

# The Pacific Solution – A Catastrophe for the Pacific!?

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**Abstract** Climate change and related sea-level rise has caused fears that many people in the Pacific Islands might become homeless. However it is difficult to say who is more afraid: politicians of countries that are potential destinations of environmental refugees or affected people, who realize that it is not at all a pleasure to lose the home, and that it might be even a bigger nightmare to become a refugee. While in low-lying Pacific Island countries (PICs) debates and discourses about people's future flare up the fear of becoming homeless and refugees is worrying many. It seems that governments whose countries could become preferred destinations of *climate change refugees* are concerned how to keep them away from reaching safe harbors. In 2001 the Australian Government started its *Pacific Solution*, a policy that should prevent aliens arriving by boat in Australia to seek the status of refugees. The Australian Government has established detention centers on the Pacific Islands of Manus (PNG) and Nauru to process asylum seekers outside Australian territory. In 2013 a new element was added to the *Pacific Solution*: refugees arriving on boats will be processed and settled in PNG or Nauru (or countries other than Australia), if found to be genuine refugees. Others can be detained for unspecified time. Migrants' well-being is not only based on material conditions, but also reflects on emotional ones. The inhumane treatment of refugees increases angst amongst those who are threatened to lose their homes as a result of climate change and depend on support from other countries.

**Keywords** Pacific Islands, Climate Change, Refugees, Forced Migration, Australia

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## 1. Introduction

When the United Nations High Commission for Refugees (UNHCR) was established in 1951 there were some 1.5 million refugees internationally. By 1980 the number had increased to 8.2 million and 30 years later about 43 million people worldwide were displaced by conflicts and political, religious or ethnical persecution, including 15.2 million international refugees, 27.1 million Internally Displaced People (IDP) and close to 1 million people whose asylum

applications were pending (Phillips et al. [85]).

Many believe that climate change has the potential to cause even bigger flows of displaced people. Myers (1993) predicts 150 million environmental refugees if global warming continues. Christian Aid [16] forecasts even one billion refugees by 2050, of which 250 million people are „permanently displaced by climate-change-related phenomena such as floods, droughts, famines and hurricanes“. Black [8] and Gemenne [33] criticize these estimates as unserious and without scientific foundation (see also Kniveton et al. [57]). Such estimates help in constructing a threat to the developed world creating fear amongst ordinary people and politicians likewise (Pedersen et al. [83]).

There is little doubt that changes in environmental quality can make people leave their homes. The terminology “environmental refugees” however is rejected by many as most internationally accepted legal frameworks do not accept environmental reasons to grant refugee status. Although Burson [12] discusses “Pathways to Recognition” and also Bauer [5] reports of national legislations (e.g. in Sweden) that include refugee recognition for environmental refugees, it is rather unlikely that those who become homeless because of climate change will be given refugee status (Weber [107]).

The paper looks at the situation in Pacific Island countries (PICs), a part of the world whose population is amongst the most mobile on earth having considerable diaspora in metropolitan countries at the rim of the Pacific Ocean. Many therefore see Australia a likely destination of Pacific Islanders who need to start a new life as the result of climate change. Pacific Island migration history however is complex and contradictory. Especially migration relations with Australia have periods of intense, at times involuntary, recruitment of Pacific Islanders to work in colonial Australia changing with periods when Pacific Islanders were not allowed to settle in Australia and when many were forcefully repatriated.

With the arrival of Europeans in the Pacific Islands the free movement of people within Pacific Islands and beyond were restricted by colonial powers and subordinated to colonial interests. After most of the islands in the region had achieved independence migration and other forms of mobility continued to serve outside interests. Migrants who are conducive to economic interests of receiving countries, who can be easily integrate culturally and socially, who do not put pressures on anyway ailing social security systems

and who do not compete with citizens of these countries for scarce employment opportunities are welcome. Alone Australia and New Zealand annually have immigrants of this kind in the range of 300,000 people. Others, who are perceived as becoming burdens to their host countries, who do not have the skills and qualifications sought after, whose arrival might cause social, economic and cultural conflicts are not welcome. Governments try to keep them away, preventing that they even reach their countries.

President Tong of Kiribati, one of the Pacific Island countries severely threatened by the impacts of climate change, strongly declines the notion of creating a new category of climate change or environmental refugees under the Refugee Convention (Radio New Zealand International, Sept 3, 2014). To include people who have to leave their homes because of climate change into the Refugee Convention would put them on par with all those who right now await in Australian detention centers on Manus Island (PNG) and Nauru the outcome of their asylum applications. A situation would weaken the stand of both groups of migrants.

Small Island States are especially vulnerable to the effects of climate change, sea-level rise and extreme events (IPCC [52-54]). Their high vulnerability is intensified by low adaptation capacities and capabilities. People of Pacific Islands more and more realize that they might need to abandon the safety of their homes and prepare themselves (or their children) for living elsewhere because of climate change. Sea-level rise and other aspects of climate change are changes in the environment. At the same time they are social events: they create spaces of consideration, of discourses, of fear and assumption about an unsure (and rarely admitted) an unknown future (Weber [107]). “Migration involves a search for well-being and security, but is not guaranteed to bring either” (Gasper [32, p259]). The anticipation of migrants’ future can have a huge impact on their decisions – e.g. to leave or not to leave, and where to go. The nexuses between migration and development relate closely to the formulation of different development theories (Castles [13]; de Haas [22]; Massey et al. [67]). These theories are normative, reflecting on values (priorities) of people (including development planners and politicians) at a particular point in time (Andrews et al. [1]; Buch-Hansen et al. [11]).

## 2. Migration in the Pacific Islands

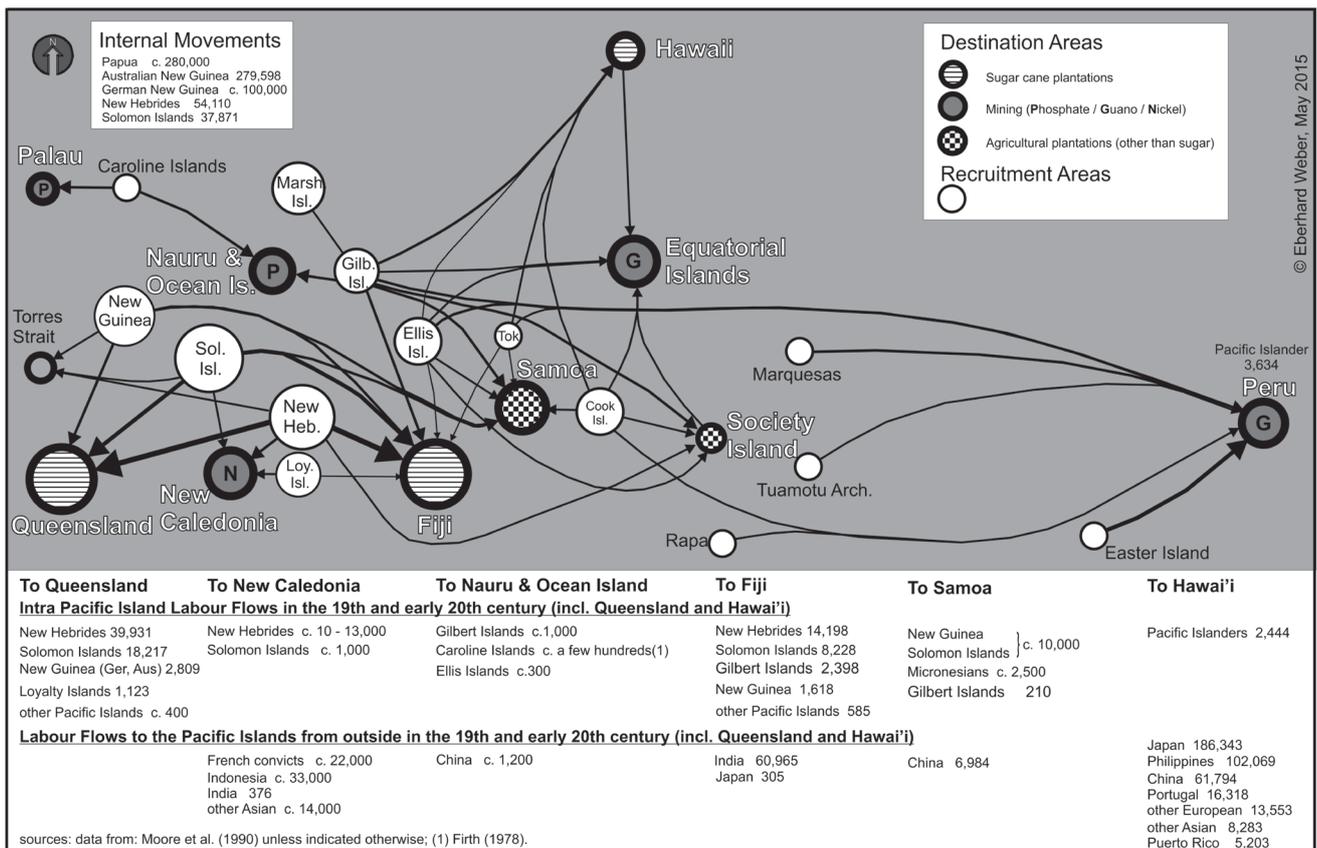


Figure 1. Pacific Island colonial labour flows in the 19<sup>th</sup> and early 20<sup>th</sup> century

The legacy of mobility remains visible in demographic structures of major destination countries of migration (diaspora) and is also reflected in migration narratives, in stories about migration experience that become embedded in cultural experiences of societies. Such narratives are powerful resources for the creation of common perceptions, attitudes, expectations and fears concerning migration and mobility (Roubeni et al. [93]; Sengupta [94]; Trifanescu [96]). The islands of the Pacific have a mixed history what mobility of their people is concerned. The islands were among the last parts of our planet that had been settled (Bedford et al. [6], Nunn [77]). There are four phases of migration in the Pacific Islands. The first started when the Pacific Islands were first settled from East Asia. The first people arrived some 40,000 years ago in what today is called New Guinea. They spread to the Bismarck Archipelago some 7,000 years later and arrived in what are the Solomon Islands today some 29,000 years ago. These islands belong to Near Oceania. More than 20,000 years later Remote Oceania was settled from West to East starting from the Reef / Santa Cruz group in the Solomon Islands through Vanuatu, Fiji, Samoa and Tonga. After a pause of 500 –1,000 years Polynesians then settled the rest of the Polynesian Triangle spreading northwards to Hawai'i, and southwards to New Zealand.

With the arrival of Europeans a second phase began. In the early 16<sup>th</sup> century the Pacific Oceans was little more than a seemingly endless body of water between the Spanish colonies in Asia and the Americas. During this time many islands were added to European knowledge, their locations drawn into the maps of the Pacific Ocean. It took until the start of the 19<sup>th</sup> century before the islands first slowly and then since the mid-19<sup>th</sup> century more quickly were economically integrated into a colonial world system.

In many islands colonial plantations were established, at times competing with mining activities, for investment, but more importantly for labor. This brought many Pacific Islanders, but also laborers from Asia to these islands. Labor mobility in the mid-19<sup>th</sup> century led to a distinct demographic reconfiguration of many Pacific Island societies. Today they have meaningful sections from other Pacific societies, and meaningful Asian population segments.

In the second half of the nineteenth century some 60,000 Pacific Islanders were taken to Australia by black-birding ships to work in Queensland's sugar plantations (Flanagan et al. [28]). Around 10,000 were still living in Australia when the country achieved independence in 1901. Most of them were repatriated between 1906 and 1908 as a result of the White Australia Policy. Some 7,500 Pacific Islanders (called Kanakas) working on plantations in Queensland were deported, and entry into Australia was prohibited for Pacific Islanders after 1904 (Jupp [55]). Although the White Australia Policy was officially discontinued in 1973 a racist undertone continued to dominate immigration, especially immigration of non-Europeans. Pickering [88] highlights that this racism is an expression of Australians fear of the 'other'. According to McMaster [71] it reflects Australians

perception that refugees are a danger to the economy, culture and society.

The third phase falls also within colonial times, but is different in a number of aspects: colonial powers resettled populations of entire islands within their colonial empire. People of Banaba (today Kiribati) were brought to Rabi Islands (today Fiji) in 1945 to allow the continuation of colonial phosphate mining and the destruction of Banaba. Gilbert Islanders (today Kiribati) were brought in 1938 to the Phoenix Islands to safeguard British colonial interests in the Central Pacific, and then in the 1950s to the Western Province of today's Solomon Islands. In the Marshall Islands (USA), Muaroa (French Polynesia) and Kiritimati Islands (UK, USA) resettlements happened due to nuclear testing, ago the display of asymmetric power relationships, this time closely connected to western interests in the Cold War. These forms of migration seems to resemble best what people often think of when they speak of resettlement of islands as a result of climate change: to evacuate the population of entire islands and bring them –as a group- to their new homes.

The fourth phase started towards the end of colonial rule and continued into the years of independence. Immediately after World War II the state--led economic miracle period created a huge demand for *Gastarbeiter* (guest workers) in developed countries (Giersch et al. [36]; Hahamovitch [42]; Martin and Miller [66]). Foreign workers from Italy, Spain, and Turkey supported economic growth in Germany (Bhagwati et al. [7]; Rinne et al. [92]), foreign workers from Mexico and Jamaica in the USA (Griffith [41]) and labor migrants from Asia and the Pacific Islands helped to get economies of Australia and New Zealand on track (MacPherson [60, 61]; Ongley et al. [80]). When economies expanded rapidly, real wages, also for unskilled labor increased considerable, the standard of living of guest workers also increased as well as those back in their home countries to where remittances were sent (Gomellini et al. [38]). At this time Pacific Island countries were still colonies of European powers, Australia, New Zealand France and the USA. When many of the countries had achieved independence recruitment of Pacific Islanders continued. Attempts were made to liberalize immigration policies. New Zealand e.g. granted free entry to Pacific Islanders in 1986 but the program was discontinued the very same year as too many immigrants arrived (Goss et al. [39, p393]).

The future will show, if a fifth phase of migration becomes dominant: the migration of people who have to leave their homes because of climate change. If this becomes reality then much has to be learnt from historical examples of migration, in particular those, where asymmetries of power resulted in dependencies and exploitation. To make people climate change refugees might compromise their right to live in dignity.

“Migrating in dignity” includes two crucial prerequisites: 1) to be able to earn livelihood in destination countries and be independent from benevolence and constant support through others and 2) to have easy access to other countries without lengthy and often degrading procedures asylum seekers have to

go through before they are recognized as refugees. The first prerequisite refers to qualifications and skills migrants possess and which enable them to integrate economically and socially, while the second considers a wide range of procedures that can make migration experience extremely negative forcing people to go through dehumanizing screening procedures stripping them off their last sparks of dignity.

Today many Pacific Islanders no longer live in their home countries, in some cases more than half of countries' citizens have permanently migrated, mainly to metropolitan countries at the rim of the Pacific creating pluralistic, multi-cultural, transnational societies (e.g. Cook Islands, Niue, Samoa, Tonga; see Table 1). An important economic feature of this out-going characteristic of many Pacific Island societies is that quite a few states draw considerable revenue from migrants' remittances (Ware [103]).

Small Island Developing States in the Pacific differ greatly what migration opportunities of their citizens is concerned. People from some countries in Polynesia and Micronesia have rather comfortable access to developed countries at the rim of the Pacific Ocean (see for details Table 1).

Today there are 14 independent states in the Pacific Islands and seven dependent territories of metropolitan powers. Three PICs (Federated States of Micronesia, the Marshall Islands, and Palau) form a Compact of Free Association (COFA) with the USA. The citizens of these countries are free to live and work in the United States (Armstrong et al. [2], Hills [46]). The people of the Cook

Islands and Niue have New Zealand citizenship by birth. Since 1970 every year 1,100 Samoans can become New Zealand permanent residents. In 2002 New Zealand introduced a Pacific Access Category (PAC), which annually takes 250 people each from Fiji and Tonga and 75 persons each from Kiribati and Tuvalu as permanent residents.

In 2007 New Zealand started the Recognised Seasonal Employer (RSE) program, which recruits up to 8,000 persons from (in order of importance) Vanuatu, Tonga, Samoa, the Solomon Islands, Tuvalu and Kiribati for seasonal agricultural work. Australia introduced a similar program in 2008, the Pacific Island Seasonal Workers Pilot Scheme (PSWPS). Under the scheme up to 2,500 citizens of Papua New Guinea, Vanuatu, Kiribati, Tonga, Samoa, the Solomon Islands, Tuvalu, and (since 2012) Timor Lestè can come every year for seasonal unskilled employment, mainly in the agricultural sector. In 2012 the PSWPS was replaced by the Seasonal Worker Program (SWP) allowing up to 1,500 citizens from PICs to come to Australia for un-skilled temporary employment. In 2015 Fiji has been included in the RSE and SWP schemes.

Gibson et al. [35] suggest that the New Zealand RSE can make a meaningful development contribution to Pacific Island nations. Walmsley et al. [101] argue that Australia and New Zealand would gain considerably from increasing quotas, particularly on unskilled labour and also the Pacific Island economies gained a lot from sending unskilled labour to Australia and New Zealand [101].

**Table 1.** Pacific Island countries and territories and migration

Country	Sub-Region	Population (mid-2013)	Population (around 1960)	Net Immigration Rate (per 1000)	Total in NZ (2006), Aus (2006), USA (2004)	Percentage of Pacific ethnic population in NZ, Aus, USA*	Pacific Access Category (PAC) / Samoa Quota (SQ) (annual quota)	Unskilled Labour Schemes	Migration Opportunities
Cook Islands	Polynesia	14,974	18,378 <sup>f</sup>	(21.7)	60,355	82.0%			Full access to NZ
Niue	Polynesia	1,611	4,864 <sup>f</sup>	(43.2)	20,548	93.0%			Full access to NZ
Samoa	Polynesia	187,820	114,427 <sup>f</sup>	(17.6)	299,962	61.8%	1100 (SQ)	RSE, PSWPS, SWP	
Tonga	Polynesia	103,252	56,383 <sup>a</sup>	(15.1)	107,164	52%	250	RSE, PSWPS, SWP	
Tuvalu	Polynesia	10,564	5,444 <sup>h</sup>	(5.2)	3,075	24.0%	75	RSE, PSWPS, SWP	Special Deal with German mercant marine
Federated States of Micronesia	Micronesia	102,843	39,284 <sup>c</sup>	(5.9)					Full access to USA
Kiribati	Micronesia	103,058	43,336 <sup>h</sup>	0.0	482	0.5%	75	RSE, PSWPS, SWP	Special Deal with German / Japanese merchant marine
Marshall Islands	Micronesia	53,158	13,928 <sup>c</sup>	(20.0)					Full access to USA
Nauru	Micronesia	10,084	4,613 <sup>f</sup>	(0.2)				PSWPS, SWP	
Palau	Micronesia	17,445	9,344 <sup>c</sup>	8.1					Full access to USA
Fiji Islands	Melanesia	859,200	345,737 <sup>a</sup>	(3.7)	123,473	12.7%	**	RSE**	
Papua New Guinea	Melanesia	7,059,653	2,184,986 <sup>d</sup>	0.0	13,798	0.2%		PSWPS, SWP	
Solomon Islands	Melanesia	515,870	124,076 <sup>d</sup>	0.0	1,117	0.2%		PSWPS, SWP	
Vanuatu	Melanesia	234,023	78,088 <sup>k</sup>	0.0	512	0.1%*		RSE, PSWPS, SWP	
<b>Territory</b>									
American Samoa	Polynesia	55,519	20,051 <sup>a</sup>	2.7					Full access to USA
French Polynesia	Polynesia	268,270	84,551 <sup>e</sup>	0.0					Full access to France (incl. French Pacific territories)
Tokelau	Polynesia	1,205	1,870 <sup>f</sup>	(24.9)					Full access to NZ
Wallis & Futuna	Polynesia	13,445	8,546 <sup>m</sup>	(8.7)					Full access to France (incl. French Pacific territories)
Guam	Micronesia	159,358	67,044 <sup>g</sup>	(10.8)					Full access to USA
Northern Mariana Islands	Micronesia	53,883	8,290 <sup>c</sup>	33.5					Full access to USA
New Caledonia	Melanesia	245,580	86,519 <sup>c</sup>	2.4					Full access to France (incl. French Pacific territories)

<sup>a</sup>1956 <sup>b</sup>1957 <sup>c</sup>1958 <sup>d</sup>1959 <sup>e</sup>1960 <sup>f</sup>1961 <sup>g</sup>1962 <sup>h</sup>1963 <sup>i</sup>1966 <sup>k</sup>1967 <sup>l</sup>1968 <sup>m</sup>1969

Sources: for Population Data: SPC Population Data 2011 and Time Series from 1900 ([http://www.spc.int/sdd/index.php/en/downloads/doc\\_download/736-population-datasheet-jan-2011](http://www.spc.int/sdd/index.php/en/downloads/doc_download/736-population-datasheet-jan-2011)); Migration rates and opportunities: Ware 2005; \*information on Pacific ethnic population in NZ, Austr., USA: Hayes 2010 based on respective Pacific Island country population of 2006)

\*\* Fiji had been excluded from these schemes because of military coup of Dec. 2006. (Re)admission in 2015 after elections of September 2014.

### 3. Of “Good” and “Bad” Migrants

Climate change impacts have a potential to trigger migration. Droughts, floods, and other extreme natural hazards affect food security, health, create or intensify degradation to land and water resources (Weber [104, 105]). People respond to such threats and risks in various ways. One of them is to move away, to escape the negative consequences of adverse events and to find safety elsewhere for the time being until the situation has improved, or for good. Such forms of mobility are often conceptualized as forced migration, or displacement, indicating that moving away has not been the result of free choices people made, but was caused by external forces that determined people’s action. Contrary to such perception is the notion of migration as an act of free will, an action with the purpose to improve economically or socially, an activity that enhances well-being and development, often closely related to labor migration.

This migration – development nexus went through varying paradigms over the past 60 years (Gamlen [31]). Recently advantages of temporary labor migration were highlighted reducing brain drain in countries of origin of migrants (Faist et al. [26]). Temporary movements help to increase remittances (Dustmann et al. [24]; van Houte et al. [99]) enhance migrants’ skills sets and experience and contribute to economic development once migrants returned home (Hirvonen et al. [47]). Temporary labor mobility also helps to spread benefits of migration widely among citizens in the countries of origin, especially when there is a rotation of those leaving for a limited time (Headley et al. [45]).

Temporary labor mobility has become easier with the creation of the World Trade Organization (WTO) in 1995. Principles for the international mobility of natural persons for the purpose of service delivery were established (Ghibutiu [34]). Despite these advantages the Temporary Mobility of Natural Persons (TMNP) of the General Agreement in Services has played a minor role in facilitating international labor mobility until today (Winters 2002). There have been fears that liberalizing labor mobility could result in internal social and political conflicts in receiving countries. Winters et al. [111] stress that such fears were exaggerated, especially with regards to the temporary movement of labour. Demographic changes in developed countries require solutions that allow filling gaps in the workforce (Panizzon [82]). When countries are not able to recruit the right people with the required skill set from inside they have to selectively open their borders and allow immigration for highly skilled labor. At the same time border protection against unwanted immigrants is improved (Ozgen [81]; Veenkamp et al. [100]). A clear distinction between “good” and “bad” migrant is constructed (van der Haagen-Wulff [98]; Weber [107]). The social and political construction of “good” and “bad” migrants facilitates policies and policy measures that allow monitoring, canalizing and preventing particular forms of mobility. Such restrictive policies against refugees aim to deter them from even starting

efforts to reach other countries’ territories.

Whether people who have to leave their homes because of climate change are located in this dichotomy of “good” and “bad” migrant is still unknown. Extending the scope of the Refugee Convention however would subsume political and climate change refugees. This would water down their legal position and weaken the stand of political and climate change refugees likewise. Part of the media, politicians, academia of potentially receiving countries anyway don’t make such subtle differences: they often portray refugees –no matter their cause- as threat to national security, economic prosperity, social peace and well-being, cultural appropriateness and identity (Barnett et al. [4]; Blunt [9]; Caviedes [14]; Dodo [23]; Harris [43]; Mayer [69]; White [110]). Similar discomfort is also expressed by those who reside in countries under threat. Here people reject to be considered future climate refugees and demand a chance to be permitted to “migrate in dignity”. The angst of becoming environmental refugees and ending somewhere locked away for indefinite time in detention centers is even finding greater nourishment as people are well aware how refugees are treated elsewhere, with no dignity (Maas et al. [59]; Weber [107, 108]).

Pacific Islanders often do not meet education and skills expectations of employers in potential destination countries (Clemens [17]; Fernandez-Stark et al. [27]; World Bank [113]). The dangers of becoming a burden to social, economic and political systems in receiving countries are real. This does not only lead to rejection of migrants from Pacific Islands, but also creates angst amongst migrants. While citizens of a few PICs have easy access to other countries (see Table 1) the vast majority however has huge challenges to meet expectations. This is particularly true for those coming from countries where living standards are low, educational and vocational achievements insufficient for requirements of modern societies and economies. Especially they have reasons to worry about the *Pacific Solution*, a policy the Australian Government applies to refugees arriving in Australia by boat.

### 4. The Pacific Solution

Asylum (greek *άσυλο*) in classical Greece has been a secret place where people were protected from political persecution, a place that has been ruled by the gods and where mundane power found its limitation. Protection was valid for whoever sought refuge there, even for criminals (Tiedemann [95]). The modern international law providing protection to those who face political persecution (persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion) is laid down in Article 14 of the Universal Declaration of Human Rights, the United Nations Convention Relating to the Status of Refugees (1951) and the Protocol Relating to the Status of Refugees (1967). Countries which have signed these international documents are required to adapt their

national legislation so that it becomes coherent with international law. The 1951 Convention is the key document defining who is a refugee, the rights refugees have and the legal obligations of states towards refugees. The 1967 Protocol removes the geographical restrictions of the 1951 Convention, a legal instrument drafted under the impression of the immediate post-World War II era referring exclusively to the situation in Europe. The 1967 Protocol has so far been the only amendment to the 1951 Convention.

The Refugee Convention disallows signatory states to send asylum seekers back to persecution (non-refoulement), impose penalties for asylum seekers' illegal entry and presence in signatory states (non-penalisation) and discriminate refugees based on race, religion or country of origin (non-discrimination). In addition to these major principles of the Refugee Convention countries have to respect, protect and fulfil other human rights treaties and conventions and apply them to asylum seekers, such as the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture, 1984), and the Convention on the Rights of the Child (1989).

Australia was one of the first countries which signed the Refugee Convention, but until the late 1970s the government did not develop a refugee policy (Phillips et al. [87]). Brennan [10] suggests that Australia was little worried to be confronted with asylum seekers due to its geographical isolation. Only when Indochina 'boat people' started to reach Australia in the late 1970s applying for political asylum relevant laws were created. Before asylum seekers were processed as migrants (Motta [74]). All asylum seekers between 1976 and 1981 were recognized as refugees and granted permanent residency (Crock et al. [21]). A second wave of asylum seekers fleeing the conflict in Cambodia and arriving in Australia between 1989 and 1992 were far less welcome: the Government now introduced mandatory detention, which was judicially not reviewable and classified asylum seekers who arrived without visa as 'prohibited entrants' (Manne [63]). In 1992 mandatory detentions was tightened: the maximum detention of 273 days was removed and detention now became indefinite. Mandatory detention is a violation of the 1951 Refugee Convention, which allow countries to detain asylum seekers only "in time of war or other grave and exceptional circumstances, [...] which it considers to be essential to the national security in the case of a particular person' and 'that the continuance of such measures is necessary in his case in the interests of national security" (1951 Refugee Convention, Art. 9). The Australian practice against asylum seekers are also violations of the right to liberty and the right to be free from arbitrary detention as contained in the ICCPR Art. 9(1) and 9(4) and the Convention on the Right of the Child (Art 37(b) ('No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as

a measure of last resort and for the shortest appropriate period of time') (see also: Oam [87]). Mandatory detention is not a last resort, but became standard practice for all asylum seekers, adults and children likewise, often extending over more than four years under conditions of detention that are extremely poor and where rights to be free from torture and cruel, inhuman or degrading treatment or punishment are also violated (Fleay et al. [29]; Zannettino [114]). The uncertainty of indefinite detention has severe impacts on physical and mental health of asylum seekers (UN Commission on Human Rights [97]). According to the 1951 Refugee Convention Art. 31 detention must not be a penalty. It also must not be a measure to deter others from seeking asylum as this also would mean punishing people for seeking protection under Human Rights legislation.

A third wave of asylum seekers arrived in Australia between 1999 and 2001. The majority came from Iraq, Afghanistan, Iran, Sri Lanka and Pakistan (Hugo [49]). Compared to refugee arrivals in other countries the situation in Australia at the beginning of the 21<sup>st</sup> century was modest: in 2000 some 3,000 'boat people' arrived in Australia, while Iran and Pakistan each hosted over a million Afghan refugees (Creek [20]). Despite this the new "wave" of refugees a further substantial tightening of immigration laws happened. The Tampa incidence was the actual reason for these changes.

In August 2001 433 asylum seekers were rescued from their sinking vessel in the waters off Australia by the Norwegian freighter MV Tampa. The captain of the Tampa received orders from Australian authorities not to enter Australian waters. When he ignored these orders the Tampa was intercepted and boarded by the Special Air Service (SAS) with the intention to take it out of Australia's territory. This did not materialize (Crock et al. [21]). The asylum seekers were brought to Nauru or PNG for processing their application (Mankowski [62]). This was the beginning of an Australian policy directed against Asylum seekers trying to reach Australia by boat that became known as the *Pacific Solution* (Coddington [18]; Metcalfe [72]).

The Migration Amendment (Excision from Migration Zone) Bill 2001 and The Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Bill 2001 of September 2001 provide the legal frame for the *Pacific Solution*. These laws amend the Migration Act 1958 and excise Christmas, Ashmore, Cartier, and Cocos (Keeling) islands from Australia's migration zone (Mathew [68]). Any person trying to enter Australia via one of these islands was "now prevented from making a valid application for a protection visa" (Phillips et al. [86], 16; West et al. [109]).

To complete the *Pacific Solution* Australia signed agreements with Nauru and PNG to accept asylum seekers from Australia for the duration of the processing of their applications. (Connell [19]; Rajaram [90]). Australia agreed to cover all expenses to run the detention centers and to provide security to strictly monitor and guard the centers. Refugees trying to enter Australia by boat are now transferred to Offshore Processing Centers on Nauru or Manus Island (Papua New Guinea). They are detained in these Centers while their applications are

processed. They are given no information about the duration of the process. The living conditions in these centers are described as very low and insufficient to host the numbers of refugees they do (Bailey [3]).

HREOC [50] criticizes the mandatory detention of children as inconsistent with the Convention on the Rights of the Child. Children in long term immigration detention are at risk of serious mental harm (Jureidini and Burnside [56]; Mares et al. [64]; Procter [89]). McLoughlin et al. [70] argue that it is not only asylum seekers' traumatic experiences in their home countries that create mental and physical sickness, but also the conditions of detention and the places of detention. Asylum seekers are "taken away from their homelands and stripped of personhood, they occupy an indeterminate space in which they are rendered structurally invisible. The uncertain and prolonged duration of liminality means that detainees are not reincorporated into society, but become trapped in a permanent and frozen liminal state. The effect of this suspended liminality [...] is to lock detainees in a state of transition which not only restricts their own movement through space and time, but renders their personhood and status anomalous. They have no way of knowing whether they will leave the IDC as a person with a temporary protection visa or be repatriated home as an illegal non-person (McLoughlin and Warin [70, p260]).

Keeping children in detention constitute cruel, inhumane and degrading punishment (Mares et al. [65]). Still the Howard Government rejected the HREOC report and reaffirmed its commitment to mandatory detention, including that of children. The Immigration Minister stated that "to release all children from detention in Australia would be to send a message to people smugglers that if they carry children on dangerous boats, parents and children will be released into the community very quickly" (Phillips and Spinks [85, p13]).

In November 2007 the newly elected Labor Government under Rudd made mandatory detention of irregular immigrants a last resort rather than standard practice (Phillips and Spinks [86]). Only few refugees arrived then by boat. In February 2008 the *Pacific Solution* officially ended (Glazebrook [37]). The remaining asylum seekers left Nauru and were moved to Australia. The Government closed the centers on Manus and Nauru and intended to process future asylum seekers arriving on boats on Christmas Island, which remained outside Australia's migration zone (Mountz [75]).

Policies changed again when boat arrivals increased before the 2010 federal election. Now the Labor Government returned to a hardliner approach to deter asylum seekers arriving by boat (Grewcock [40]). Based on recommendations of a Report of an Expert Panel on Asylum Seekers offshore processing was revived (Expert Panel on Asylum Seekers, 2012). Offshore processing resumed in August 2012 under arrangements with the governments of Nauru and Papua New Guinea (Phillips and Spinks [86]). Under the second Rudd Labor Government a new component was added to the *Pacific Solution*: the decision to settle those who were found to be genuine refugees in Papua

New Guinea or Nauru and to send home those who are not successful with their application or keep them in long-term detention (Warbrooke [102]). When in 2013 Abbott's Liberal/National Coalition came to power this extended version of the *Pacific Solution* was continued.

In January / February 2014 protests in the detention center on Manus Island cumulated in severe violence. On February 17, 2014 a Kurdish asylum seeker from Iran was killed and at least 62 others were injured. Initially it had been reported that refugees had staged a riot, trying to break out from the camp. Later it became clear that local people had stormed the camp supported by PNG police and local employees of the camp (Human Rights Law Centre [51]; Refugee Action Coalition [91]). On March 4, 2014 the Sydney Morning Herald quotes a Member of Parliament from Manus Island that asylum seekers won't be welcome as permanent settlers as "his province already had 'its own problems', including the threat of climate change that would limit its ability to resettle permanently asylum seekers if they were found to be refugees".

Similar challenges surfaced on Nauru. In July 2013 refugees set the detention center on fire causing a damage of about AUS\$ 60 million. The incidence happened the day when Prime Minister Rudd, obviously as part of the campaign for the election two months later, announced that "as of today asylum seekers who come here [to Australia] by boat without a visa will never be settled in Australia" (CNN, July 21, 2013). Politicians of the Liberal/National coalition followed suit with announcements that up to 5,000 refugees should be brought to Nauru, many of them to live in tents. This would be half of the country's own population (Sydney Morning Herald, Aug 2, 2013).

Pacific Islands' governments have criticized the prospect that refugees from outside the Pacific will be permanently resettled in PNG and Nauru. They criticize that the *Pacific Solution* was rushed through by the Rudd Government to score points during the 2013 election campaign. No time was given to the Governments of PNG and Nauru and no consultation was carried out with other Pacific Island Governments (Warbrooke [102]). Fiji's Foreign Minister, Ratu Kubuabola, criticized that "the Australian Government has used its economic muscle to persuade one of our Melanesian governments to accept thousands of people who are not Pacific islanders, a great number of them permanently. This was done to solve a domestic political problem – and for short term political gain – without proper consideration of the long-term consequences" (Kubuabola [58]). For Melanesian countries it is a serious issue when asylum seekers are resettled in Papua New Guinea as "the Melanesian Spearhead Group was contemplating setting up a free market where asylum seekers, if settled in one member [country], would have the right to live and work in other member nations" (Chand [15]).

## 5. Conclusions

As a result of climate change the number of Pacific

Islanders who seek refuge in other countries might increase a lot in future decades. Until now the majority of Pacific Island emigrants have left their home countries not because of environmental concerns, not as refugees, but as free migrants to start a better life elsewhere. There are challenges of unknown consequences of what will happen, once whole home countries are physically no more present, when the land has been swallowed by a rising ocean and when the institutions of the state have switched off the lights in the parliaments and corridors of administrative buildings. Will these people then become stateless, do they become citizen of New Zealand, Australia, the USA, Fiji or other Pacific Island countries. Who will govern them, who will feel responsible when they need support, which to provide until then was the responsibility of their governments and administrations?

Australia has indicated that it is not eager to accept climate refugees. Prime Minister Abbot just recently missed the UN climate change summit in New York and did not feel any necessity to mention climate change when he talked about major global challenges to the UN General Assembly only two days later (Sydney Morning Herald, Sept. 26, 2014). Already earlier he had called the science of climate change “absolute crap” (The Age, Sept 26, 2014). Indeed Australia is doing fairly little to mitigate the risk of dangerous climate change. In 2012 Australia overtook the USA as country with the highest CO<sub>2</sub> emissions per capita. While the countries of the European Union managed to reduce their CO<sub>2</sub> emissions by 14 percent between 1990 and 2012, and the USA had a four percent increase in the same period, Australia recorded a hefty 59 percent increase; by far the highest amongst developed countries and more than double as the second highest, Canada with a 24 percent increase (Oliver et al. [79]).

With the *Pacific Solution* tens of thousands of refugees possibly will be resettled in Pacific Island countries. This creates competition between different people searching for refuge for different reasons. While the decision to whom to give preference in situations of war, severe human rights violation, environmental concerns is already an enormously difficult one it becomes even more difficult when major and capable players not only decline the responsibility they have due to their contribution to the problem, but misuse Pacific Island countries to solve their internal challenges by dumping tens of thousands refugees on these islands instead of meeting their obligations they have under international and domestic laws. Like in the 19<sup>th</sup> century Australia sees the Pacific Islands and its population as reservoir to improve economically and then to send people home once no more needed. This neo-colonial attitude has to be taken into consideration when reflecting and drafting plans how to provide support to people who might be losing their homes in the years to come. Here a Pacific Island solidarity built upon a strengthening of Pacific Island identify will surely be the better advice to trust in. It seems not impossible to draft a real *Pacific Solution* to the challenges of climate change; a solution that is built on mutual respect and fair consideration of the challenges Pacific neighbors face, rather than a *Pacific Solution* that make vulnerable and powerless people pawns in internal Australian

political games violating human right and international laws, disregarding human dignity and human empathy on the way.

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