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# From borderline to border area: Comparing European Union's and Australia's border management policy as an anti-immigration device post 9/11

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*Abstract* The post 11/09 utopian ideal of an end of all territory is being replaced by the wish to (re)build hard to enter fortresses or at least a well-regulated dam. The seemingly departed borders have gained renewed significance in the fight against illegal migration and terrorism in the wake of 09/11. Hence, the question of how an efficient border management policy can be implemented dominates the national, regional and international security agenda. Interestingly, there exist strong parallels in the development of this change in discourse in the EU and Australia. Analyzing their regional initiatives of immigration regulation and their cooperation on strategic security interests will shed light on how far they have become neighbours in mind. Both focus on a buffer zone concept and on a concept of different speeds in order to maintain border permeability and rigid border closure. Thus, investing in new surveillance and identification technologies and involving countries of origin and transit in their strategies are a crucial part of their security policy. Both continents manage their maritime border zones through repressive measures, such as the returning of 'boat people', which from a human rights perspective is highly controversial.

*Keywords* Migration policy, border management policy, externalization, strategic partnerships, regional security.

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## 1 Introduction

The post 11/09 dream of a world without borders and the utopian ideal of an end of all territory are being replaced by the wish to (re)build hard to enter fortresses or at least a well-regulated dam around castles. The seemingly disappeared borders have gained renewed significance in the fight against illegal migration and terrorism in the wake of 09/11. The obsolescence of borders has since been in an extensive speed reversed. Hence, the question of how an efficient border management policy can be implemented dominates the national, regional and international security agenda. Thus, the regulation of migration has become post 9/11 a key issue for security and regional policy incentives in the 21st century. (Papademetriou/Collett 2011; Hollifield et al. 2014)

Interestingly, there exist strong parallels in the development of this change in the discourse in the EU and Australia. Analyzing their regional initiatives and their development of immigration regulation and their cooperation on strategic security interests will shed light on how far they have become neighbours in mind. Both focus first on a concept of different speeds of immigration in order to maintain border permeability as well as a rigid border closure and second on the buffer zone concept. Thus, investing in new surveillance and identification technologies and involving countries of origin and transit of migrants in their strategies are a crucial part of their security policy. Both continents manage their maritime buffer zones through repressive measures, such as the returning of 'boat people', which is from a human rights perspective highly controversial and ambiguous.

In this paper, the EU's and Australia's border management policy as an anti-immigration device post 9/11 will be outlined and contrasted.

In a first step, the change in the understanding and perception of a border post 9/11 is outlined. Then, the different notions of borders in the EU and Australia are compared and explained, which leads to the description of the so-called new architecture of border management. In the second part, the extent to which Australia and the European Union have become 'neighbours in mind' in regards to their border and migration policies will be analyzed. The focus will hereby lie on their regional security strategies in cooperation with third countries. Australia and the EU follow similar and yet still different approaches.

In the last step, light will be shed on recent developments in the bilateral relationship between the EU and Australia to sketch their cooperation in the area of security and migration. The question of whether lessons were and are to be learned with and from each other's

experiences, in particular regard to the explanation of policy changes and the implementation of cooperative frameworks on security interests will be raised.

## 2 The Change of the Notion of Borders

### 2.1 The Notion of Borders post 9/11

With the fall of the Berlin Wall 11/09, the era of "a world without borders" (Ohmae 1990) was foreseen and prefaced by the Western world. This idea abruptly ended in the wake of 9/11 attacks. Indeed, in the aftermath of 9/11 arose a new border discourse that changed the notion of what constitutes a border worldwide. (Newman, 2006) However, it would be a misconception to believe that 'the idea of fortifying a border" is new since it has always been an encrusted and fundamental "constant in international relations" (Vallet 2016: 1). The reason behind this misconception lies in the fact that scholars persistently viewed walls and fences through the "territorial gap" (Agnew 1994). Only recently have walls, borders and fences been regarded not as single case studies of 'a' specific wall, but instead as a global phenomenon. The so-called 'migration crisis' in the European Union increased the triggering effect of the "security-seeking reflex" (Vallet 2016: 2) post-9/11, with Turkey, Bulgaria, Greece and Israel, only to name a few, planning to build or extent border walls. Since 2001, the purpose of walls and borders addresses the fight of two 'threats': migrants and terrorists. Over time, the 9/11 incident led to the "creation of a worldwide great wall of globalization" with a "quest for absolute impenetrability" that "leads to the establishment of systems of norms, visas, exclusions and deportation processes which, by fragmenting the territory, ultimately create protected sanctuaries" (ibid: 3). Both the European Union and Australia are part of this inner zone envisioning steering their nation safely through the "age of risk management" (ibid). Both continents try to use its border as a means to create a feeling of safety and belonging for the people within, thus 'inside' the fenced area. In this sense, the return of borders as a political anti-immigration device is symptomatic of the current state of international politics. And yet, using borders as a "panacea" (Pallister-Wilkins 2012) in regulating irregular migration is simply not efficient. Critics argue that instead of creating a safety zone, borders are shaping an area of isolation for the people in the inner circle of the border. The immigration challenge and its problems are simply being 'outsourced' to the people on the other side of the circle.

### 2.2 Australia's Understanding of Border(s)

In the case of Australia, the border has long been conceptualised physically and thus been equated with the 35,876 kilometres of coastline. (Coyne 2015a) Despite Australia's

geography as an island nation seemingly easing the border drawing, its border is nowadays understood as a "system of systems'" (Coyne 2015b: 10) with its own complexity. And still, most Australians struggle to conceptualise this complex notion of 'their' border. (ibid: 6) Nevertheless, the border can no longer be understood as a simple line along the coast, but rather as an "amorphous environment that's often elastic, virtual and indeed socially and psychologically constructed" (ibid: 7), projected on the physical and virtual level.

With the implementation of the 'Operation Sovereign Borders' along Australia's coastline as a reaction to the 'boat people crisis', the maritime border got "transformed into a space of security, akin to a frontier, that projects national sovereignty through the interdiction of boat arrivals in an absolute sense" (ibid: 7). Hence, the traditional border conception of a borderline is no longer valid and has been replaced by a multi-facetted border area.

**2.3 The European Union (EU)'s Understanding of Border(s)**
Securing the inside from the outside through the means of a common border is the ground of the common European security identity and mirrored in the establishment of an Area of Freedom, Security and Justice. The external border management policies follow this logic and are based on the principle of territoriality and its securitization. Thus, the EU has a clear "understanding of the border as territory and as dividing line clearly demarcating the inside from the outside" (Carrera 2007: 5). Art. 2 of the Schengen Borders Code (SBC) defines 'the border' according to European Community Law as follows: External borders are "'the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders" (Carrera 2007: 5). According to this definition, the outer external border of the EU is understood as a common border of all member states due to the SBC regulations. Thus, these external borders "are no longer 'free' but are now under a clear legal obligation to apply a harmonised set of European rules on border checks and border surveillance" (Carrera 2010: 9).

The European Union has since its creation established a highly dynamic border policy evolvement along the integration process. (Bertozzi 2008) In fact, "Europeanisation has brought profound changes in traditional understandings of border controls and classical readings of the interplay between sovereignty and frontiers in the Union" (Carrera 2010: 8). The harmonization of policies and the principle of solidarity with regards to borders was cemented through the EU acquis on external borders in the form of Integrated Border Management Strategy (IBM), Frontex (2005), the SBC (Community Code on the rules governing the movement of persons across the border, 2006) and the external borders fund (2007).

Since 9/11, the "overall legal and policy framework of the European external border system" has tremendously changed to the extent that even former skeptical members have now become ideological and in the case of Poland (in being headquarters of Frontex) even literal hosts of this development. (Carrera 2010: 9)

Even though the nature of borders in Europe has developed from a single border line to a broad "hugely disperse and complex web of non-physical lines" (Carrera 2007: 5) adding to the physical ones, the strengthening of the defence and limes function of the border is still the core concern when implementing new border management policies. Thus, the "traditional Weberian conceptualisation of borders as lines clearly defining the boundaries of the state and its sovereignty is no longer valid" (ibid). Instead, the European Union's common border regime and its policy on border security push "the development of non-tangible, technology-based and dispersed borders", promoting "a de-linking with territoriality" (ibid). But this strategy solely focuses on the inner borders. (Weber 1964; Guild 2003; Crowley 2003)

However, the EU relies also on a second discourse when it comes to the notion of borders. When dealing with issues related to the external border of the Schengen area, the EU

> bases its legitimacy and identity very strongly on the further reinvigoration of the idea of European borders as legal institutions and a territorial demarcation of Europe and what remains 'European', from the rest of 'the other world' (Carrera 2007: 5).

A uniting border narrative has been and is crucial for the success and further deepening of the integration of the European Union as it legitimises its overall existence. With the clear demarcation of its geographical location, the EU tries to establish a European identity, a feeling of belonging and citizenship based on the shared history and culture.

## 2.4 Australia's and the EU's Border Notions in Contrast
Australia in comparison is not dealing with this sort of complexity as its integration with neighbouring countries, such as New Zealand has not undergone the integrative extent to which the members of the EU have. (Castle/LeQuesne/Leslie 2015) However, the traditional Weberian concept is also not applicable to Australia's coastline. Both Australia and the European Union have undergone the change of the notion of a border from a borderline to border area.

What also unites their understanding of a border is their focus on protecting the maritime borders "used as the commonly constructed source from which the threat (i.e. irregular immigration) comes and against which all the security means need to be made operational, effective and proactive" (Carrera 2007: 6). In the case of the EU those of the Mediterranean Sea, the "Southern maritime borders" (ibid: 5), and in Australia, in particular, the northern and eastern shores. Both entities 'fight' irregular immigration through the means of a tough

border management. In its Communication paper on Policy Priorities in the Fight against Illegal Immigration of Third-Country Nationals of 2006, the European Commission states that "a comprehensive EU approach to combat illegal immigration" (COM 2006 402) comes with securing the borders and harmonizing the border management. Border management becomes hereby embedded as a major part in Europe's migration and security policy. The same linkage on an even harsher scale can be observed in Australia. In sum, both continents consider a border as an anti-immigration device, efficiently reducing "the sort of mobility negatively qualified as 'illegal'" (Carrera 2007: 6). The EU, as Australia, are and aim to be for this kind of mobility hard to enter fortresses. (c.f. Bigo/Guild 2005; Bigo/Guild 2003) Even though some scholars have at numerous occasions rightly pointed out the negative connotation of the terminology, such as 'fighting against illegal' immigration, as it arises suspicion and evoking criminality, the EU as well as Australia are still in full use of them. (Guild 2004; Carrera 2007; Carrera/Balzacq 2006) To put it in a nutshell, both the EU and Australia created over the last decades fortresses and externalised and widened their outer border area as both understand irregular immigration as representing a threat.

A difference concerning the notion of borders between the EU and Australia is the fact that the European border has been relocated various times in the last decades. This reshaping of what is in and what territory is outside the EU has led to the creation of an "imaginary community" (Sárez-Navaz 1997) that sets itself apart from the surrounding nations. Indeed, the EU has faced and is still dealing with a debate on its identity and community arising from the creation of 'Schengenland' and the waves of enlargement of the EU. While Australia has been united under the same flag in decades, the European Union is still reviewing the territorial, cultural and political identity in particular regard to today's various disintegration moments, such as Brexit.

The case studies of Europe and Australia show that regional integration and the consolidation of free movement areas altered the notion of what constitutes a border and the legal conceptions of belonging in terms of being inside or outside of a national or territorial State. With the delocalization of borders, attempting to combine the abolition of internal borders and the strengthening of external frontiers becomes one of the key security issues for modern Western States.

## 2.5 Towards a New Architecture of Border Management post 9/11

According to the dominant discourse in the Western liberal democracies, the notion of a border has undergone two drastic changes in the last decades. First, the Fall of the Berlin Wall heralded a systematic de-securitization and deregulation of borders. This development got

reversed in the wake of the 9/11 attacks through the securization and militarization of borders. (Coyne 2015b: 8) The focus has since then been on using physical and virtual layers of borders to prevent the arrival of 'threats', such as irregular immigration and terrorism from arriving at the home shelves. Since then, the terms 'counter-terrorism' and 'homeland defence' is worldwide en vogue as it "covers the whole range of government responsibilities for protection from threats as diverse as terrorism ...] and illegal immigration." (ASPI 2002: 17) Broadly, two reactions from Western nations can be observed: the militarization (focusing on securing) and the securization (focusing on regulating migration) approach. While the U.S. and Spain chose the first way, Australia and the EU have voted for the second path. (Coyne 2016)

In today's "age of risk" (Papademetriou 2011: 4), security has become the first priority of a state. To achieve this, border management and interior security policies are consolidated and intensified to dam irregular migration. National governments aim to protect through the means of border closure against all sorts of threats. At the same time, they introduce seemingly ambivalent and conflicting policies focusing on an increase in border permeability in order to facilitate flows of goods and people. This requires a two-lane migration policy and a review of the border architecture. (Hollifield et al. 2014) This means a shift from the physical border in the centre of attention to the virtual one possible through access to new technologies and cooperation with like-minded partners. (Papademetriou 2011) With this, the new phenomena of "'identity assurance'" arose. The "[d]ata collection and the expanded use of biometrics have resulted in a shift towards focusing on individual characteristics (rather than nationality) as a means of verifying identity and distinguishing between 'safe' and potentially 'problem' travellers." (ibid)

To sum up, since 9/11 the weaving of the border with the migration policy in combination with (inner and extern) security policy requires a new architecture of border management. Both areas are highly connected in the EU and Australia. The nexus between the policy on borders and on immigration is at the heart of the latest policy developments on both continents, labeled 'The Pacific Solution" in Australia and the 'Integrated Approach on Borders (IBM)' in the EU.

## 3 Neighbours in Mind - Towards a Similar External Border Management Policy?

### 3.1 Case Study EU-Australia: Comparing the Incomparable?

An increase in the escalation of wars, conflicts and persecution has compelled more people to seek refuge distant from their home since World War II. And at the same time, the era of

globalization and interconnectivity came with a rise in international mobility of goods and people. In response to these developments, countries and regions of destination have responded to this "age of migration" (Castles et al. 2013) with a two-tiered strategy, on the one hand working for facilitation of 'good' mobility and on the other for an impediment of 'bad' migration. The United States, Australia and the European Union share a similar strategically logic in the latter. For this, all three entities have introduced deterrence strategies and agreements with third countries (of origin and transit) in order to externalise the borders and thus, to shift the migration 'threat' further away. Being perceived as the anchors of stability, security and prosperity, they are preferential destinations for migrants fleeing wars, conflicts and persecution. (Cuttita 2016; Frelick et al. 2016; McAdam 2013; Hollifield et al. 2014)

But is a case study of the European Union and Australia valid? Regardless of their differences in geographical circumstances, history and volume of migration, both continents denominate similar immigration strategies, linking immigration with security and criminality and thus basing their policies on common ground. Both entities have mainly followed a restrictive deterrence and outsourcing approach in migration policy that aims to protect the Western 'El Dorado' from the 'threat' of irregular immigration. (Hokovský 2016; McAdam 2013; Larking 2017) The hardening of this strategy of "'policing at a distance'" (Locchi 2016) has occurred since 9/11 and widened in the wake of the Arab Spring Uprisings. It signifies a continuous process that is based on the externalisation and internationalisation of the physical and virtual borders. The overall objective of this strategy is the prevention of new arrivals of 'bad' migrants and the implementation of a selective programme admitting legal and temporary entrance for 'good' migrants. The high degree of politicalization of the migration phenomenon is mirrored in the public debates on the rise of extreme right-wing parties or on a 'healthy' upper limit' of migration for the receiving societies. (Frelick et al. 2016; Crépeau 2013; Spijkerboer 2013)

And still, only rarely, hesitantly and roughly sketched do contemporary migration scholars forge links - sometimes even reject seeing a similarity - between the strong increase of 'boat people' in Australia in 2010 with similar developments in the Mediterranean in 2015. (Collier 2014; Frelick et al. 2016; Larking 2017; McDougall 2016; Coen 2015; Little/Vaughan-Williams 2016); and even rarer to they evoke historical comparisons for instance with the Vietnamese flow of 'boat people' to Hong Kong in 1975. (The Economist online 2016) Astonishingly, it is widely regarded as comparing the incomparable referring to a difference

in geographical and governmental circumstances and a differing number of arriving migrants. (McDougall 2016)

However, a comparison is highly valuable and worthwhile as both face the same problem of an increase of migration for which they seek solutions. In fact, both continents follow a similar and yet different approach on how to face the 'threat' of migration through externalising migration controls and are more and more looking at retrieving from elsewhere or developing alternative policy approaches.

**3.2 Regionalization and Externalization of Borders to Combat Irregular Migration**

In this section, the European Union's and Australia's externalization strategies will be outlined. For this, their forms of regional engagement in irregular migration control and stemming will be canvassed. The focus will hereby lie on externalization policies pursued with the aim of "assisting third countries with migration control and management." (Frelick et al. 2016: 195) The number of examples of this strategy is endless, reaching from the prevention of would-be migrants from taking their journey to increasing legal barriers for departure. Often, developmental aid in form of logistical, financial and political support, is linked to the implementation of a harsher border management, which translates in a capacity building of a migration and detention system in countries of origin or of transit. (Hyndman/Mountz 2008; Haddad 2008; Frelick et al. 2016) Broadly, externalization can be framed as follows:

> Externalization of migration controls describes extraterritorial state actions to prevent migrants, including asylum seekers, from entering the legal jurisdictions or territories of destination countries or regions or making them legally inadmissible without individually considering the merits of their protection claims. [...] As migration policy has become an increasingly politicized issue, externalization is often deceptively framed as either or both a security imperative and a life-saving humanitarian endeavor rather than simply as a strategy of migration containment and control. (Frelick et al. 2016: 193)

The regional case studies of Europe and Australia highlight the fact that primarily nations and regions of destination pursue the goal of externalizing the borders and with it the 'threat' of migration. (Frelick et al. 2016: 199; Hollifield et al. 2014)

**3.2.1 Australia's 'Pacific Solution' and the 'Australian Border Force' (ABF)**

Australia has a long-standing history of investing in regional solutions to coordinate irregular migration that accelerated in speed and space since 2001. (Hugo et al. 2014; Larking 2017; Castles et al. 2014)

In 1976, the first 'boat people' were taken ashore at Australia's Northern coastline. The Vietnamese refugees escaping persecution in communist regimes were seeking safety that the Malcolm Fraser government granted. Australia being aware that if nothing was to be done, yet

another wave of refugees would take the risky resort of fleeing per boat to safe shores, set up a regional solution in form of a resettlement plan in cooperation with Jakarta. This allowed Australia to overall take in about 15.000 Vietnamese and Cambodians per year until 1983. (MacCullum 2002: 21; Wesley 2007: 194; Castles et al. 2014)

This approach has since 2001 been extensively widened. With the introduction of the regional 'Pacific solution" and the 'Bali process' the former resettlement plans were outdated and the migration-control externalization policy implemented. (Magner 2004)

*Pacific solution and the ABF (Australian Border Force) in 2015*

Australia and the Asia-Pacific region have a long history and tradition of maritime migration. This is due to their geographical outline which "is studded with islands and interlaced with customary sea routes" (Newland 2015: 2). With the rapid increase of migration flows reaching its shores, Australia kept increasingly "reviewing the nature and extent to its offshore investment in irregular migration controls since 2001" (Larking 2017: 86). The first incident revealing this policy change occurred in August 2001 when the navy refused to give permission to a Norwegian freighter to bring a vessel with irregular migrants onboard to Christmas Island, the next official place of safety according to the guidelines of the International Maritime Organization (IMO). Instead of dropping them off on the island, the crew was forced to hand them to an Australian military vessel. (Frelick et al. 2016: 204) With these actions, Australia got serious about its restrictive policies on migrants arriving by sea, labelled as 'boat people'. The 'Pacific solution' got introduced in the same year, abolished in 2008, only to be reinstated in 2012. In contrast to the 'Bali process', it includes bilateral cooperation schemes aiming to set up an "offshore detention, processing and resettlement regime" (Larking 2017: 86).

This solution involves the returning of 'boat people' and their transfer to either international waters or third countries without priory investigating on and considering their status. Cooperating countries include Nauru and Manus Island in PNG that held 1,637 people in detention camps funded by Australia between 2001 and 2008. In 2010, the Australian Government considered the reopening of the camps branding them this time as 'processing centres' and ended up signing an asylum seeker transfer agreement with Malaysia and a Memorandum of Understanding (MOU) with PNG. As a ruling of Australia's High Court ended the Australian government's plan to transfer irregular maritime asylum seekers to Malaysia in July 2011, the Australian government signed a MOU with Mauru, and a redacted one with PNG. (Frelick et al. 2016: 204; Larking 2017: 87) As the PNG's Supreme Court ruled in 2016 that the detention centres on Manus are unconstitutional, Australia negotiated a

MOU agreement with Cambodia and a 'one-off' agreement with the U.S. government under the Obama administration enabling refugees on Nauru and Manus Island to resettle. (ibid: 93) Under Prime Minister Tony Abbott in 2013 the government repeatedly highlighted that "no asylum seekers coming to Australia by boat would ever be settled in the country" (ibid: 87) In December 2014, the Parliament passed a legislation that separated the Refugee Convention from the Australian Migration Act of 1958. This implied that irregular migrants arriving by boat could get transferred to any "'offshore processing country'", which translates simply into the right of (re)turning the boats back into the opposite direction. This policy escalated in the introduction of the "military-led Operation Sovereign Borders" (ibid: 205) in 2015, coordinated through the Abbott and Turnbull governments'.

It was during the Abbott's time as Prime Minister that Australia resolutely commenced the securitisation of its maritime borders, starting with the amalgamation of the DIBP and the Australian Customs and Border Protection Service in one department. The formation of the Department of Immigration and Border Protection in 2013 was directly followed by the creation of its branch ABF (Australian Border Force) in 2015. In his National Security Statement in February 2015, the then Prime Minister Tony Abbott declared 'toughness' to be the new guideline for border security measures. (Coyne 2015b: 5f.; Coyne 2016; Frelick et al. 2016: 205f.)

To sum up, Australia is in the frame of the 'Pacific Solution' not only creating a buffer area around its shores through regional agreements but also implementing a 'rights free zone'. The continent follows all along a similar strategy to the U.S. with Guantánamo. In this undefined space, individuals lack the possibility to claim their rights (align asylum requests), including their right to protection. (Magner 2004: 58; Frelick et al. 2016: 204)

*The Bali Process*
The second component of Australia's externalization strategy targets a regional cooperation to cooperatively reduce flows of irregular migration and to fight human trafficking and can be summed up through the Bali Process commencing in 2002. Today, 45 countries participate in this agenda-framing forum and 17 countries and international organisations, such as the UNHCR and the International Organisation for Migration (IOM) are granted observer status. (Larking 2017: 86)

This strongly and carefully diplomatic lobbied process by first Australia and then joined by Indonesia as a co-chair managed to mobilise the support of Thailand and Indonesia and numerous other countries. With the agenda setting during the first 'Regional Ministerial Conference' in Bali in 2002 and its cultivation/strengthening in 2011 by a Regional

Cooperation Framework and in 2012 by the creation of a Regional Support Office in Bangkok, Australia efficiently reached its goal of multilateralising and regionalizing its externalization strategy in regards to irregular migration control. In fact, the process was initially solely an Australian initiative in terms of idea and finance. And still 15 years later, Australia is the financial anchor of this forum in order to effectively implemented its regional security vision "into regional best practice guidelines" (Wesley 2007: 199). (Larking 2017: 88)

On the broad regional scale, Australia has since 2001 widened and deepened its regional 'solution', in particular under the Abbott government. Regional 'arrangements' are practised with Indonesia, Sri Lanka, Malaysia, Nauru, Papua New Guinea (PNG). They include "sharing intelligence and information about the identities with migrants, cooperating on naval patrols and border security, launching media campaigns to dissuade migration" (Frelick et al. 2016: 205) Overall, Australia has since and is still investing "heavily throughout the Asia-Pacific Region in mechanisms to control irregular people movements" (ibid: 87).

*Résumé and Critique*
With its bilateral and regional engagement, Australia shaped the security environment in the Asia-Pacific region. Since 2001 a 'tougher' border management policy has not only been put into practice in Australia, but also in countries such as Indonesia, Thailand and Malaysia. Latter borders were traditionally characterized by its permeability and "minimal regulation" (Larking 2017: 86).

Under the Abbott administration, Australia's approach on immigration got transformed in "one of the harshest border policies in the world" basing on the three elements of "turning or towing back boats of asylum seekers at sea; forcing asylum seekers to live in detention centres across the Pacific in Nauru and Papua New Guinea; and guaranteeing they will never be resettled in Australia" (Farrell 2015). Australia has through its strategy gradually undermined its humanitarian responsibility to the Refugee Convention. The harshening of legal constraints and the roughening of physical constraints for asylum seekers to reach safety encompasses an externalization mechanism that is inconsistent with the rule of law and the principle of non-refoulement. (Magner 2004) Indeed, Australia has been and is still pushing towards a "strong norm convergence in the region around treating irregular people movements as a security and policing issue, with the result that refugee protection norms have been sidelined or ignored" (Larking 2017: 86). This contradicts with its membership to the Refugee Convention. (ibid: 95; Hofmann 2017) Currently, Australia is financing the construction of another detention centre on Nauru. Nauru is a valid case in point when it comes to contextualising Australia's

overall strategy towards less developed countries expressed with a decline in foreign aid spending to the lowest and a rise of security spending to the highest level on record. (Larking 2017: 86) Critics brand Australia therefore as "neo-colonial bully" and as a bad role model. The UNHCR Ra'ad Al Hussein claimed in 2015 that Australia "should not be considered a model by any country" (Larking 2017: 97) in regards to its choice for 'good partners for bad migrants'. Despite this clear and loud warning signal, the Pacific solution and its idea of impenetrability of borders mirrors the worldwide inclination to include irregular migration as a national security issue.

> Securization takes major public issues from the ordinary world of political debate and shifts them to a framework [where they are perceived as] fundamental threats to the continued existence of the very government and people themselves. (Heyman 2009: 44)

Heyman argues that securizing the field of migration translates into putting it "on a war footing" (Heyman 2009: 45) and leads to a dead end scenario. However, other Western nations such as Canada, the U.S. and the EU also base where possible their migration and border policy on chequebook diplomacy, funding the construction and maintenance of migration centres in other countries. (Nethery et al. 2013: 89; Larking 2017: 96) This perspective explains why the obtainability of information and details on governmental activities and on bilateral and regional agreements is difficult for the public and why it is embedded in an atmosphere of secrecy. (ibid: 93f.)

One year before the Abbott became head of the state, the then Prime Minister Julia Gillard formed an expert panel in response to the already beginning rise of irregal immigration. This panel recommended various political measures on how to secure Australia's borders reviewing current policies. It suggested the creation of regional hubs (such as in Malaysia) and to increase the humanitarian intake to create a legal and secure path to reach Australia. Also, means of deterrence were suggested in order to coordinate migration flows arriving on vessels. They included "reopening of the Manus Island and Nauru detention centres" and "the practice of turning back asylum-seeker boats" (Farrell 2015). The Labour government ended up implementing mostly deterrents, reopening the Manus Island and Nauru.

> The idea of a truly regional solution, with a real process for asylum seekers to enter Australia without making the hazardous journey, fell largely to pieces with an ill-fated deal with Malaysia to turn the country into a regional settlement hub. When Abbott"s government took power in September 2013 it pushed the tactics of deterrence even further. [...] The CEO of the Refugee Council of Australia, Paul Power, has described it as a policy that is 'actually all about forcing people back in the direction that they've come'. (Farrell 2015)

### 3.2.2 European Union's 'Safe Third Country'-Concept and 'Frontex'

A similar and yet slightly differing development occurs in the EU. A distinction between regional and bilateral agreements between the EU and third countries or regions will due to their strong interweavement not as extensively be drawn as in the section on Australia.

*Cooperation with third countries*

In 2003, the then Prime Minister of Great Britain Tony Blair proposed a new policy entitled 'A New Vision for Refugees'. This vision provisioned the establishment of 'Transit Processing Centres (TPCs)' in 'Regional Protection Areas (RPAs)' near refugee-producing countries. In these envisioned centres, irregular migrants should register for applying for a possible resettlement within the EU in the near future. (Noll 2015) Even though this vision has never even been considered a debate, it can nevertheless be found at the heart of the most recent agreements with key third countries to manage the 'migration crisis'. The EU-Turkey Action Plan in 2016 is a case in point. This idea has already resonated two years after its circulation when in 2005, the European Commission foresaw a comparable version entitled 'Regional Protection Programmes'. Critics claim that the creation of protected areas, the EU might in a next step use their "existence [...] as a pretext to declare the target countries 'safe third countries'" (Frelick et al. 2016: 206) and with this enable the return asylum seekers.

In the last decade, the EU engaged in putting its externalization scheme into practice by negotiating cooperation agreements with third countries. This includes the Ukraine, Turkey, Libya and Tunisia. (Frelick et al. 2016: 206f.) The agreements were since the Asylum Procedures Directive (APD) in 2005 based on the 'safe third country' concept. The direct reaction to the concept's codification in EU law of UNHCR is both valid for the EU and Australia:

> The implication is that access to territory and to an asylum procedure may be denied altogether to asylum seekers who may have protection needs. Such a denial could be at variance with international refugee law. (UNHCR 2012)

The political and social trigger of the 'refugee crisis' in 2015, "gave fresh impetus to the European Union's interest in externalization" (Frelick et al. 2016: 207). Not only did the EU burden the Western Balkan states and eventually Turkey with the dealing of the flow of arrivals, but ultimately also extended its burden and responsibility shifting to various African countries. While Australia found its 'Pacific solution', it seemed as if the EU found its 'African solution', basing its strategy on the externalisation of border control to its neighbouring countries. A "pan-European approach" was and is needed "to what is clearly a pan-European problem" (The Economist 2016).

Major steps towards an 'African, Balkan and Eurasian solution' include on the bilateral level the Italy-Libya agreement (2008), the Spain-Marocco agreement (2012) and the EU-Turkey readmission agreement (2014); on the regional level the Khartoum Process (November 2014), the EU-AU Summit at Valletta, Malta (November 2015) and the Italy-Africa meeting in Rome (Mai 2016). (The Economist 2016; Carrera 2007; ARCI 2016)

*EU's Integrated and Global Strategy on Borders and Migration.*
The EU and Australia follow a similar 'vessel strategy', that is, a plan for stemming the irregular flow of migrants arriving by boat. While Australia focuses on the surveillance and control of its Northern maritime border, the EU is both setting its focus on its external continental and maritime borders, in particular on the Southern Maritime Borders. (COM 2006 733) The EU follows a two-pronged approach: the stop-the-vessels-strategy and the stop-the-continental-walkway-strategy that establish in combination a continental and maritime buffer zone area around the European fort. To achieve this, the EU envisioned in alignment with its "security rationale" (Carrera 2007: 2) an integrated and a global approach to migration and border management: the 'Integrated Management System for External Borders' (IBM) in its second generation adaption was heralded with the establishing of new tools, such as the 'Coastal Patrol Network in the Mediterranean Sea' and the 'European Surveillance System for Borders' through new technologies. The second pattern entitled the 'Global Approach to Migration' clasp a global response strategy with the stated goal of a more efficient management of migration flows, coordinated through Frontex. (ibid: 6f.; COM 2006 733, 735) In the EU's version, these two policy strategies envision not only tackling the question on how to stop the people from arriving but also on how to make the people stay in their country of origin. . According to Carrera, however, this description is simply "a more 'fashionable' manner" (Carrera 2007: 7) to describe a policy which translates into "more security measures in the common Southern maritime external borders" (COM 2007 65). As published in the Annual Policy Strategy for 2008, the EU confirms its aim to enlarge its capacities on external border management. When aiming for "tackling migration" (ibid), the EU addresses not only illegal, but legal migration as such. (Carrera 2007: 8)


*Securing and militarizing the external border: European System of border guards (ESBG) and Frontex.*
The idea of creating a European system of border guards (ESBG) is far from new. Nevertheless, it took from its first circulation to its implementation the time span of 14 years.

It firstly appeared as a proposed measure to reduce insecurity concerns concerning the outer border protection raised from EU member states regarding the 2004 EU enlargement. This trigger momentum event fuelled through 9/11 lead to the formulation of the original initiative ESBG version. The 'Feasibility Study' group (consisting of French-Dutch-German-Spanish police representatives led by Italy), The Hague Programme of 2004 and the European pact on Immigration and Asylum of 2008 were yet other attempts to revive this initiative. It took until the latter's successor, the Stockholm Programme in 2009 to the ESBG's establishment as a long-term policy vision and another 7 years to its implementation under the name of Frontex. Similarly to Australia's creation of ABF in 2015, the EU only took concrete policy action in the face of the 'migration crisis'. Both continents dispose over an "(emergency-driven) and intergovernmental-led (coordination)" (Carrera 2010: 6) entity in the form of ABF or Frontex and also a wide regional cooperation network. (Mitsilegas 2007; Carrera 2010; Monar 2005; Monar 2006)

These regional agreements are not undertaken between equal partners. Applying the trade logic on the question of human mobility and human rights, the relationships between the EU and Australia (c.f. Indonesia) and these regions rests on monetization This sort of dependency relationship is highly controversial and displays a large variety of problems. With Kenya threatening to close Dadaab, the largest refugee camp worldwide, threatening to close, the positions on the negotiation table shift rapidly.

Externalization strategies are cemented pillars of both the EU's and Australia's migration policy, but good borders do not dissolve global challenges such as this one. It is clear that the dragging of borders and with this the 'threats' further away from the securized homeland shores is not providing a long-term solution. Nor is the cooperation of key countries with partners that are in consideration of human rights protection and in the lights of their alignment to the rule of law not valid candidates of choice. Alternative approaches of stemming irregular flows of migrants with partners standing on equal-terms are needed. The investigation for long-standing policy frameworks will preoccupy both academics and scholars in the decade to come. (Frelick et al. 2016: 209)

**3.3 'Same-same but different' problem and approaches: Lessons to be learned?**
The EU and Australia share the same concern in regards to irregular migration. Their reflections on and fears of the 'threat' and the 'others', made them decisively "turn the question from 'why are people fleeing?' to 'how can we stop the boats?'" (Farrell 2015). Both continents face the same problematic of an increase of migration flows and have adapted their border policy regulations over time in a similar way.

In Australia, the debate on migration began at a similar point to the current crisis facing Europe. When in 2015 bodies of asylum seekers on their way to Europe were washed upon the shores of the Mediterranean borderline, similar pictures taken along the shores of Christmas Island in 2010 and 2013 were evoked. (Farrell 2015) Even though the public and political debates on immigration are highly varying/altering from continent to continent, a comparison of their policy approaches facing a migration crisis is fruitful and even inevitable after the "clarion call to Europe" (Farrell 2015) from Australia's then prime minister Tony Abbott, stating that his harsh policy would be the only way to resolve the problem in the EU's Mediterranean sea, pushing the various differences "that make comparisons exceedingly difficult" (ebd.) to the back of his mind. However, this policy has indeed successfully stopped the boat-people from reaching Australia's shore, but at what humanitarian price and for what long-term costs. This strategy worsened the 'boat-people-problem' as such: with the closure of the Australian route, the refugees merely changed their route towards another destination - Europe. Thus, Abbott's assumed dispersal of the issue is illusionary and no lessons can and should be learned from these harsh policy initiatives, as "no single policy action in isolation can improve migration management sufficiently and investing too heavily in a single strategy may even imbalance the system further" (Papademetriou 2011: 1). But it seems as if the EU has taken on the same navigating coordinates as Australia.

With Australia and Europe becoming both impossible and/or hard to enter fortresses of safety, it has become difficult for asylum seekers to reach safe grounds. The question that hereby keeps coming back is: if Australia would have launched a less harsh response and would not have restrained itself to promote deterrence policies, but instead would have adapted the recommendations from the expert panel under then Prime Minister Julia Gillard in 2012, would the European migration crisis not have been as intense and out of hand? The question as such is valid since the people who tried to reach safety in Australia are part of the same group (Afghanistan, Iraq, Syria, Iran) that are now trying to reach the safe shores of the Mediterranean sea. (Farrell 2015)

The EU and Australia share the same eager to facilitate legal migration to strengthen its economy and accumulate intellectual and monetary wealth. Europe and Australia think in concepts of different speeds and different permeability when it comes to regular immigration regulation. Setting this filter, they both are rather "a 'dam' filtrating useful immigrants, rather than an inaccessible 'fortress.'" (Mezzadra, 2005: 11) Both continents securitise their borders for legal migration based on new technologies and establish a militarization and securization

of the border area to 'fight illegal migration'. This, if continued, will arouse a Kafkaesque future of border and migration policy. (Coyne 2016)

The lesson learned: a holistic and genuine 'integrated and global' approach to manage and to contain irregular immigration is urgently needed. (Collier 2013) This solution should include "diligent border enforcement, far greater (and more meaningful) coordination with key sending and transit countries, broader policy changes to address the mismatch between legal means to immigrate and local demand for labor, employer sanctions, returns and removals, and earned legalization programs" (Papademetriou 2011: 4).


**4 Conclusion**

Comparing the EU's and Australia's border management policy as an anti-immigration devise post 9/11 has revealed that both entities seek to find solutions on a regional level. Both stretched their traditional borderline physically and virtually to a border area in order to create a buffer zone functioning as a shield against all sorts of threats, including irregular migration and terrorism. According to Mary Anne-Kenny, associate professor of law at Murdoch University, both seek "regional solutions to a global issue" (Farrell 2015), albeit they are equated with regional security solutions. (Hall/Envall 2016). Solely the EU targets tackling the root causes of today's migration flows and aims to support resolving the principal grounds of exodus in the Middle East and in North and West Africa, while Australia is 'reinterpreting' its responsibility as a party to the Refugee Convention. (Farrell 2015; Papademetriou 2011: 3f.)

Australia and the EU have in common: the implementation of a two-speed-migration-concept that facilitates legal migration and prevents irregular migration; the securitization of border management through technology: the creation of a maritime (and in the case of the EU also a continental) buffer zone through the cooperation with third countries; a focus on maritime border surveillance, control and management. All these initiatives and policies base on the same framing of immigration as a part of security policy that is embedded in the regional context.

What distinguishes Australia from the EU is their difference in geography, immigration history and in the scale of migration flows. Despite this ease of taking one case apart from the other, the similarities in reaction to 'migration crisis' cannot go undermined. The convergence of policy approaches is retraceable in the expanding partnership in security and immigration issues between Australia and the European Union since 9/11. (Markovic 2009)

Even though both continents focus on taking the same logical route 'out of sight, out of mind' and the idea of 'Anywhere but here: externalization of the border', yet both know that only using the virtual and physical borders as shields will not solve the problem from a long-term perspective as it will only geographically relocate the phenomena. (Pallister-Wilkins 2012; Horndorff 2010) This is confirmed in and explains the persistent increase of informal and formal cooperation between the EU itself and Australia and also between member states of the EU and Australia. The reason for this systematic convergence is, I assume, the awareness that a learning from and with each other is urgently needed – even though as already shown earlier Australia's harsh and restrictive policy cannot be considered a best practice model and is not applicable to EU context. Nevertheless, as both continents need a broader policy framework on migration regulation at their outer border area, commonly searching for alternative solutions seems obvious. Australia and the EU need to situate the topic further and deeper than the current question of 'face or not to face the threat of migration' as suggested by former Australian Prime Minister Tony Abbott in 2015. (Ramzy 2015; Chan 2015; Quaggin 2016; McDougall 2016; Little/Vaughan-Williams 2016)

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