and his own Labor Party. Rudd's resignation allowed Julia Gillard, his deputy, to then become the country's first female prime minister. The August 2010 federal election was held shortly after Gillard assumed the prime minister's office and asylum seekers were a hot-button issue in that election as well. In that respect, many observers have argued that the current debate over asylum seekers and immigration in Australia is nothing new and that successive governments have all tried and failed to address the issue with an effective long-term solution.

In true soap-opera fashion, when Gillard became increasingly unpopular after a few years in office, Rudd returned to the scene, challenged Gillard for the Labor leadership, and then became prime minster once again in June 2013. His "second term" would not last long though, because his party lost the federal election on September 7, 2013 and Tony Abbott became the country's 28th prime minister. Australia had three different prime ministers within the span of a few months as a result of divisions in the Labor Party and the federal election.

Rudd's second term in office lasted less than three months, but he managed to make a major splash in the immigration debate before his electoral defeat in September 2013. It is often the case in richer OECD countries that politicians tend to push more "get tough" policies on immigration around election time. Getting labeled as soft on immigrants is politically dangerous. However, it is important to note that the Australian people are deeply concerned (and divided) over the asylum seeker issue, particularly as the numbers have increased substantially. It would be unfair to suggest that the political leadership was only engaged in the policy debate for selfish reasons or merely to gin up xenophobia toward foreigners in an effort to divert attention away from domestic issues such as the weakened Australian economy.

Asylum seekers were a central concern in the run-up to the 2013 federal election and Rudd and his challenger, Tony Abbott of the conservative opposition Liberal Party, spent a good deal of time arguing about who was tougher on immigrants in general and the "boatpeople" in

particular. In this respect, politics and immigration policy are intertwined in the current debate over how to manage the influx of irregular maritime arrivals; it is doubtful we would have seen a dramatic change in immigration policy had there been no election in the near term. Rudd was sworn into office for the second time on June 27, 2013 and waited less than a month before introducing a major change in immigration policy.

Table 1 *Timeline of Key Events in Australian Politics and the Immigration Debate*	
June 24, 2010	Rudd loses support of his party and resigns. Gillard elected unopposed as the Leader of the Labor Party, thus becoming Prime Minister.
August 21, 2010	Labor electoral victory; Gillard continues as Prime Minister.
August 31, 2013	Australian High Court rules plan to transfer migrants from Australia to Malaysia invalid (i.e., the proposed Malaysian Solution).
June 27, 2013	Kevin Rudd assumes office after wresting the Labor Party leadership from the unpopular PM Julia Gillard.
July 19, 2013	Regional Resettlement Agreement (RRA) concluded between Australia and Papua New Guinea.
September 7, 2013	Liberal/National Coalition electoral victory; Tony Abbott becomes Prime Minister.
September 18, 2013	Operation Sovereign Borders commences.

4. The PNG Solution:

The Australian government implemented a new policy in an attempt to manage the recent spike in irregular migrants trying to reach its shores. According to the Australian Department of Immigration, there were 134 boats carrying 6,535 passengers in 2010. By 2012, there were 278 boats carrying nearly 18,000 passengers. In an effort to stem this tide of asylum-seekers, on July 19, 2013, the Rudd government concluded the Regional Resettlement Arrangement (RRA) with the government of Papua New Guinea (PNG), a small country located north of the Australian state of Queensland and bordering Indonesia to the east.[1] Papua New Guinea is a

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[1] Full text of the RRA is available at http://www.dfat.gov.au/issues/rra-png.pdf

diverse tribal society with a population of over six million, where some 836 indigenous languages are spoken, and is one of the region's poorest countries. Australia administered the Papua New Guinea territories under a UN-trusteeship from 1949 until PNG's independence in 1975. Relations between the two countries have been mostly cordial and can be characterized by a colonial legacy and economic dependence. PNG is the closest neighboring state to Australia with a mere 2.3 miles separating them at the nearest point, but migration between these countries is negligible. According to the Migration Policy Institute, approximately 33,000 Papuans live in Australia and just 4,000 Australians live in PNG.

Under this new policy known as the "PNG Solution," migrants arriving to Australia by boat will have their asylum claims processed by Papua New Guinea and, if successful, will be resettled there or perhaps in another third country. Migrants that are unsuccessful in their asylum claims will usually be repatriated to their countries of origin. The Australian government refers to the program designed to deter boat arrivals as "By boat, no visa." The key aspect of the policy, as Rudd stated, is that "any asylum seeker who arrives in Australia by boat will have no chance of being settled in Australia as a refugee" ("Australia Says No to More Boatpeople," 2013). Since the implementation of the PNG Solution, Australian government officials have been adamant that there will be no exceptions to the regional resettlement arrangement.

Australia has pledged to help refugees resettle in Papua New Guinea and is picking up the entire cost of the extraterritorial processing and resettlement program. There are political, economic, cultural, and other factors involved in the decision to regionalize migration policy. Countries may perceive advantages in some areas, but disadvantages in others, such that regional arrangements involve multiple, and possibly contradictory considerations. In recent decades international migration between these countries has been characterized by a much more restrictive policy by Australia toward Papua New Guinea, which has been a point of contention for the latter as it would be a boost to that country's development. For some time Papuans seeking to travel to Australia must obtain a visa beforehand, but a March 1, 2014 policy shift mandates that Australians now have to do the same before traveling to PNG, meaning there is no longer a visa-on-arrival option. This policy change can be seen as an instance of reciprocity (or perhaps retaliation).

The Rudd government said that the primary target was the people smugglers and not the migrants themselves: "Australians have had enough of seeing people drowning in the waters to our north. Our country has had enough of people smugglers exploiting asylum seekers and seeing them drown on the high seas" (Siegel, 2013). The government believed that if it

could deny the ability of smugglers to bring people by boat, then potential asylum seekers would have no possible way to reach Australia. If the smugglers could not guarantee safe passage (supply), there should be a massive reduction in boatpeople (demand). In defending the policy, Rudd said, "We need to be flexible enough to anticipate and match their actions to avoid the terrible consequences of this trade. No doubt there will be some people smugglers who now encourage asylum seekers to test our resolve. Be in no doubt. If people are paying thousands and thousands of dollars to a people smuggler, they are buying a ticket to a country other than Australia" (Hall & Swan, 2013).

The sea route taken by most migrants from Indonesia has proven extraordinarily perilous. Hundreds have died over the past five years attempting to reach Australia on rickety fishing boats ill-equipped for the journey. For the majority of migrants, this sea journey is the last leg of the trip, as they have typically flown from other countries such as Iran into Indonesia, and then attempted to reach Christmas Island, which is some 1,600 miles to the northwest of mainland Australia in the Indian Ocean and the closest area of Australian territory to the Indonesian island of Java.

Some of the distances involved with migrant transfers under the RRA are mindboggling. Migrants who arrive at Christmas Island will then be sent to the off-shore processing center at Manus Island in Papua New Guinea, a lengthy flight covering over 2,600 miles. Papua New Guinea is not the only off-shore processing center, however. Nauru, a tiny Micronesian nation of just 9,400 people, also hosts an Australian facility that currently holds over 500 asylum-seekers, mostly from Iran. Angry detainees rioted in the summer of 2013, torching many of the center's buildings and fighting with police and other security personnel, venting frustration over their accommodations and delays in processing claims.

These off-shore processing centers can be conceptualized as borders within borders. Although the security and other personnel at the centers come from the host country, the overwhelming majority of the population would be segregated from the detainees. While the detainees remain at the processing center, they are behind barbed wire and have little to no connection to the rest of the country. Debates about migrant integration and assimilation are completely irrelevant in this case.

After concluding the RRA, the Australian government wasted little time putting it to use, sending the first group of 40 asylum-seekers by plane on July 31, 2013 from Christmas Island to Manus Island in Papua New Guinea. The government used video footage of the men departing the detention center in its internet campaign designed to deter potential asylum-seekers from attempting to reach Australia. In an effort to shore-

up the new RRA, the government of Papua New Guinea has plans to expand the Manus Island processing center to hold up to 3,000 people. There were 1,300 detainees in February 2014.

The PNG Solution is reminiscent of the so-called Pacific Solution implemented by the Howard government in 2001, which also involved off-shore processing of asylum seekers. Ironically, this policy was abandoned in 2007 when Rudd came into office for the first time. Like the current PNG Solution, the Pacific Solution was a deterrence strategy against potential asylum seekers. In addition to temporary detention, asylum seekers who did manage to reach Australia "would be unable to work, access health care or English language classes, or apply for their families to join them" (McKay, 2013). The terrorist attacks against the United States in September 2001 likely played a role in the adoption of the Pacific Solution because these horrific events exacerbated the tendency of Western governments to conflate asylum seekers with the threat of terrorism.

It is widely argued that abandoning the Pacific Solution was a colossal failure. In 2008, just 161 migrants arrived by boat compared to nearly 18,000 in 2012, when for the first time the number of people arriving by boat was higher than those accepted in the Australian government's official refugee resettlement program. However, another perspective sees a dubious connection between the Pacific Solution and the reduction in asylum seekers and argues that other variables offer greater explanatory power. In any case, that many Australians prefer a return to extraterritorial processing may seem entirely reasonable when looking at the massive increase in maritime arrivals. The transfer of asylum seekers to offshore processing centers was also a major component of the Pacific Solution, and many observers have argued the new RRA between Australia and Papua New Guinea is simply a return to this earlier policy.

International migration is typically focused on sending and receiving countries, or countries of origin and destination, but transit countries can also play a key role. Indonesia, for example, is the major transit point for asylum seekers on their way to Australia, and it would therefore be misleading to label it a sending country. Although this paper focuses on Australian immigration policy with a particular emphasis on the issue of boatpeople, it is important to note that any successful and effective immigration policy to manage these irregular maritime arrivals will by necessity involve cooperation and coordination with Indonesia.

There is an obvious parallel to the immigration debate in the United States regarding immigration from Mexico. Far too often this debate occurs solely from an American perspective and tends to ignore the vital

role that the Mexican government must play with respect to the movement of Mexican citizens. Although the "border" relationship between Australia and PNG is far different than that of the United States and Mexico, it is crucial for the relationship between them to be truly bilateral, not unilateral, only serving the interests of the dominant state.

4.1. Criticism of the PNG Solution:

Like the Pacific Solution from a decade ago, the PNG Solution has been roundly criticized. Australia's attempt to regionalize the processing and resettlement of irregular maritime arrivals has been met with serious international skepticism, particularly from human rights groups and other advocacy organizations that question the commitment of states engaged in extraterritorial processing to the humane treatment of asylum seekers and other detainees (Barrowclough, 2009). Immigration and asylum issues have been a constant in the Australian headlines, demonstrating that even a nation with no contiguous land borders can experience significant challenges on these issues.

Critics of the policy have accused Australia of avoiding responsibility and shifting its migration problem to a nearby developing nation, or simply passing the buck as this paper argues, and that the policy in general is the "most bizarre overreaction" ("Australia's Boat People: The PNG Solution," 2013). Australia and Papua New Guinea are parties to the United Nations Refugee Convention, but Indonesia and Malaysia are not, making any efforts to shift responsibility for managing refugees to the latter two countries something of a public relations nightmare for the Australian government. The proposed "people swap" with Malaysia never came to fruition because the Australian High Court ruled that the plan was unlawful in 2011 (Hall, 2013) .

Outsourcing migration through efforts like extraterritorial processing is generally frowned upon by the international community. The following is a key statement related to the issue from the United Nations High Commissioner for Refugees (UNHCR, 2013):

> As a principle, UNHCR always advocates for countries to grant protection within their own territory, regardless of how they have arrived... Overall, UNHCR believes that greater cooperative efforts need to be found to address the complex challenges of irregular maritime movements. The focus must remain on finding ways that complement – rather than undermine – national asylum systems built on the fundamental principles of the 1951 Refugee Convention. This is important for the countries involved, for the global asylum system, and for all those in need of international protection.

After the conclusion of the RRA between Australia and Papua New Guinea, the UNHCR assessed the new policy and expressed some serious concerns related to the arrangement. The assessment reads in part (UNHCR, 2013):

> With regard to the new measures, UNHCR is troubled by the current absence of adequate protection standards and safeguards for asylum seekers and refugees in Papua New Guinea (PNG). Australia's Regional Resettlement Arrangement (RRA) with the Government of PNG raises serious, and so far unanswered, protection questions.

The agency also believes the program will face "significant policy, legal, and operational challenges." Finally, the UNHCR maintains that PNG has "a lack of national capacity and expertise in processing, and poor physical conditions within open-ended, mandatory and arbitrary detention settings. This can be harmful to the physical and psycho-social well-being of transferees, particularly families and children." Representatives from the UNHCR and other asylum-seeker advocacy groups said the hot, humid, cramped, and crowded conditions at the Manus Island center would adversely affect the health of detainees ("Manus Island Policy Fails Asylum Seekers," 2013). Moreover, these representatives argued that protections for vulnerable people like children and the elderly are severely lacking.

Despite the efforts of human rights organizations and other advocacy groups, nation-states like Australia maintain the ability to manage migration as they see fit, meaning non-governmental actors may not have such a significant impact on policy considerations (Opeskin, 2012). States control their borders and what happens within them. Politicians who want to stay in office are wise to seek policies that reflect the majority opinion of their domestic constituencies. Many Australians are opposed to the particulars of the PNG Solution, but the vast majority wanted the government to do *something* about the increase in boatpeople.

Some observers have suggested that the Australia-Papua New Guinea arrangement could set a precedent and negatively affect the international protection regime, particularly the reliance on extraterritorial processing (Siegel, 2013). In addition to questions surrounding the efficacy of extraterritorial processing, there have been concerns related to the conditions faced by detainees at the Manus Island processing center in Papua New Guinea. Tony Burke, Australia's Immigration Minister prior to the September 2013 Coalition victory, visited the Manus center to investigate claims of assault, rape, and torture.

There are also reports that many inmates have tried to harm themselves, with some even attempting suicide ("Australia to Probe Migrant Rape Claims in PNG," 2013). Critics have voiced concerns that the processing center was under-resourced before the regional arrangement was concluded, especially in light of Papua New Guinea's low level of development, and that the center is ill-prepared to handle greater numbers of asylum seekers and other vulnerable people that may result as a consequence of the arrangement.

Although the RRA was concluded under the Labor government and has continued as Operation Sovereign Borders under the Coalition government, it is important to note that other political parties in Australia are adamantly opposed to these buck-passing policies. The leader of the Australian Greens, Christine Milne, said it was "absolutely immoral" for her country to "dump thousands of vulnerable people into an impoverished country" (Hall & Swan, 2013). Many Australians have found the notion that Australia cannot manage its own immigration perplexing and question why it is even necessary to involve regional neighbors. Peter Hartcher (2013), for instance, has opined, "The Greens are certainly correct that Australia should try to be as decent a country as possible. We have the best living conditions among all the rich nations on earth, according to the OECD's Better Lives index. If Australia cannot afford to be decent, who can?"

International organizations and other advocacy groups, including religious institutions, have also joined in the criticism. A number of Australian churches have condemned the government's policy as heartless. Graeme McGregor, Amnesty International's regional refugee coordinator, stated forcefully, "Mark this day in history as the day Australia decided to turn its back on the world's most vulnerable people, closed the door and threw away the key" ("Australia Says No to More Boatpeople," 2013). In addition, Paul Power of the Refugee Council of Australia has argued, "By unreasonably shifting its responsibilities for asylum seekers to Papua New Guinea through this Regional Resettlement Arrangement (RRA), Australia's international advocacy for responsibility sharing has been exposed as hollow and hypocritical. This arrangement is without precedent in the world. It cannot possibly be presented as an example of regional cooperation because it is little more than a wealthy country paying a much weaker neighbor to take on its international responsibilities to people seeking asylum ("Deaths after Refugee Boat Sinks off Indonesia," 2013). There is a widespread perception that Australia has merely incentivized Papua New Guinea's cooperation through dangling an economic carrot in the form of increased foreign aid in such areas as security, health, and education, especially reform of its university system.

Official development assistance from Australia to PNG surpassed $500 million in 2013 and is a critical component of its economy. Moreover, the PNG-Australia Partnership for Development was concluded in 2008 and is designed to assist PNG in meeting the Millennium Development Goals.

Although most of the focus is centered on Australia, Papua New Guinea obviously plays a key role as the off-shore processor of choice, but there are critics in that government as well. Former Papua New Guinea opposition leader Dame Carol Kidu said, "We are facing many problems ourselves, and to me I think it could be an increased problem. It's called the PNG solution but I think it's more of an Australia solution" ("Australia PM Kevin Rudd Defends PNG Asylum Deal," 2013).

As stated earlier, Papua New Guinea has a low level of development. Approximately 85% of the population is engaged in subsistence farming, Gross Domestic Product (GDP) per capita in 2013 was a mere $2,900, and nearly 40% of the population was below the poverty line. Thus, it should come as no surprise that the people of Papua New Guinea are less than thrilled about the potential influx of asylum seekers that could eventually be resettled there as a result of the arrangement. The following table demonstrates the marked gap between Australia and PNG across a number of key indicators.

Table 2
Australia and Papua New Guinea Compared

	Australia	PNG
Population (millions)	22.5	6.5
GDP per capita (in USD)	43,000	2,900
GDP (PPP in billions of dollars)	998.3	19.7
Urbanization (% of population)	89	13
Infant mortality rate (per 1,000 births)	4.43	39.67
Life expectancy at birth (years)	82.07	66.85
Fertility rate (children born/woman)	1.77	3.24
Birth rate (births/1,000 population)	12.19	24.89
Health expenditures (% of GDP)	9	4.3
Children under 5 years underweight (% of pop.)	0.2	18.1
Literacy (% of pop.)	99	62.4
Internet users (in thousands)	15,810	125

5. New Leader, Same Problem:

Since his electoral victory, Prime Minister Tony Abbott has been in the uncomfortable position of working with regional governments that he had previously criticized and whose effectiveness he had questioned as offshore processing centers. He was highly skeptical of the PNG Solution prior to the election, and in general the Coalition favored less involvement by regional neighbors. In the heat of the campaign Abbott said in a speech: "'I say to Mr. Rudd: stop making excuses, stop trying to say this is the world's problem. It's not. It's our problem and we need to take the appropriate action in this country, by this country, for this country to stop the boats and we need to do it now" (Hall, 2013). However, since the election, Abbott has by no means turned away from the arrangement. In fact, the new administration has continued to enforce the PNG Solution, transitioning to the Operation Sovereign Borders program shortly after the election. The Abbott government made the calculation that keeping the PNG Solution was advantageous to scrapping the policy and attempting some new method of managing irregular maritime arrivals. After assuming office under the Coalition government, Immigration Minister Scott Morrison said there would be no exemptions to the policy, even pregnant women, who for the first time since 2004 will give birth in offshore processing centers instead of Australia (Aston, 2013).

Papua New Guinea may not play a central role in Australian policymaking, but the concerns of that government are also important, because there would be no RRA without its agreement. Peter O'Neill came into the prime minister's office in August 2012 and has served as the leader of Papua New Guinea during the Gillard, Rudd, and Abbott governments in Australia. If Abbott had chosen to renege on the RRA with Papua New Guinea after his election, it would have likely been viewed as a political slap in the face with accompanying charges of obsequiousness to the whims of the Australian government.

Although asylum seekers were a key voter issue in the 2013 election, overall dissatisfaction with the Labor government likely played a far greater role in the Coalition victory than did public opinion related to the immigration debate. Abbott called for a military-led border protection solution, now known as Operation Sovereign Borders or the "stop the boats" policy. His Liberal Party repeatedly accused the Labor government of being soft on asylum seekers, which many observers suggest played a role in the establishment of Rudd's get-tough policy. As prime minister, he has argued that irregular maritime arrivals are a serious concern for the country and the problem must be addressed expediently.

Abbott has quickly discovered that some regional cooperation may be necessary instead of Australia managing the migration problem alone and that these bilateral and multilateral relations must be handled carefully. His government has attempted to buy-back boats and pay locals for information about people smuggling operations; he even had the Australian navy try to tow migrant-smuggling boats back to Indonesia. These more aggressive moves did not sit well with the Indonesian government, which viewed such actions as a threat to its sovereignty. In his first major meeting abroad with Indonesian President Yudhoyono, Abbott attempted to recast the issue as a bilateral problem and one that would necessitate greater cooperation and coordination to prevent future humanitarian disasters. Exactly how Indonesian cooperation will fit in with the arrangement between Australia and Papua New Guinea is yet to be determined. However, the Indonesian government has clearly stated that it will not permit the Australian navy and customs service to return boatpeople, except for rare, extreme circumstances (Alford, 2013).

6. Migration Panic:

Although the number of asylum seekers arriving by boat is relatively small, particularly when considering Australia's vast geographical territory and its population of nearly 23 million, the actual problem of boatpeople has been grossly exaggerated in much the same way it often is in other countries that are dealing with a sudden influx. In the vast majority of destination countries people are concerned about the government's ability to secure and manage the nation's borders, especially in times of greater economic stress, and immigrants are viewed as a threat to national sovereignty.

Moreover, politicians seeking to score points have shifted toward "get tough" rhetoric and policies in an effort to mollify a fearful domestic constituency. According to Hall (2013), immigration correspondent with the *Sydney Morning Herald*, "Breaking the spirit of asylum seekers is seen as the only way to stop the boats as the major parties vie for the toughest stance" and "the way Australia reacts to asylum seekers coming to our shores by boat has been a political–rather than policy–question."

Australian immigration policy has reflected a racial and xenophobic component in the past, most notoriously with the Immigration Restriction Act of 1901, otherwise known as the "White Australia" policy, which demonstrated a clear preference for British migrants. It was not until 1975 with the passage of the Racial Discrimination Act that all traces of this policy ended. Australia has traditionally been more comfortable with migration from the United Kingdom, New Zealand, and other predominantly "Anglo" countries. However, in recent decades the typical

asylum seeker has not been of European origin, with the majority coming from Iraq, Iran, Sri Lanka, Afghanistan, and Bangladesh ("Australia to Send Asylum-Seekers to PNG," 2013). These migrants are mostly young and male. More asylum seekers tried to reach Australia by boat following the end of the Cold War, but these numbers increased even further by the late 1990s. Instability in the Middle East and Southeast Asia has been a key push factor for migration in recent decades.

This demographic shift in those seeking new lives in Australia has been a source of concern for many native-born Australians. According to the Migration Policy Institute,

> Scholars have noted Australians' hardening attitudes toward low-skilled, non-white migrants such as Middle Easterners and Asians for more than a decade, driven by fear the migrants could alter the national identity and culture of Australia for the worse. In a historical context, the country's national identity is rooted in its predominantly white immigration history. As well, Australia's boat people are seen by many as queue jumpers and unauthorized immigrants – not genuine refugees (Foulkes, 2012).

The vast majority of the 47,000 boatpeople over the past five years were genuine refugees, however, and not merely economic migrants. Reflecting this queue-jumper perspective, the Australian government has adopted the "no advantage" test, where boat arrivals have no advantage compared to others as far as the resettlement program.

There is evidence that the Australian public's attitude toward irregular migrants has hardened in recent years, however, as the number of asylum seekers has grown dramatically and more people have died attempting to make the journey. Politicians from across the political spectrum have labeled the situation as "out of control", which contributes to the public's sense that the government is unwilling or unable to enforce the border, or both.

A look at the statistics concerning asylum seekers, refugees, and other persons of concern points to the fact that Australia is not a major destination country for irregular migrants, especially when compared to many of its peer OECD countries, although there has been a marked increase in recent years in both the number of boats and the number of migrants trying to reach Australia. According to the UNHCR (2013b), at the end of 2012 Australia hosted 30,083 refugees (one of the lowest rates among OECD countries both in absolute and relative terms) and 20,010 asylum seekers for a total population of concern of approximately 50,000. In contrast, the total populations of concern in other states are

substantially higher: 680,000 in Germany, 269,000 in France, 170,000 in the United Kingdom, 196,000 in Canada, and 281,000 in the United States. In 2012, almost 894,000 applications for asylum or refugee status were submitted to national governments or to UNHCR offices. These countries have far larger populations of course, but the total number of persons of concern in Australia is nowhere near out of control in relation to its population when compared to its peer countries.

As is the case in many other migration destinations, the financial cost to the taxpayer is substantial and rising. In 2012, the Australian Immigration Department is expected to have spent $2.2 billion managing arrivals, and this figure will likely be significantly higher in 2013 (Hartcher, 2013). It is hard to argue that these sums are insignificant, and $2.2 billion divided by 17,200 arrivals comes to around $128,000 per migrant – no small amount.

The issue of irregular maritime arrivals is a serious one. Deaths of hundreds of migrants at sea, particularly children, raise clear ethical and moral questions when considering appropriate policy. Australia, as one of the richest, most highly developed states in the world today, should be able to manage its immigration policy while simultaneously protecting national security and state interests. It is a strong democracy with highly effective governmental institutions, a favorable reputation internationally, and a robust economy. Although it has tried to maintain close relations with PNG, the regional resettlement arrangement does not adequately reflect international norms and obligations with respect to asylum seekers and other persons of concern.

7. Conclusion:

The PNG Solution began in July 2013 and transitioned into Operation Sovereign Borders after the federal election in September. The new Australian government pointed to a decrease in irregular maritime migrants in the first 100 days of the operation as evidence that the policy is working and that the government has managed to deter people-smugglers. However, the fact remains that significant push and pull factors exist that encourage (or force) migrants to leave their countries of origin with the hope of a new life elsewhere. Indeed, there seems to be a widely held view among migrants that the new resettlement arrangement will not deter them from trying to reach Australia.

Past experience may also be instructive in this case. Officials responsible for the enforcement of the 2001 Pacific Solution have expressed concern over the PNG Solution and Operation Sovereign Borders. There is a strong argument to be made that unless conditions change at the source, in sending countries, it will be extraordinarily

difficult for destination countries like Australia to deter potential migrants. This is a salient theme in border studies and regional integration and reflects host-nation fears of hordes of immigrants streaming into the country. People fleeing difficult situations in places like Afghanistan and Bangladesh may see migration as their only option.

Jon Stanhope, Administrator of the Australian Indian Ocean Territories, which includes Christmas Island, is not in favor of the regional arrangement, but believes it has deterred migrants since there has been a decline in the number of boats and asylum seekers. He questioned the ultimate aim of the policy: "Is that the indicator of success that any asylum seeker that gets to Australia is immediately deported? Or is a key performance indicator or an indicator of success that you acted with compassion; that you acted with humanity?" (Norman, 2013). Stanhope points to the notion that simply because a policy may be working does not mean it is good policy; the means may not be justified to reach a specific end.

Related to border theory, there must be a realization that what might be good for governments might not be good for migrants. For example, deportation policies in the United States might be effective in returning undocumented migrants to their countries of origin, but these policies have been incredibly destructive to families and communities. Migration policies, like other high-level government considerations, involve cascading effects and often entail unforeseen and even unwanted secondary consequences. The regional arrangement between Australia and PNG can be conceptualized in the same way. These governments have not adequately addressed the human rights of the asylum seekers.

As a member of the UN Refugee Convention, Australia must fulfill its obligations under international law without resorting to extraterritorial processing and other measures designed to outsource its immigration policy. As the desired destination country, Australia is the key factor in the regional arrangement, but Papua New Guinea also shares responsibility. Neither side should be able to completely shift blame for inadequate conditions and protections for the asylum seekers. Undoubtedly a significant share of those seeking to reach Australia are economic migrants, but many of the "boatpeople" are fleeing some of the world's most unstable and dangerous places, and appropriate policies and safeguards must be met. In conjunction with external actors including the UNHCR, regional governments, international organizations and advocacy groups, the Australian government should pursue a non-extraterritorial immigration policy that addresses the needs of asylum seekers effectively, but humanely.

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