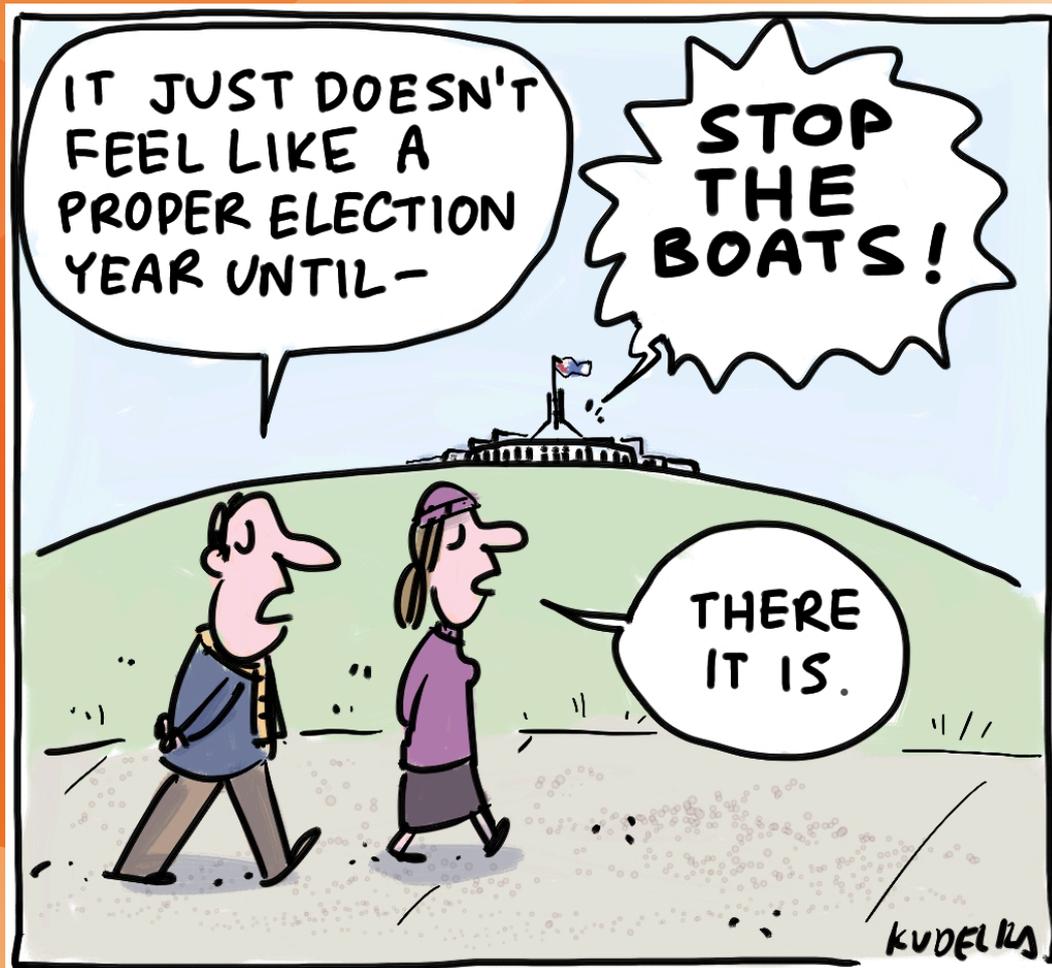


A Nation All At Sea:

Seeking leadership on asylum seekers



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About Per Capita

Per Capita is an independent progressive think tank which generates and promotes transformational ideas for Australia. Our research is rigorous, evidence-based and long-term in its outlook, considering the national challenges of the next decade rather than the next election cycle. We seek to ask fresh questions and offer fresh answers, drawing on new thinking in science, economics and public policy. Our audience is the interested public, not just experts and practitioners.

Introduction

The history of Australia over the last 200 years is one of immigration, the story of millions of people leaving their homes to build a new life in another part of the world. Through waves of immigration over 200 years, Australia has evolved into a successful, modern multicultural democracy.

Australia also has a strong record of welcoming refugees. The Second World War and the holocaust gave rise to an international awareness of the need to provide asylum for those fleeing war, persecution and torture, and Australia accepted around 10,000 people fleeing Nazi Germany between the mid-1930s and the early 1940s. After the Second World War, tens of thousands of people flooded out of Europe. In 1947 the USAT General Stuart Heintzelman arrived in Fremantle carrying 843 displaced persons from Estonia, Latvia and Lithuania. It was the first of almost 150 voyages by 40 ships bringing refugees from the war in Europe to be resettled in Australia¹.

In response to the massive movements of people after this devastating war, the General Assembly of the United Nations convened a conference to draft a convention relating to refugees. Australia was one of 26 countries represented at this conference, and in 1954 was one of the first countries to sign the Convention Relating to the Status of Refugees (hereafter referred to as the Refugee Convention)².

Since then, Australia has resettled around 750,000 refugees. Today, Australia is one of nine nations who, along with the United States, Canada, Sweden, Norway, Finland, New Zealand, Denmark and the Netherlands, resettle the bulk of UNHCR refugees annually, and our ongoing commitment to this global resettlement program is something we should be proud of.

Given this record, what can we make of the central place that fear and even hysteria of asylum seekers on boats now occupies in our political life? How has a country that is built on immigration, is a signatory to most international human rights instruments, and shows a continued commitment to the UNHCR resettlement program become so preoccupied by the spectre of boats of desperate people off our coast?

¹ Neumann, K, p 1

² Australia signed on 22 January 1954, the sixth country to do so after Denmark 4 December 1952, Germany 1 December 1953, Luxembourg 23 July 1953, Norway 23 March 1953, Belgium 22 July 1953.

Since the Tampa incident in 2001, the issue of maritime asylum seekers has been a constant theme in our political life, and at the front-and-centre at every Australian Federal election. Human rights advocate Julian Burnside has described the 2013 Federal election as the only time in our history when both major political parties have courted political favour by promising to be cruel to a particular group of people³. Given that around 200,000 people come to Australia every year as migrants, why have the few thousand who arrive by boat become the focus of such political venom?

In this report, we try to comprehend this phenomenon, by looking back over the recent history of this issue in Australian political life, critiquing current policy and looking for ways we can move this issue forward. This report is not an examination of immigration policy, nor will it cover the minutiae of immigration and human rights law. There is a very large and rigorous body of literature on these subjects. There is also a lot of work being done on better and more sustainable policy responses to this issue, and we do not intend to duplicate this work. Rather, we intend to get closer to an understanding of the role this issue continues to play in our body politic.

We believe the story of boat arrivals in Australia can be understood by looking at how politicians have primarily used this issue to portray their leadership credentials, and have consequently developed policies with an eye on short-term political gain.

The issue has been so emphatically and persuasively framed in these terms that arguments about the moral case and our obligations under the Refugee Convention have failed to connect with the Australian people. We argue that it's time for a new conversation on this issue, one that can connect more broadly. While politicians are likely to see it as being in their self-interest to keep this as a wedge issue, we argue that it is in the self-interest of the Australian people to move beyond this ad hoc short-term thinking. All the measures in our current suite of policies on maritime asylum seekers are either ineffective, hugely costly, or problematic long term. It is in our interests to change this bad policy response.

In the absence of political leadership, we call on members of the Australian community, from all sectors, to make a stand on this issue and demand a policy response that is sustainable and effective in the long-term.

³ Julian Burnside, 2014 Sydney Peace Prize lecture, 5 November 2014.

Threads from the past

Australia signed the Refugee Convention in the 1950s, but we had no comprehensive policy for handling refugees until after the fall of the South Vietnamese government in April 1975. A mass flight of Vietnamese into nearby countries required an international response and prompted a rethink in Australia's refugee program. For the first time, we had a designated humanitarian component in our immigration intake. Over the next two decades, more than 100,000 Vietnamese refugees were resettled in Australia.

When trying to understand the hysteria around asylum seekers now, there is a tendency to compare the actions of Fraser's government at this time with our leaders of the last decade, and find them wanting in comparison. Robert Manne declared in *The Monthly* in September 2010 that the Fraser years were the "halcyon years" with the government treating all refugees, including boat people "with exemplary generosity"⁴. Memories of post-Vietnam War asylum seekers on boats have created a myth that governments in the past dealt with this issue better, and Fraser has become a symbol of good leadership that balanced pragmatism with humanitarian principles.

However, mythologising the past does not get us closer to understanding the complexities that leaders deal with, and a closer look sees many parallels with current government policy.

Very few asylum seekers from Vietnam came by boat, only about 2,000.⁵ The overwhelming majority of people from Vietnam were selected from United Nations refugee camps. Australia was part of an international effort, but we set the targets and controlled who would arrive and how many would arrive. Historian Nancy Viviani has argued that at this time, the actions of the Australian government were not driven only by humanitarian principles. While all were eligible for refugee status, Australia would "choose refugees who best fitted migration rather than humanitarian entry criteria", hand picking who they would accept⁶.

The first wave of people arriving by boat were treated with sympathy, but as the numbers increased the level of concern also increased. While the numbers arriving by boat remained very small, the issue of boat people dominated the news in the lead-up to the Federal election in December 1977⁷. In this environment, the Fraser

⁴ Manne, R.

⁵ Refugee Council of Australia: <http://www.refugeecouncil.org.au/f/rhp-hist.php>

⁶ Viviani, N, p 118.

⁷ Betts, K, p 34.

government took steps to stem the influx of boats, firstly by establishing boat-holding arrangements with Indonesia and other countries to the north, and agreeing to take refugees from UN camps. They reluctantly agreed to take a higher number of refugees from UN camps as the price for stopping the boats⁸.

The next few years showed a hardening in public opinion towards asylum seekers arriving by boat. In January 1979 the government announced that it “would deny entry to any passengers on such ships”. It declared its intention to “legislate to introduce severe penalties for those who profited by bringing people into Australia without prior authority”⁹. Fraser spoke about Australia having a front and back door for entry, and it was during this time that the divide began between “unauthorized” boat arrivals and “legitimate” refugees who came via the proper process.¹⁰

For a country that only a few years earlier had abolished the White Australia policy, the arrival of boat loads of Vietnamese refugees caused a “shiver of apprehension”¹¹. Ever since then, says David Marr and Marian Wilkinson, Australia has seen “genuine” refugees as those who sit patiently in camps far away waiting for us to come and select them while those who arrive on boats are “queue jumpers” and “illegals”¹².

As it is today, drawing this distinction between the two groups was done for political purposes. It is clear from the Fraser government’s actions that the concern wasn’t the resettlement of refugees in general, or the arrival of 100,000 new immigrants, but the appearance of boats off Australia’s shores. The arrival of the Vietnamese refugees tested the strength of Australia’s new non-discriminatory immigration policies and to its credit, the Fraser government stayed firm on the intake of refugees, taking proportionately more than the United States¹³. Australia’s involvement in the Vietnam War raised questions about our obligations as a nation to those displaced by it, and brought about a re-think in our relationship with Asia. But the distinction made between those who came by boat and those who came on planes was the beginning of the same dichotomy that still exists today: an open acceptance of new arrivals to Australia, as long as they don’t come by boat.

This is a political phenomenon. The arrival of immigrants and refugees through “proper” channels is the very foundation of modern multicultural Australia. But the appearance of boats raises fears that we will be swamped, and leaves politicians looking weak on border control. As such, some politicians have felt it necessary to use this issue to bolster their image on these two very points. Because of this, the issue takes on greater significance as these politicians bring it centre-stage as a platform for their own leadership credentials, and our national conversation on this issue has become limited and plagued with misunderstandings.

MYTHBUSTING BOX 1:

Australia’s laws for protecting refugees are imposed upon us

The Refugee Convention and other human rights treaties are not international laws forced on Australia without our consent. International treaties are entered into voluntarily by countries, and, as noted above, Australia was represented at the drafting conference for the original Refugee Convention. Moreover, the obligations in international conventions do not automatically become part of Australian law unless the Parliament passes domestic legislation to give them effect.

Australia’s obligations to protect refugees, and uphold the provisions in the Refugee Convention, were incorporated into the Migration Act 1958. However, this month the Abbott government removed those obligations, and replaced them with their own definition of obligations to refugees which differs from the Convention in significant respects. The changes also mean that the Convention does not apply to people who arrive by boat, or to people on boats which we intercept at sea.

⁸ Betts, K, p 34..

⁹ Ibid, p 36.

¹⁰ Smit, J, p 99.

¹¹ Bruce Grant, as quoted in Dark Victory, p 34.

¹² Marr and Wilkinson, Dark Victory, p 35.

¹³ Richards, E, p 260.

Asylum seekers, take centre stage

After the influx of refugees following the Vietnam War, asylum seekers faded as a political issue during the 1980s. Australia's humanitarian intake of refugees through the UNHCR resettlement program continued, with Australia taking 22,545 refugees in 1980-81, a 35-year peak, after which it the number settled close to the current number of around 13,000¹⁴. But as very few boats arrived during this time, the issue was removed from the public spotlight. This began to change in the 1990s, when several hundred people started to arrive by boat each year. A public perception of weakened border control led Prime Minister Paul Keating to introduce a system of mandatory detention for those who arrived without a visa in 1992. He argued that people should not expect to simply arrive in this country and be allowed into the community¹⁵, again an inference that people are using asylum as a "back door" approach. The Opposition exploited this notion, saying that the government's leniency was allowing people to "abus[e] Australia's generosity"¹⁶.

While the policy was specifically directed towards deterring boats¹⁷, as the 1990s wore on it became clear that the policy was ineffective in achieving this outcome, as these years saw a dramatic increase in the number of boats arriving, carrying people from the Middle East – fleeing Saddam's Iraq, the Taliban's Afghanistan and Iran's theocracy. Despite having little deterrence value, mandatory detention has remained a core of Australia's immigration policy.

¹⁴ DIBP 2014.

¹⁵ O'Brien, B.

¹⁶ Garnier, A & Cox, Lloyd, p 2.

¹⁷ Ibid.

This increase in boat arrivals in the 1990s kept the issue bubbling away largely in the background. But asylum seekers suddenly hit the centre of our political life in August 2001 with the arrival of the Norwegian ship, MV Tampa, carrying 438 asylum seekers rescued from a fishing boat. With Australia about to head into a Federal Election campaign, Prime Minister John Howard refused the ship permission to enter Australian waters and famously declared, “we will decide who comes into this country and the circumstances in which they come”. This statement is an emphatic declaration of the way the Howard government viewed Australia’s asylum obligations – that we have the right to select who we want, and that we can make decisions on asylum claims based on how the asylum seeker entered Australia. This was not a break with former government policy, but a continuation of the Fraser government’s understanding of our obligations under the Convention: selecting the refugees we want who follow processes we favour. It also connects back further in our history; it’s the same self-conscious desire to decide who gets to be an Australian that underpinned the White Australia policy.

However, there are some problems with this view. Handpicking refugees and discriminating against asylum cases according to method of entry is explicitly in contravention of our obligations under the Convention. Under the Convention countries cannot provide different levels of protection to asylum seekers according to their means of entry. In addition, the Convention stipulates that refugees must not be penalised for illegal entry, and that states should recognise that the seeking of asylum may require refugees to breach immigration rules. The Convention prohibits a state to penalise refugees who breach immigration rules in the process of seeking asylum; a prohibited penalty includes being arbitrarily detained purely on the basis of seeking asylum. The Refugee Council of Australia has argued that an asylum seeker breaching immigration rules can be equated with allowing ambulance drivers to exceed the speed limit in an emergency. Under ordinary circumstances the action is illegal, but to protect lives at risk, an exception is made¹⁸. However, these Convention obligations have been reduced or changed by legislation passed this month.

Howard’s “we will decide” declaration is probably his most memorable statement, and was used by the Liberal Party in the 2001 Federal Election, indicating their belief that this idea resonated with the electorate.

After Tampa, and prior to the election, Howard made radical changes to Australia’s migration laws: excising islands from Australia’s migration zone, using the Defence Force to intercept vessels carrying asylum seekers, and removing asylum seekers to detention centres on Nauru and Manus Island. This became known as the Pacific Solution. Howard focused the election campaign on a particularly nationalistic notion of leadership, and used his actions over the Tampa and asylum seeker policy to define his leadership as strong, tough and focused, in contradistinction to the weakness of his opponent Kim Beazley. In fact, after declaring that “we will decide”, Howard’s next statement was to congratulate Immigration Minister Philip Ruddock for the “fantastic job” he has done “for Australia”, and then immediately said, “What a contrast with the Labor Party”.

It was a theme he would repeat throughout the campaign. In a press conference that same month, Howard said of Beazley: “He’s led the Opposition now for the same time that I’ve been Prime Minister and I don’t believe the Australian people have any clearer view now than they did in March of 1996 what he or the Australian Labor Party stands for. This was nowhere better illustrated than in his vacillating chopping and changing over the issue of illegal immigration”¹⁹. In one fell swoop, Howard targeted both his political opponent as a weak leader and asylum seekers as illegal. Howard so emphatically defined the issue of asylum seekers as illegals who present a threat to our border, that it has set the tone for our policy response on this issue ever since.

¹⁸ <http://www.refugeecouncil.org.au/f/as-boat.php>

¹⁹ <http://pmtranscripts.dpmc.gov.au/browse.php?did=12065>

Asylum seekers, leadership & wedge politics

It's hard to overestimate the role asylum seekers on boats have taken in how our political leaders have presented themselves in the last decade. The issue has been used as a kind of political code for politicians to portray their leadership in a particular light, and to differentiate themselves from their opponents or predecessors.

John Howard's stance on asylum seekers was a means for him to portray himself as a strong leader, particularly after the 9/11 terrorist attacks. Deterring and turning away people from the Middle East was an easy sell to an anxious electorate.

The Tampa incident presented Howard with an opportunity to capture that portion of the electorate who were confronted by increasing multiculturalism, who viewed the arrival of boatloads of asylum seekers as a lack of control and a fear of being "swamped". In 2010, Robert Manne encapsulated this view succinctly in an article in *The Monthly*:

"Since the 1996 election, the Howard government had been searching for a way to ride the populist wave Pauline Hanson had created."

"With Tampa, Howard simultaneously satisfied the appetite for an aggressive populist politics One Nation had stimulated and threatened to tear the Labor Party apart along the seam dividing its two core constituencies: the professional middle class and the traditional working class."²⁰

There are distinct parallels between Howard and Hanson on this issue. In her First Speech in September 1996, Hanson referred to immigration and multiculturalism: "if I can invite whom I want into my home, then I should have the right to have a say in who comes into my country". This bears remarkable similarity to Howard's later "we will decide" declaration, and again shows the desire to be able to control and select the people we want. Drawing the comparison to the home adds an emotive element to the statement.

²⁰ Manne, R.

It was also Pauline Hanson's One Nation Party in 1998 that first proposed the idea of giving asylum seekers only temporary rather than permanent protection²¹. At the time, Immigration Minister Philip Ruddock rejected the idea as "highly unconscionable" because it would mean people would live with uncertainty, and it would be harder to address the "tremendous physical and psychological wounds they have suffered". Regardless, in the following year the Howard government introduced Temporary Protection Visas for asylum seekers who arrived without a visa. Morality was sidelined in the face of a political reality. A new vocal constituency had had opened up, and Howard was determined to capture it for the Liberal Party – they would become known as "Howard's Battlers".

Howard's "we will decide" speech was entirely designed to appeal to the same people. Declaring "we will decide" was not only, or even primarily, to outline his government's policy on asylum seekers, but to use that issue to allay fears and portray himself as an "in control" leader. The paragraphs preceding this declaration are focused on the 9/11 attacks, national security, border control, defence policy, and providing "a proper response to terrorism". This is immediately followed by references to refugees and the "uncompromising" right of the country to protect its borders. It is clearly an attempt to connect an issue that frightens people – security and terrorism – with asylum seekers. It directs people's fears along specific lines (asylum seekers in boats), allowing the patriarchal leader to offer a satisfactory solution (tough asylum policy) to allay those fears, keeping everyone "relaxed and comfortable". Another interesting point in the speech is Howard's claim that "we are a generous open-hearted people taking more refugees on a per capita basis than any nation except Canada. We have a proud record of welcoming people from 140 different nations". Howard's appeal to his audience included this reassurance so that we wouldn't feel uneasy about what we are doing (see Box 3 below for an explanation of this claim).

It was a remarkably effective and persuasive argument, and the "we will decide" stance formed the foundation of the 2001 Federal Election campaign and the implementation of the Pacific Solution.

In opposition, Kevin Rudd used the issue of asylum seekers to portray himself as different from Howard, to underline his message of "New Leadership". In an essay written in *The Monthly* in October 2006, prior to his bid for the Labor leadership, Rudd described asylum seekers as a "great challenge of our age", and pointed to the parable of the Good Samaritan as the ideal for how we should care for the stranger in our midst²².

When he became Prime Minister, Rudd dismantled the Pacific Solution: in February 2008 he ended offshore detention by closing the centres on Nauru and Manus Island, and retained mandatory detention only for health, identity and security checks. In May 2008 he announced the abolition of Temporary Protection Visas.

However, Rudd's election-eve declaration that he would turn back the boats showed his underlying commitment to tough policies, and foreshadowed an inability to change the conversation on this issue. Later it left him open to accusations of inaction when the number of boat arrivals continued to increase. Opposition Leader Tony Abbott charged that Rudd had failed on border protection, and that a government under his leadership would do whatever was necessary to stop the boats.

In October and November 2009, Australian politics again became preoccupied with a group of asylum seekers onboard a ship, this time the Australian Customs vessel, *Oceanic Viking*. 78 Sri Lankan asylum seekers had been picked up at the request of the Indonesian authorities, taken to Indonesia, and then refused to disembark, fearing they would be sent back to Sri Lanka. The asylum seekers remained on the ship and the incident dragged on until mid-November, when an agreement was reached that they would be resettled within 12 weeks. All 78 were found to be genuine refugees by the UNHCR, and were eventually resettled in the US, Canada, Norway and New Zealand.

It was another example of Australia acting at all costs, even risking a diplomatic crisis, to prevent asylum seekers entering Australia by boat. However while Tampa had left Howard in a stronger political position, the *Oceanic Viking*, occurring at a time when boat arrivals had sharply increased, left Rudd appearing weak.

²¹ McAdam, J, 2014, p 21.

²² Rudd, K.

MYTHBUSTING BOX 2

Temporary Protection Visas are an effective deterrent

TPVs have had a circular history. They were introduced by the Howard Coalition government in October 1999, abolished by Rudd in 2008, and then reintroduced by the Abbott Government in September 2013. The Senate disallowed their reintroduction in December 2013 and again in March 2014. In December 2014, the Abbott government was able to reintroduce TPVs, in a legislative deal to make changes to Australia's immigration laws that included lifting Australia's refugee intake by 7,500 places, giving asylum seekers on bridging visas the right to work, and removing all children from detention on Christmas Island.

TPVs apply to anyone arriving without a visa, either by boat or plane, whose claim to asylum was upheld. They allow asylum seekers to stay in Australia for up to three years, after which time they must apply to have their protection claim reassessed. People on TPVs have no family reunion rights and no right to re-enter Australia if they leave.

TPVs were introduced, and reintroduced, as a means of disincentivising people to get on boats and encourage people to go through "proper channels". However, TPVs have been ineffective as a deterrent. The two years following their original introduction saw an increase in the number of boat arrivals, and breaking the numbers down by age and gender shows an increase in the number of women and children on boats following their introduction²³. The lack of family reunion rights put people in a position where they have no choice but to put children on boats, undermining the humanitarian arguments for stopping the boats.

Ruddock's original characterisation of TPVs as "unconscionable" was pretty close to the truth. A person cannot be expected to live in limbo for years, and the lack of family reunion rights is unreasonable. We cannot expect a person to build a life in Australia without their family. Temporary protection needs to be reconsidered; they have been ineffective as a deterrent and act as additional stress to those seeking asylum. People on TPVs show higher levels of psychological stress than those on permanent visas²⁴.

Moreover, the need to reassess every applicant every three years adds a recurring bureaucratic burden to a system already overloaded. This bureaucratic burden appears to be merely shuffling paper around, since from their first introduction to their abolition under Rudd in 2008, 95% (8,600 of 9,043) of maritime asylum seekers who were granted TPVs were eventually granted a permanent visa in Australia²⁵.

TPVs are not just "unconscionable"; they are bad policy.

²³ Kaldor Centre, Fact Sheet: Temporary Protection Visas.

²⁴ McAdam, J, 2013.

²⁵ Expert Panel on Asylum Seekers, p 91.

As late as June 2010, Rudd was arguing that the Opposition's plan to resurrect the Pacific Solution was built on "a rolled gold bucket of fear", and that he would not "engage in some sort of race to the bottom" on asylum seekers²⁶. On the night his leadership was challenged, Rudd declared publicly that: "This party and government will not be lurching to the right on the question of asylum-seekers," although Julia Gillard has since asserted that Rudd had already made a decision to return to offshore processing, and that this declaration was a "hollow statement"²⁷. The public image of "new leadership" was still the face he wanted to portray to the electorate on this issue.

In July 2010, Gillard replaced Rudd as Prime Minister, and almost immediately, used asylum seekers as a means to differentiate her leadership and her government from him. She used the issue to portray herself as a strong leader and to highlight her capacity to fix problems. In her first press conference as Prime Minister she said, "I am full of understanding of the perspective of the Australian people that they want strong management of our borders and I will provide it"²⁸.

Gillard indicated how important this issue was to her new government when she focused her entire first major speech as Prime Minister on this issue at the Lowy Institute in early July 2010. Where Howard had drawn a line from terrorism and national security to asylum seekers on boats post 9/11, Gillard opened her speech on border control and sustainable population, connecting "unauthorized arrivals" with population concerns.

As Howard had done almost a decade earlier, Gillard reassured people that they don't need to feel uneasy about having negative feelings towards asylum seekers. She upbraided those who called people against boat arrivals "rednecks in marginal seats", saying it is "very, very wrong to label people who have concerns about unauthorised arrivals" in this way²⁹. Again, as with Howard, her speech was directed to a specific audience, in this case, she was speaking to people who are "on the front line of our population increase". She announced

strengthened border protection arrangements to deal with unauthorized arrivals, and then to complete the picture, a few days later she appeared on a naval vessel off Australia's north coast with David Bradbury, the Federal Member for the electorate of Lindsay in Sydney's western suburbs. In its rhetorical construction, the speech is very similar to Howard's "we will decide" speech. Gillard set up a problem, in this case population growth, and offered herself as the leader with the solution. Once again, the solution was tough policy on asylum seekers who arrive by boat, and once again, we were given sanction to not feel guilty about it.

Drawing a line from sustainable population to stopping asylum seekers on boats can only have been done for political purposes, since the two are only minimally connected. Australia's humanitarian intake every year is a fraction of our overall immigration intake. For example, in the 2013-2014 year, Australia granted 13,768 visas under the humanitarian program, including both onshore and offshore persons³⁰. In the same year Australia accepted 190,000 migrants³¹. So it is misleading to focus the attention of those on the "front line" of population growth on those who seek asylum by boat. It directs people's fear and anger over multiculturalism and population growth on the group who constitute the smallest population increase in any year.

It was during this speech that Gillard outlined her first attempt to set up an international agreement with another country in the region, East Timor, to establish a regional processing centre for receiving and processing "irregular entrants". This agreement became derailed when it was discovered that Gillard had discussed the issue with the Head of State, President Ramos Horta, and not the Head of Government, Prime Minister Gusmao. In any case, the East Timor Parliament rejected the proposal. A year later the Government announced the Malaysia deal, whereby Australia would accept 4,000 UNHCR-registered refugees from Malaysia over 4 years and in return Malaysia would take 800 irregular maritime arrivals (boat people) from Christmas Island. This agreement was brought down by the High Court.

²⁶ Karvelas, P.

²⁷ Gillard, J, p 452.

²⁸ <http://www.theage.com.au/national/where-angels-fear-20100706-zxrq.html#ixzz3Go6QN5dX>

²⁹ <http://www.theaustralian.com.au/archive/politics/julia-gillards-speech-to-the-lowy-institute-on-labors-new-asylum-seeker-policy-for-australia/story-e6frgczf-1225888445622>

³⁰ DIBC, Australia's Humanitarian Programme 2012-2013

³¹ DIBC, Migration Programme Statistics

These agreements were an attempt to take some action at a regional level on asylum seekers, as the number of boat arrivals continued to increase, reaching its highest number from June 2012 to June 2013 when 25,126 people, mostly Sri Lankans and Iranians, arrived by boat³². Numbers like these gave Opposition Leader Tony Abbott a golden opportunity to criticize the government for weakness, while focusing his own leadership credentials on his promise to “stop the boats”. The issue was so central to his election campaign that leaked Wikileaks cables revealed that a “key Liberal Party strategist” thought the increased arrivals of asylum seekers was “fantastic”, as it would help them win government³³.

Once in government, Abbott set about implementing tough military-style asylum seeker policies, called Operation Sovereign Borders, and this has been touted as a success. On the first anniversary of the Coalition Government, they declared they had achieved the goal of “stopping the boats”. While the government continues to be unpopular in many policy areas, and is still unable to pass much of its 2014 Budget, its claim that it has stopped the boats gives the government a “success” story to sell to an electorate concerned over government cutbacks. As an added persuasion, this second outing of the Pacific Solution has been framed in such a way as to allow Abbott to paint a picture of leadership that is both strong and moral.

When Howard first established the Pacific Solution, his claim to ethics was based on the principle of providing safety to Australians. In the post 9/11 world this was a persuasive argument. But Operation Sovereign Borders has been explained as a moral alternative, that “stopping the boats” is in a just cause, as it deters people from making risky journeys on boats. It is not known how many asylum seekers have lost their lives trying to get to Australia, but several particularly harrowing cases of sinkings have made very real the human cost of trying to get to Australia by boat. This has made the position of stopping the boats defensible on humanitarian grounds. Stopping the boats is now showing compassion for asylum seekers; a way to save desperate people from being exploited by ruthless people smugglers.

This added a complexity to the debate around tough asylum seeker policy as people contemplated their choice of government, and border policy, in 2013. The image of women and children dying at sea and the role played by people smugglers undertaking their “evil trade”, meant that each side could claim the moral upper hand. This is problematic, however, particularly given that the removal of family reunion rights for refugees has encouraged more women and children to undertake dangerous boat journeys.

This overview of asylum policy over the last decade shows how emphatically Howard’s framing of this issue in terms of illegal entrants and border control has defined this issue for the Prime Ministers who followed. The issue has been overtly politicised and used to portray leadership credentials to the electorate. These policies are put forward to show strength, but outside of the short-term political gain, what is the real effectiveness of these policies?

³² Toohey, P, p 12.

³³ Harvey, C.

MYTHBUSTING BOX 3

Australia is being “swamped” by asylum seekers

In 2001, John Howard claimed that Australia takes more refugees on a per capita basis than any other nation except Canada.

In 2001, the time Howard made this claim, the number of resettlement arrivals in Australia was 6,450; for Canada it was 12,250 and for the United States it was 68,430. So indeed, on a per capita basis Australia takes a very high number of refugees for resettlement. During 1992 to 2001, industrialised countries resettled 1.2 million refugees. The United States was the main resettlement country taking 77%, followed by Canada (10%) and Australia (8%)³⁴. These figures show a strong record for the resettlement of refugees.

However, it is not the full picture. It only counts refugees Australia takes through the UNHCR program, who typically come from refugee camps around the world. But this is only one aspect of the asylum process. Only around 1% of refugees in any given year will have access to this resettlement program. The rest try for protection by seeking asylum and can be recognised as refugees. If we include refugees by resettlement and asylum seekers recognised as refugees, Australia falls to 32nd in the world.

The burden for assisting and dealing with the majority of the world’s asylum seekers falls overwhelmingly on developing nations. At a global level, Australia by no means has an asylum seeker “problem”. In 2013, the UNHCR estimates that 10.7 million individuals were newly displaced due to conflict or persecution, and during that same year, at least 1,067,500 applications for asylum were submitted to governments or the UNHCR in 167 countries. It was the highest level of the past 20 years³⁵. In this year, Germany received 109,580, the United States received 88,360

Australia received 24,300 claims (up from 15,800 from the previous year). This represents 0.2% of the total number of asylum claims made in that year.

When we look at the total number of asylum seekers in the world, even at the high point of 2013, our total intake is very low by global standards. Howard is right that we can be proud of our resettlement record, but it shouldn’t be a justification for making the asylum process harder and tougher for those seeking protection by boat.

³⁴ UNHCR Statistical Yearbook 2001, p 61.

³⁵ <http://unhcr.org/trends2013/>

Do tough policies work?

The Australian government has unilaterally put in place measures to specifically deter people from seeking asylum in Australia by boat. However, the effectiveness of some of these measures is questionable. Mandatory detention, introduced in 1992 and still an active policy, has clearly failed to halt the arrival of boats. Likewise TPVs, which have just been reintroduced, are of questionable efficacy. In the years after their introduction, the number of boat arrivals increased, including greater numbers of women and children; moreover, 95% of maritime asylum seekers who were granted TPVs were eventually granted a permanent visa in Australia. On closer view, these policies look very much like short-term political fixes. The bigger picture also shows some problems in assessing the effectiveness of these policies.

The complex interplay between domestic measures (the “pull” factors), and changes in global people movements (the “push” factors) means it can be very difficult to assess the impact of such policies on asylum seeker movements. Historically speaking, flows of asylum seekers to Australia have come in response to global conflicts: this was seen after the Vietnam War, in Cambodia and now the Middle East and Sri Lanka. Our tendency to have a parochial view of asylum seeker arrivals can distort our view of the effectiveness of our policies.

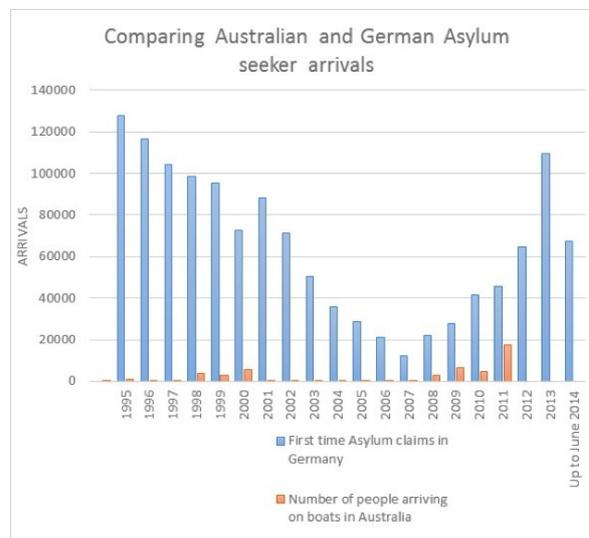
Global People Movements

From a global perspective, the policies of domestic governments have very little effect on people movements. Mass movements of people are in response to war, conflict and political upheaval. In these circumstances, there is no policy draconian enough that it can deter someone from fleeing their homeland looking for a safe haven. Stringent policies designed to deter asylum seekers do not stop the flow of people, but merely restrict their movement to specific parts of the world, and can result in asylum seekers taking greater risks³⁶, undermining the humanitarian claims of these policies.

Debate is still continuing as to the “success” of the Pacific Solution. There can be no doubt that the number of boats arriving on Australia’s shores dropped dramatically in 2002, but this was influenced by both push and pull factors. The decrease happened at a time when numbers of asylum seekers globally were also decreasing. The arrival of peacekeepers in Afghanistan in 2002 and the toppling of the Taliban resulted in the return of over two million refugees to Afghanistan³⁷. In 2002, the UN reported a 45% reduction in refugee resettlement around the globe. The later increases also seem to be driven by external factors. In 2007 the US troop surge in Afghanistan triggered a flow of asylum seekers, as did the 2008 resumption of the civil war in Sri Lanka. In 2009 the UNHCR predicted that numbers of asylum seekers would increase, fueled by people fleeing violence rather than changes to Australian immigration law³⁸.

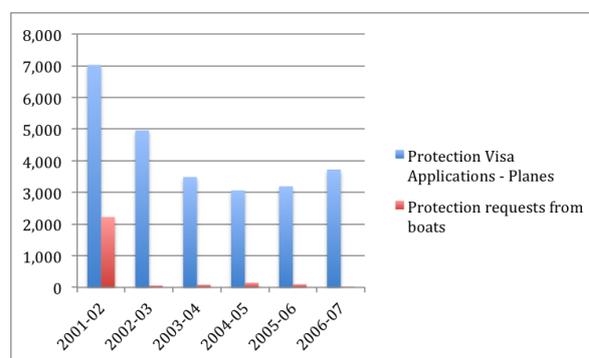
Graph 1 shows asylum seekers from 1995 to 2013 from both Australia and Germany. The orange lines chart Australia’s numbers, showing arrivals falling dramatically after 2002 and rising again in 2009. The blue lines chart asylum seekers in Germany for the same years. Both show a big drop in arrivals of asylum seekers after 2001 with numbers on the rise again after 2009. Given that these countries are on opposite sides of the world, and that the domestic policies of these two countries at this time were not alike, it is clear that external factors must primarily account for these rises and falls. Comparison of these numbers also shows the massive difference in the scale of the issue in Australia. Germany’s asylum seekers number in the hundreds of thousands, while Australia is faced with only a few thousand in all but one of these years.

Graph 1: Comparing Australian and German Asylum Seeker Numbers



Moreover, the Australian fixation with boat arrivals also tends to distract us from the broader picture of arrivals in the country. For example, Graph 2 shows that while boat arrivals decreased, protection visa applications from those arriving by plane remained constant, and in some cases increased. It again highlights how political leaders are not concerned about asylum seekers per se, but rather in specifically, and publicly, stopping boat arrivals.

Graph 2: People arriving in Australia seeking asylum by boats vs planes



³⁶ Sampson, R.

³⁷ Menadue, J.

³⁸ Arup, T.

The problems with tough policies

A view of the Pacific Solution or Operation Sovereign Borders as a success is an expression of our tendency to see this issue in terms of short-term political gain, rather than as a long-term durable solution. But while the people are out of sight and the policies are implemented in secret, the long-term problems with these policies remain.

1. A “Band Aid” Solution

We have already seen that mandatory detention and TPVs have been ineffective in deterring boats, but what can we make of the policy of turning around boats? Clearly both the Pacific Solution and Operation Sovereign Borders have been successful in stopping boats reaching Australia. But the short-term “success” of these measures needs to be considered in light of the long-term problems they create.

When Abbott declares that his policies have been effective in stopping the boats, what gets forgotten is that the corollary of that claim is that these policies must remain in place for continued success. This leaves Australia with a multi-billion dollar government program, and we must remain on constant high alert for boats.

We have seen in the last twelve months the lengths a government has to go to to keep these policies in place: secrecy about “on water matters”, putting Defence personnel through media conferences to explain the policy, turning boats around and risking entering Indonesian waters, transferring desperate people onto life boats mid-ocean, keeping people in long-term detention on remote islands. The name itself, Operation Sovereign Borders, has in its martial tone the sense of a mission that can be accomplished, not an open-ended action.

We also know that as time wears on, offshore detention centres become increasingly difficult to manage. We have seen from riots, hunger strikes and cases of people dying in detention that once again this situation is becoming problematic.

The long-term adverse mental health impacts on detainees make the situation untenable and opens up Australia to compensation cases. Moreover, we know that around 60% of people on Nauru under the first Pacific Solution were eventually resettled in Australia, because other countries were reluctant to take those who had sought Australia's protection. The government claims that people currently in offshore detention will never be resettled in Australia, but this is predicated on finding another country where they can be resettled. Otherwise, we face keeping them in detention indefinitely, which again brings us back to the problems of managing long-term detainees, the mental health consequences and the probability of compensation claims. The short-term success of stopping boats looks very different when seen through a long-term lens.

Moreover, the plight of those in detention, in particular children, turned the tide of public opinion against the Pacific Solution, with Howard himself declaring in 2005 that not acting sooner on families in immigration detention was "one of the many failings of this government"³⁹. It's likely this change will happen with Operation Sovereign Borders. Polling published by Crikey in July this year shows how complex and changeable our opinions are about asylum seekers, and also that the change might be happening again. The polling showed that the number of people who think Australia is too soft on asylum seekers is at its lowest level since 2010, with 18% of voters saying we're too soft, compared with 28% in March this year and 60% in July last year. Unsurprisingly, the converse is also true: the number of people who say Australia is too harsh to asylum seekers is much higher, at 27%, than it was in July last year, at 12%. This is the first time more voters believe the government is too harsh than too soft. Although it should also be noted that nearly a fifth wanted harsher measures adopted against asylum seekers⁴⁰.

Regardless of the potential future fallout of these policies, and the complicated relationship between push and pull factors, Abbott has consistently described Howard's policies, and his own, as being successful in "stopping the boats", and has used the issue to portray himself as a leader who delivers on promises.

Morrison has recently all but acknowledged that you can never really stop the boats permanently, saying that there will always be people who will "still try it on". When admitting the ongoing nature of this Operation, Morrison declared that we must be "eternally vigilant", an expression usually given as the price of freedom, but in this case it is turned on its head as the price of stopping people seeking asylum.

Morrison's language also reveals the government's view of why and how people seek asylum – it is people "trying it on". This view of asylum seekers underpins the government's \$20M "No Way, You Will Not Make Australia Home" campaign. In a YouTube video, Scott Morrison speaks in a calm, rational manner, telling people who might consider a boat journey that they will be turned back or sent to an offshore processing centre, and urges people to think carefully about their next decision, about the situation they are in and to make decisions in their own best interest. This strategy is based on the idea that seeking asylum on a boat is a choice made through calm rational consideration and therefore people can be deterred from making this "bad" decision by providing logical reasons against it. But a broader view of the causes of people movements tell us that the rises and falls in asylum seekers numbers largely have external factors.

On closer inspection, tough asylum seeker policies look more like band-aid solutions to fix immediate political problems, than a long-term sustainable policy response. Many measures are ineffective as deterrents in the short-term, and policies that appear effective in the short-term are likely to throw up problems in the future.

It's time for a rethink on these policies, and it's time for the Australian people to call out these measures for what they are: simply bad policies. Our political leaders have a responsibility to implement policies that can yield real results, not short-term fixes that leave us with problems down the road.

³⁹ Dodson, L and Kerr, J.

⁴⁰ Keane, B.

2. The Cost of Tough Policies

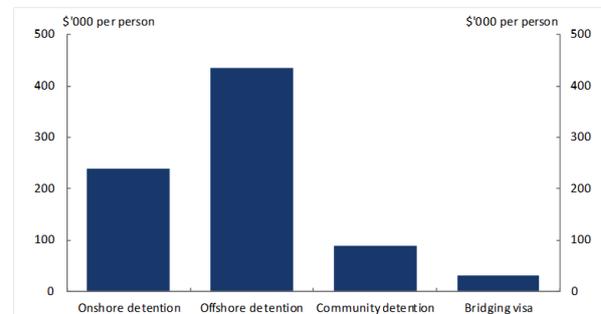
A further long-term problem with these policies is the sheer cost involved. The infrastructure required to maintain Operation Sovereign Borders is incredibly expensive, and getting more so. The detention and processing of asylum seekers who arrive by boat has been the fastest growing government program over recent years, growing at a rate of 129% per year, according to the Commission of Audit. The cost of detaining refugees in offshore detention centres is considerably higher than keeping them in the community.

In October 2014, it was reported that more than \$1 billion had been spent this financial year to house around 2,000 refugees in detention centres in Papua New Guinea and Nauru; this is around \$500,000 per person⁴¹. When asked to defend this cost, Immigration Minister Scott Morrison answered that the cost was necessary as it underpinned the government's border protection regime, and that the costs had actually declined by almost \$100 million when compared with the previous financial year.

Huge sums of taxpayer funds have been channeled to for-profit companies to maintain a completely privatised detention system. In August, The Guardian conducted an analysis of the contracts in the AusTender database that run the privatised mandatory immigration detention infrastructure. Their analysis shows that 1,770 contracts have been awarded to 522 entities, worth around \$10bn since 2007. The bulk of these funds have gone to service providers, including companies such as Transfield Services, G4S Australia and Serco, who admitted this year that if it had not been for its detention centre contracts, its profits would have been flat for the period 2009-2013. As with many providers, Serco's detention centre on Christmas Island has been condemned for its filthy conditions and high levels of self-harm among detainees.

It is here that the self-interest argument for change can be particularly persuasive. For example, if instead of locking people up in detention centres offshore, we gave asylum seekers full Australian welfare benefits, and if we imagined the number of asylum seekers that might arrive in one year as the high point of 25,126 from 2012-2013, the cost would be around \$450 million per year. Keeping a high number of asylum seekers on full welfare is still cheaper than keeping them locked up offshore, and would save the Australian taxpayer around half a billion dollars a year.

Graph 3: Relative cost per person for 12 months in detention, 2013



Source: Commission of Audit⁴³.

To put that saving into perspective, we can compare it to some of the government's projected cuts to programs. For example, this amount is more than the combined planned cuts to the ABC (\$254M over five years) and the CSIRO (\$111M over four years).

It should also be pointed out that the \$1bn price tag does not include additional costs to the Navy, nor the funds expended to gain the cooperation of PNG and Nauru to host these centres. The staggering amounts of money involved raise questions about accountability and transparency, and suggest a policy that has more to do with political expediency than an attempt to find a genuine long-term solution.

For a government that is planning to cut social services and government programs for Australian taxpayers, expenditure of this magnitude on detention centres on Nauru and PNG seems unjustified and unreasonable. The government is accountable for spending taxpayer funds in ways that produce real outcomes. Given the long-term problems presented by these policies, this cost seems unjustified. The magnitude of the expense can only be understood when viewed through the framework of sheer politics. Going tough on asylum seekers who arrive by boat gives a leader a platform for strong leadership, but this position is heavily subsidised by the Australian taxpayer.

⁴¹ Whyte, Sarah. See website in footnote 43 for detailed costs.

⁴² Rankin, J.

⁴³ <http://www.ncoa.gov.au/report/appendix-vol-2/10-14-illegal-maritime-arrival-costs.html> for detailed costs.

3. Secrets, Lies and Controlling the Message

There is a further cost that is too easily overlooked in continuing policies that use asylum seekers for political gain, and that is the cost to our democracy. Operation Sovereign Borders has been implemented as a military-style operation, with high levels of secrecy and excessive control of information. Even if the government views itself as having no obligations to people who arrive on our shores by boat, there is no doubt that they have obligations to the Australian people.

Asylum seekers on boats have been framed as a security and border control issue since Howard's time, and our political leaders' responses have been increasingly martial in tone. In a doorstep interview in June 2014 Immigration Minister Morrison used the word "threat" twice in reference to asylum seekers, and stated that under Operation Sovereign Borders "we are always ready to deal with any possible threat that presents on our borders... Our people are always at the ready"⁴⁴. The language casts asylum seekers as a threat and the appropriate response as a military style operation. The Australian Defence Force Association has raised concerns that Operation Sovereign Borders may "militarise" what is essentially a civil function, and involve the Defence Force in a political controversy⁴⁵. We have been encouraged to think of asylum seekers as threatening our way of life, but it is policies such as these that threaten to undermine our democracy. Using the Navy in this way risks politicising the Defence Force. Why is it a military operation? Where is the enemy? One might ask why it is that operations to deal with asylum seekers are a naval exercise at all, rather than a Coastguard matter. But this would make it harder to connect the issue to national security.

Framing asylum seekers on boats as a threat to our national security has provided cover for unusually high levels of secrecy in this particular policy area. The government does not comment on "on water" matters, and has not allowed the UNHCR or any other agency or NGO to visit the detention centres on Nauru or PNG. For-profit corporations are receiving large sums of taxpayer funds to manage a policy that has very little scrutiny.

The Government has claimed that secrecy is required for Operation Sovereign Borders, indeed that its very success depends on it. This seems curious given that it includes a public relations campaign intended to stop people getting on boats, the "No Way, you will not make Australia home" campaign, similar to Gillard's 2012 "No Advantage" campaign. Turning boats around in secret seems to work against the promotion of a visible deterrent. But this seemingly contradictory stance illustrates the Government's desire to control how this message is framed and delivered to the Australian people.

MYTHBUSTING BOX 4:

Asylum seekers should just join the queue

We often hear the claim that people seeking asylum by boat are "queue jumpers", trying to get around Australia's immigration laws through the "back door". However, this is a misunderstanding of how the system works.

Firstly, there are some countries where you cannot apply for asylum, or where there is no Australian mission, so there is no queue to join.

In addition, the idea that asylum seekers should form an orderly queue is not something taken from the Refugee Convention but is drawn from Australia's longstanding view that refugees should follow a neat and proper procedure, and wait until they are selected as acceptable to come to Australia. This notion is contrary to the very messy and chaotic act of fleeing persecution.

The Refugee Council of Australia has estimated that it would take close to 117 years for all of the world's refugees to be resettled at the current rate. At what point do we admit that for the majority of the world's refugees there is simply no queue to join?

⁴⁴ <http://www.minister.immi.gov.au/media/sm/2014/sm215867.htm>

⁴⁵ <http://ada.asn.au/commentary/formal-comment/2013/coalitions-new-plan-to-combat-people-smuggling.html>

In this policy area, perhaps more than any other, language has been proactively employed to bolster and legitimate governments' positions. The most obvious example of this is the constant use of the word "illegal" to describe asylum seekers, despite the fact that it is not illegal to seek asylum. This is the purposeful use of a word to make an argument in itself. This language has been used by all leaders in the last decade, but has been particularly intensified by the Abbott Government. Under Howard, maritime arrivals were called UBI's (unauthorised boat arrivals). Under Rudd and Gillard the term became IMA, which stood for Irregular Maritime Arrival. This is the term used in the glossary in the Expert Panel Report, and was used by the Department of Immigration under Rudd and Gillard. Under the Abbott Government, the "I" in IMA morphed into "Illegal". When giving evidence to a Senate Committee in November 2013, a representative from the Department of Immigration stated that the Minister gave a directive for this terminology to be changed⁴⁶. This shift is intentional and perhaps betrays an underlying anxiety to justify increasingly harsh actions and high levels of secrecy.

Research done by Amnesty International shows that the more people think asylum seekers have committed a crime, the more likely they are to think they deserve to be locked up⁴⁷. It is obvious why governments are keen to constantly repeat the word "illegal". Regardless of whether it is appropriate or correct terminology, it continually connects the idea of seeking asylum by boat with an illegal act. Framing it in these terms gives the government justification for pursuing tough policies. When you combine a licence for acting tough with the cover of a military operation and the lack of scrutiny for the violation of rights of non-citizens on far-away islands, it becomes obvious why this issue has become a favourite for some politicians.

But it is a dangerous combination. The damage to the political and social fabric of our country brought about by the secrecy and fanatical desire to control the message around asylum seekers becomes obvious when we consider that it has facilitated some of the most shameful episodes in our recent history. It has given us the 2001 "Children Overboard" incident, seen Australian SAS troops board a Norwegian freighter, put children in detention, seen Australia excise thousands of islands from our migration zone, damaged our international reputation and strained diplomatic relations with our nearest neighbours. When we look at the overall costs of these policies – the human costs, the financial costs, the debasement of our fundamental democratic principles – it is hard to see how it can be justified simply to keep out a few thousand asylum seekers.

⁴⁶ McAdam, 2014, p 52.

⁴⁷ Interview with Graham Thom, Amnesty International Refugee Coordinator,

What is the way forward?

People fleeing persecution, war and torture need to have genuine pathways for protection. It is important that the right to seek asylum is upheld, and Australia is obligated under both the Convention and its own laws to provide protection. The most durable and long-term answer to this is to move beyond the idea of unilateral deterrence, where one country pushes away the unwanted people to be someone else's problem. This is the foundation of Australia's current policy, but is based on short-term political advantage rather than the search for a truly durable solution.

Towards a Regional Cooperative Framework

A multilateral long-term regional framework for dealing with people movements is considered the best answer by many, including The Expert Panel on Asylum Seekers, and human rights organisations like Amnesty International and Human Rights Watch. There have been some steps towards such a system, but there is a lack of an overall consistent commitment to the idea.

The Bali Process was first established in 2002 to facilitate information sharing on issues of people smuggling, trafficking, and transnational crime. Howard established it in 2002 at the height of boat arrivals, but let it fade when arrivals receded. Immigration Minister under Rudd, Chris Evans reinvigorated it when he came to office, until the boats started arriving in significant numbers. Under Gillard, a Regional Cooperative Framework was endorsed by the Bali Process in March 2011. It is based on the concept of cooperation between countries to respond to people movements in the region.

These efforts have been sporadic and lacking commitment to the process as a real vision for the future. Greg Sheridan has described the Bali Process as "a synonym for glacial inactivity, but without the average glacier's sense of urgency"⁴⁸. What is needed is a consistent and bipartisan commitment.

⁴⁸ Sheridan, G.

The practical development of a regional framework presents some difficulties and is in its very early stages. But for Australia, we can make a start to shift our national approach and public conversation on this from a focus on domestic policy to one where we see ourselves as part of a much larger framework. Such a framework will take time, but is the only long-term solution that can provide better protection for asylum seekers, greater cooperation over people smuggling and give greater confidence to asylum seekers that asylum arrangements are effective, to discourage them from getting on boats. Such a plan would be a move away from the ad hoc approach to people movements we have now, and would give governments the capacity to better prepare for and proactively manage humanitarian crises and region-wide people movements, giving them more overall control long-term.

Moreover, the development of such a system would give Australia an opportunity for leadership on this issue. Such a framework could be developed to represent regional best practice and encourage other regions to follow in this approach. Currently, most countries deal with refugees and asylum seekers in the same ad hoc responsive manner that Australia does: each is forced to act after a conflict and the ensuing flow of people. Given that global conflict is not dissipating, and the UNHCR predicts that the number of displaced persons is set to rise, this will become increasingly untenable. Working towards an active framework that understands and prepares for massive flows of people will ensure the burden is shared globally and regionally, and will also increase confidence in the system for asylum seekers, making them less likely to attempt dangerous boat journeys.

Leadership and the Case for Change

If the way forward is obvious, why is Australia so stuck on this issue? No one is denying that a cooperative regional framework will be difficult and time-consuming to implement, but the reluctance of our political leaders to make a commitment to this solution speaks to a bigger problem. The problem isn't finding an answer; the problem is finding the leaders willing to look past short-term political gains.

Leadership is a difficult and sometimes awkward subject in democracy. Finding the balance between showing real leadership on an issue and the need to be responsive to the people is a challenge. But too often, thoughtful consideration of where this balance might lie, and how it might change according to the issue, is cast aside, leaving us with leaders who exemplify Jim Hacker's view of leadership, "I am their leader, I must follow them".

For too long, the consensus on this issue by both major political parties, and the race-to-the-bottom attitude, has brought about a failure of democratic leadership in this country. People seeking asylum on boats have become a platform for populist politics and scapegoats for people's fears over terrorism, border control, multiculturalism and population growth. The convenience of using this issue as a means to wedge a political opponent has given our political leaders an unwillingness to engage with the Australian people on this issue in an open and honest way, and brought us to the position where this issue now runs like a poison through our body politic.

Leadership is about defining an issue and marshaling persuasive arguments in its favour. Howard defined asylum seekers after Tampa in 2001 as illegal queue jumpers who presented a threat to our border. His case was so persuasive that we have been arguing on those terms ever since. But this is like trying to win an argument on someone else's terms.

It's time for a new conversation on asylum seekers, for new leaders to emerge to redefine this issue for the broader Australian community. The case for change will only be persuasive if it's made in a way that connects with people. For many years, arguments about our obligations under the Refugee Convention have been put forward, but these have failed to resonate with the broader public. We need to turn this argument on its head and put forward the most persuasive argument for change there is: self-interest. Our government has obligations to us as citizens. Our political leaders have a duty to implement policies that are not just short-term political fixes. We need to trust that the solutions that are implemented are effective, both in terms of results and cost. As we have shown, our policy responses on this issue have been a series of explicitly political "band aid" solutions that leave long-term problems.

In the absence of political leadership we need to look to the broader community. We need leaders across our community – from business, academia, sport, science, the media, churches, unions – to take a stand on this issue. It has been mired in wedge politics for so long that we appear to be unaware that there are sustainable, effective solutions beyond the ad hoc and dangerous solution of towing back boats. It's time for new leaders to emerge and say, It's bad policy and it's not good enough.

The self-interest argument extends to our broader political community. It is important for the functioning of our democracy that our collective fixation on boat arrivals is moderated. There are larger implications for social cohesion and the health of our polity if we fail to get past this point. The rise of right-wing groups in the UK and Europe, fueled by fear of being swamped by foreigners, is a potential dark future for Australia if we fail to have an honest and intelligent conversation about this issue and what we want our future to be. While we are distracted focusing on "the other", we need to be aware of what is happening with our own political community. The Mapping Social Cohesion report for 2014 shows that Australia remains a highly cohesive society by international standards, but also shows that the greatest change since the start of this mapping in 2007, is in the area of acceptance and rejection, which has fallen by 30 index points this year.

There are other indicators that should give us pause for thought. Earlier this year, an ANU poll found that Australians' faith in institutions has increased in the last decade, but not for parliament. Parliament has the lowest result for institutions people have a "great deal" of confidence in. It's interesting to note that faith in institutions overall has increased in the last decade, showing we are still looking to institutions for leadership, just not to our politicians.

A Lowy Poll from this year also showed similar misgivings about Australians' attitudes towards democracy. The results don't show apathy, but that our faith in democracy is shaken. The tendency for political leaders to use real issues, like asylum seekers, to wedge opponents and sidetrack the agenda from real challenges, might be fuelling this loss of faith. It shows democracy as a cynical exercise for gaining power at any cost, rather than as a set of institutions we can trust to implement policies that are in the best interest of us all.

Leaders in our community need to come forward and make the case for change in language that connects with the whole of Australia. We cannot continue to allow our politicians to use this issue to manipulate people for electoral gain or as a diversion from the bigger challenges facing our country. To paraphrase Howard, we will decide the kind of democracy we want to be and the issues we will prioritise.

Conclusion

All governments have obligations to provide basic human rights. When states cease to do this, and people find themselves at risk of persecution, torture or death, the international community steps in and offers protection. This is the very foundation of the Refugee Convention.

For the last three decades, and increasingly in recent years, Australia's asylum policies have been unilateral ad hoc responses to individual groups of people trying to get here, rather than a long term durable response to global flows of people moved by conflicts we ourselves are involved in. This is because the issue of asylum seekers on boats has become the go-to issue for politicians to build a platform for tough leadership. This is not unique to one side of politics, nor has it sprung up spontaneously. It has a clear history in our concern over border security, fear of being swamped, and a firm belief that we have the right to decide who is and isn't Australian, traits that were once enshrined in the White Australia Policy.

No one would sensibly argue for open-borders. A country has a right to protect its borders and institute an effective and sensible immigration policy suited to the needs of the country. Australia's story of immigration and multiculturalism is one of success: it is the very foundation of modern Australia. Given this history, an hysterical focus on boats off our borders is an incongruity. Further, a readiness to spend billions to lock these people up when we are facing swingeing cuts to social programs seems inexplicable. It is a situation that has arisen from the persistent use of the issue for political purposes.

Our political leaders have had an unwillingness to engage in a conversation on a durable or long-term policy response to this issue because it is too valuable to keep as a political football. We need to call them out for this, and put an end to it. We also need to say that a policy response that is ineffective, costly and problematic long-term is not good enough.

This is not just a conversation about asylum seekers, it's a conversation about us. We need to have a better vision about what we want our role to be in global conflicts and our consequent obligations to the people who flow from them.

We have a view of asylum seekers at worse as illegals who are trying it on, and at best, as people who should form an orderly queue. Fleeing persecution is a messy, chaotic and dangerous business. Designing a policy response to this that envisages a neat queue and a well-ordered process is unhelpful. It blames people for the circumstances in which they find themselves.

If, as seems likely, harsh asylum policies don't really change behavior, but merely push asylum seekers offshore to be someone else's problem, then we have to admit that these policies are for domestic consumption. This is unfair to the Australian people, because we are spending over \$1 billion a year on something that doesn't work. What's more, it fuels animosity towards asylum seekers, who are viewed as breaking the laws that we put in place to make seeking asylum harder.

This is an essential first step in moving towards a regional solution. So far our attempts to work beyond our own borders on this issue have consisted only of a series of rather lukewarm bilateral arrangements that appear to focus more on shifting our responsibilities onto others. Instead, we need to make moves towards a genuine regional framework, and build the social and diplomatic capital that will facilitate this. This would allow Australia and the region to improve reception and processing of asylum seekers. If Australia took this issue out of the cut and thrust of electoral politics and developed a more long-term view, a regional solution would be a possibility. Rather than being an international pariah on this issue, Australia could lead the way in developing a multilateral regional system that provides a real path for asylum seekers and gives them confidence in the system. This would go a long way to giving asylum seekers a real path to protection, and more effectively "stop the boats".

References

Andrew and Renata Kaldor Centre of International Refugee Law, 2014, "Fact Sheet: Temporary Protection Visas", 6 February, Kaldor Centre, accessed via http://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/temporary_humanitarian_concern_visas_25.07.14.pdf

Arup, Tom, "Increase in boat people predicted", *The Age*, April 10, accessed via <http://www.theage.com.au/national/increase-in-boat-people-predicted-20090409-a25d.html#ixzz3lpeRQvyH>

Betts, Katharine, 2001, "Boat People and Public Opinion in Australia", *People and Place* 9 (4), accessed via <http://researchbank.swinburne.edu.au/vital/access/services/Download/swin:1774/SOURCE1>

Department of Immigration and Border Control, 2014, "Historical Migration Statistics", July, Australian Government, accessed via www.immi.gov.au/media/statistics/pdf/historical-migration-stats.xls

Department of Immigration and Border Control, "Australia's Humanitarian Programme 2012-2013", Australian Government, accessed via <http://www.immi.gov.au/media/publications/statistics/immigration-update/humanitarian-statistics-2013-14.pdf>

Dodson, Lousie and Kerr, Joseph, 2005, "We've failed detainees - PM caves in", *The Sydney Morning Herald*, 18 June, accessed via <http://www.smh.com.au/news/National/Weve-failed-detainees--PM-caves-in/2005/06/17/1118869098856.html>

Expert Panel on Asylum Seekers, 2012, "Report on the Expert Panel on Asylum Seekers", Australian Government, accessed via http://expertpanelonasylumseekers.dpmc.gov.au/sites/default/files/report/expert_panel_on_asylum_seekers_full_report.pdf

Garnier, Adele and Cox, Lloyd, 2012, "Twenty Years of Mandatory Detention: The Anatomy of a Failed Policy", 24-26 September, Australia Political Studies Association Conference, accessed via http://www.auspsa.org.au/sites/default/files/twenty_years_of_mandatory_detention_adele_garnier_and_lloyd_cox.pdf

Gillard, Julia, 2014, *My Story*, Random House, North Sydney.

Hewson, Hal, 2012, Malcolm, "Fraser's refugee policy: no model for today", *Solidarity*, Accessed via: <http://www.solidarity.net.au/refugees/malcolm-frasers-refugee-policy-no-model-for-today/>

Howard, John, 2001, "Transcript of the Prime Minister, The Hon. John Howard", Press Conference, Parliament House, October, accessed via <http://pmtranscripts.dpmc.gov.au/browse.php?did=12065>

Harvey, Claire, "WikiLeaks sinks Labor boats policy", *The Daily Telegraph*, September 4, accessed via

<http://www.dailytelegraph.com.au/news/opinion/wikileaks-sinks-boats-policy/story-e6frez0-1226128830506>

"Julia Gillard's speech to the Lowy Institute on Labor's new asylum-seeker policy for Australia", 2010. *The Australian*, July 6, accessed via <http://www.theaustralian.com.au/archive/politics/julia-gillards-speech-to-the-lowy-institute-on-labors-new-asylum-seeker-policy-for-australia/story-e6frgczf-1225888445622>

Karvelas, Patricia, 2010, "Kevin Rudd changes tack on boats", *The Australian*, 2 June, accessed via <http://www.theaustralian.com.au/archive/politics/rudd-changes-tack-on-boats/story-e6frgczf-1225874225671>

Keane, Bernard, 2014, "Essential: approval rises for asylum seeker policy", *Crikey*, 8 July, accessed via <http://www.crikey.com.au/2014/07/08/essential-approval-rises-for-asylum-seeker-policy/>

Manne, Robert, 2010, "Asylum Seekers", *The Monthly*, September, accessed via <http://www.themonthly.com.au/nation-reviewed-robert-manne-comment-asylum-seekers-2706>

Markus, Andrew, 2014, "Mapping Social Cohesion", Scanlon Foundation, accessed via <http://scanlonfoundation.org.au/wp-content/uploads/2014/07/mapping-social-cohesion-national-report-2013.pdf>

Marr, David and Wilkinson, 2003, Marian, *Dark Victory*, Crows Nest, NSW Allen and Unwin

McAdam, Jane, 2014, *Why Seeking Asylum is Legal and Australia's Policies are Not*, Sydney, UNSW Press.

McAdam, J, 2013, "TPVs: Ineffective, Wasteful, Cruel", *Sydney Morning Herald*, 5 December, accessed via <http://www.smh.com.au/comment/tpvs-ineffective-wasteful-cruel-20131204-2yqxs.html>

Menadue, John, 2012, "The Pacific Solution didn't work before and it won't work now, 14 March, *The Drum*, "http://www.abc.net.au/news/2012-03-14/menadue-the-pacific-solution-didn27t-work-before-and-it-won27/3886792

National Commission of Audit, 2014, Australian Government, accessed via, <http://www.ncoa.gov.au/report/appendix-vol-2/10-14-illegal-maritime-arrival-costs.html>

Neumann, Klaus, 2013, "The resettlement of refugees in Australia: a bibliography (4th rev. ed.)", accessed via <http://apo.org.au/files/Resource/resettlement%20bibliography%203%20April%202013.pdf>

O'Brien, Brynn, 2011, "Australia's founding father of indefinite mandatory detention", 11 November, *The Drum*, accessed via <http://www.abc.net.au/news/2011-11-11/obrien-the-founding-father-of-australias-indefinite-mandat/3658804>

Rankin, Jennifer, 2014, "Serco shares crash after latest profits warning", *The Guardian*, 10 November, accessed via <http://www.theguardian.com/business/2014/nov/10/serco-profits-warning-shares-crash>

Refugee Council of Australia, 2014, "History of Australia's refugee program", [refugeecouncil.org.au](http://www.refugeecouncil.org.au/f/rhp-hist.php), accessed via <http://www.refugeecouncil.org.au/f/rhp-hist.php>

Refugee Council of Australia, 2014, "Boat People", [refugeecouncil.org.au](http://www.refugeecouncil.org.au/f/as-boat.php), accessed via <http://www.refugeecouncil.org.au/f/as-boat.php>

Richards, Eric, 2008, *Destination Australia: Migration to Australia Since 1901*, UNSW Press, Sydney.

Rudd, Kevin, 2006, "Faith in Politics", *The Monthly*, October, accessed via <http://www.themonthly.com.au/monthly-essays-kevin-rudd-faith-politics--300>

Sampson, R, 2012, "Submission to Expert Panel on Asylum Seekers", accessed via <http://expertpanelonasylumseekers.dpmc.gov.au/sites/default/files/public-submissions/SampsonR.pdf>

Sheridan, Greg, 2013, "Abbott in Indonesia: the adventure begins", *The Australian*, 3 October, accessed via <http://www.theaustralian.com.au/opinion/columnists/abbott-in-indonesia-the-adventure-begins/story-e6frg76f-1226731820800>

Smit, Jack H, 2010, "Malcolm Fraser's response to commercial refugee voyages", *Journal of International Relations* 8 (2), accessed via <http://ro.ecu.edu.au/cgi/viewcontent.cgi?article=7219&context=ecuworks>

Toohy, Paul, 2014, "That Sinking Feeling: Asylum Seekers and the Search for the Indonesian Solution", *Quarterly Essay* 53, October.

United Nations High Commissioner for Refugees (UNHCR), 2001, "UNHCR Statistical Yearbook 2001", United Nations, accessed via <http://www.unhcr.org/4a02e3406.html>

United Nations High Commissioner for Refugees (UNHCR), 2013, "UNHCR Global Trends 2013", United Nations, accessed via <http://www.unhcr.org/5399a14f9.html>

Viviani, Nancy, 1984, *The Long Journey: Vietnamese Migration and Settlement in Australia*, Carlton, Vic: Melbourne University Press.

"Where Angels Fear", 2010, *The Age*, 6 July, accessed via <http://www.theage.com.au/national/where-angels-fear-20100706-zxrq.html#ixzz3Go6QN5dX>

Whyte, Sarah, 2014, "Offshore detention centres: annual costs hit \$1 billion", <http://www.smh.com.au/federal-politics/political-news/offshore-detention-centres-annual-costs-hit-1-billion-20141020-118s6i.html>

DID YOU KNOW?

Boat arrivals in Australia since 1975:

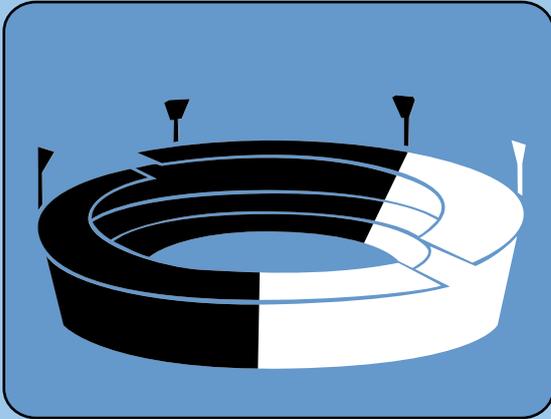
 **61,000**

This would fill the MCG by 2/3

Population growth in Australia since 1975:

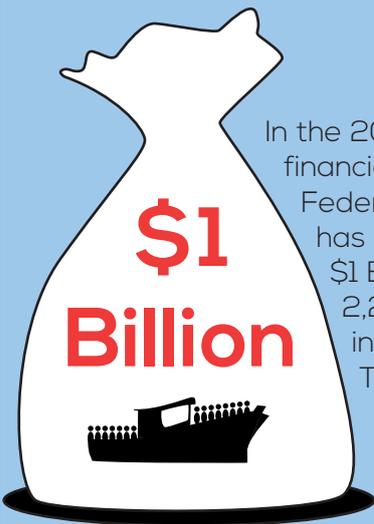
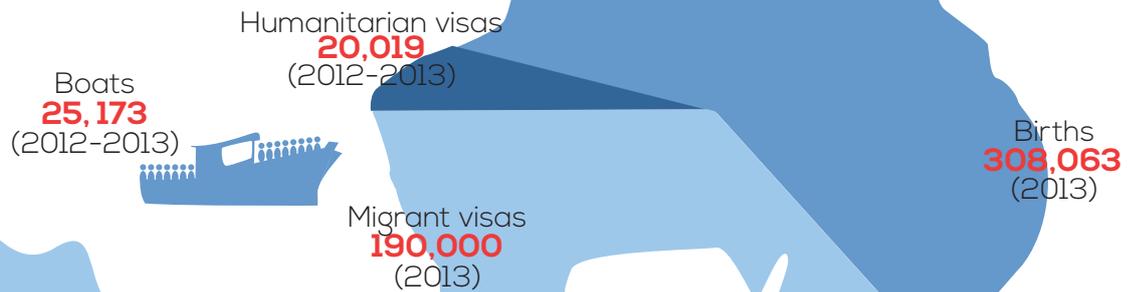
 **10,000,000**

This would fill 100 MCGs

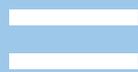


HOW DO WE GROW?

Population increase in 2012-2013



In the 2013-2014 financial year, the Federal government has spent more than \$1 Billion to house 2,200 asylum seekers in PNG and Nauru. This equates to:



WHAT ELSE COULD WE BUY?

1,250



Sydney Houses
(median price \$811,000)

OR

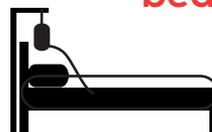
63,620



Children Educated
in NSW Primary Schools

OR

50 x 100 beds



Treatment Centres
for combatting Ebola

OR

No cuts



to the ABC and CSIRO



percapita

IDEAS FOR A FAIR AUSTRALIA