

European leaders taking cues from Australia on asylum seeker policies

Written by Andrew Jakubowicz, Professor of Sociology, University of Technology Sydney

Across Europe [anti immigration political leaders](#) are [turning to Australia](#) for inspiration on how to reduce the number of people seeking asylum in their countries.

Australia's asylum seeker policies have [attracted condemnation](#) from [human rights organisations](#) and [many countries around the world](#)

. But in speeches given at US President Barack Obama's [Leaders' Summit on Refugees](#) and the

[United Nations \(UN\) General Assembly](#)

in September, Prime Minister Malcolm Turnbull urged his fellow leaders to adopt Australia's strict border protection policies.

In some quarters, the Australian perspective is taking hold.

In September, British Foreign Secretary Boris Johnson echoed the "[stop the boats](#)" mantra adopted over the years by Australian Prime Ministers

[John Howard](#)

,
[Kevin Rudd](#)

,
[Julia Gillard](#)

,
[Tony Abbott](#)

, and now

[Turnbull](#)

. Days later, in her speech to the UN General Assembly, British Prime Minister Theresa May spoke of the need for countries to [exercise control over their borders](#)

The European Union's (EU) [deal with Turkey](#) to send asylum seekers back in exchange for aid parallels Australia's "[Pacific Solution](#)", in which Australian governments outsource their processing of asylum seekers to third party countries.

Spain has developed a system of “[border externalisation](#)” similar to the Pacific Solution. Under the Spanish plan, Moroccan authorities in particular intervene to stop asylum seekers from setting sail, or from [climbing the wall](#) into the Spanish enclaves of [Melilla and Ceuta](#). Sometimes they use [violent force](#) to achieve this.

Seville-based analyst [Rafael Rodriguez Prieto](#) has described this as the “[Cerberus](#) response”. This is a reference to the mythical three-headed dogs of Hades guarding the gateways to Hell, or in this case blocking the pathways at either end of Europe.

In the face of international condemnation, how does a country justify a hard-line stance on accepting asylum seekers?

The moral architecture behind Australia’s position is based on a number of ideas, from theories about human motivation drawn from behavioural economics to the concept of national self determination.

The right to sovereignty

Australia is a [nation state](#) emerging from the resolution of European wars in the 17th century under the [Westphalia Treaty](#). Its legitimacy is based on claims that date back to the invasion of Aboriginal country by the British Crown in the 18th century, legislation enacted by the British parliament in the 19th century and the inheritance of that power by the Commonwealth in the 20th century.

Nation states are designed to define and protect particular ethno-religious polities against challenges brought by competing groups. Therefore, people entering the country who have not been sanctified by the state - “unauthorised arrivals” - can be resisted using *force majeure*.

In order to defend the legitimacy of the state, it is imagined permissible or even necessary to prevent the unauthorised arrival of those who might seek to claim refuge. In Australia’s moral

architecture, this trumps any moral claims made by asylum seekers.

The greater good

In order to justify this action, it is necessary to claim that not only is there the national imperative, but an even greater moral good.

The first argument is the prevention of further [deaths at sea](#) as asylum seekers take to boats in an attempt to reach safer shores. The second is the refugee “pay-off”: that authorised refugees ([preferably not Sunni Muslims](#)) can be taken in [increasing numbers](#)

.

Without “unauthorised” asylum seekers “jumping” the (non-existent) queue, there will be wider public support for authorised refugees. The Australian population will feel better about itself, and its reputation as having “ [one of the most successful](#) ” [multicultural societies](#) in the world will be enhanced.

These arguments justify [paying people smugglers](#) significant sums to turn their boats around. They permit the paying of significant sums to adjacent states to hold the “illegals”, process their applications and “settle” them.

And they make it possible to ensure and accept that the conditions under which the asylum seekers are “protected” are [sufficiently onerous](#) , and the [likelihood of salvation so distant](#) , that asylum seekers will choose to return “home”.

Putting an end to people smuggling

The crucial element is the capacity to prevent a person seeking refuge from physically setting foot in the country.

Entering a country unauthorised is not in itself illegal - seeking refuge is an authorised action

under international agreements. But nation states can trump international agreements by [declaring the “attempt to arrive” as illegal](#), or deciding that the asylum seeker has no legitimate case for protection.

In Australia, the label of illegality does not result in criminal charges against the refugees, but [against the boat crews](#) who bring them. Together these elements are justified on the crude behavioural economics basis of removing the financial incentive for people smugglers.

Will Australia’s framework prevail?

The refugee crisis, generated in part by failed or failing states and likely to be exacerbated by [climate change](#), positions contemporary ideologies of transnational collaboration against the realities of ethnic and nationalist solidarity and self-interest.

It is the beneficiaries of the Westphalia agreement (the advanced nation states of Europe and their clones, such as Australia) who have been most challenged by the emergence of transnational structures of governance such as the UN and the EU, despite their formulation of and participation in them.

What next?

Australia’s contribution to the response of the Global North to the crises of the Global South has already been quite powerful.

Following the [Brexit](#) decision in the UK, rafts of public servants in agencies such as the Home Office and the Equal Opportunities Commission have been charged with extracting the country from its European human rights obligations.

The “Australian solution” has already found [influence](#), not only in the rhetoric of politicians such as the UK Independent Party’s Nigel Farage, but in the portfolio of responses being explored in the corridors of Whitehall.

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Johnson's [call for](#) an EU naval force deployed in the Mediterranean to turn back migrant boats after they leave Libya to stem the [vast numbers](#) of asylum seekers trying to get to Italy is one insight.

For as long as the [Libyan state remains in crisis](#) and unable to assert its sovereignty over its own waters, the British navy could take it upon itself to “stop the boats”. Or it could try to force its European counterparts to toughen up their border protection policies.

Either way, it sounds very Australian.

Andrew Jakubowicz receives funding from Australian Research council, the Human Rights Commission and Vichealth for research on cyber-racism.

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