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REFUGEE POLICY IN AUSTRALIA AND NEW ZEALAND:

AN APPROACH FOR RESETTLING ENVIRONMENTALLY DISPLACED PERSONS?

In Partial Fulfillment of the Requirements for the Degree

MASTER OF ARTS

in

INTERNATIONAL STUDIES

by **SEDINA SINANOVIC**

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UNIVERSITY OF SAN FRANCISCO

Under the guidance and approval of the committee, and approval by all the members, this thesis project has been accepted in partial fulfillment of the requirements for the degree.

APPROVED:

Capstone Adviser	April 28, 2021 Date
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Refugee Policy in Australia and New Zealand:
An Approach for Resettling Environmentally Displaced Persons?

Master of Arts Thesis

University of San Francisco

By: Sedina Sinanovic

ABSTRACT

An increase in human mobility as a consequence of climate change induced slow-onset environmental degradation and sudden-onset natural disasters is expected to be a defining feature of the 21st century. Inexorably shifting the global migratory landscape, the United Nations High Commissioner for Refugees (UNHCR) approximates that roughly 250 million people will be forcefully displaced due to adverse climate impacts by 2050. While there is no international consensus on appropriately categorizing such people, this thesis refers to them as "environmentally-displaced persons" (EDPs). Since EDPs do not qualify for "refugee" status, they are not afforded access to assistance under the 1951 Convention and 1967 Protocol; leading to what is known as the "protection-gap". By employing Oceania as the case-study, through a critical refugee studies framework, this thesis aims to contribute to the worst-case scenario where EDPs will need to be resettled in a third country to secure safety from uninhabitable climate conditions. Specifically, this research seeks to uncover innovative approaches towards motivating states to resettle EDPs and asks, what "rationale" most compelled or deterred positive traditional refugee resettlement policies in Australia and New Zealand, and how can this model be applied in the case of EDPs from the Pacific Islands? Thematic and content analysis was deployed through a non-experimental comparative case-study design built on secondary qualitative data. The findings reveal the predominance of the national security rationale and legal rationale in Australia and New Zealand's refugee policymaking, respectively. While limited to islands or coastline countries, these results under a “Pacific Peoples’ Solution” framework can help stakeholders identify potential avenues for "soft" approaches towards EDP resettlement in the absence of binding obligations.

Keywords
Australia, environmental displacement, New Zealand, Pacific Islands, refugee policy, resettlement

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CHAPTER ONE: INTRODUCTION

I. Climate Change Epiphenomena

Since the 1950s, anthropogenic emissions have resulted in a considerable concentration of greenhouse gases in Earth's troposphere. The use of fossil fuels — specifically coal, crude oil, and natural gas — in addition to deforestation, industrialized agricultural, and livestock production have released an immense amount of contaminants, adversely enhancing the otherwise natural "greenhouse effect".[1] This process traps gases in the atmosphere, including carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), and hydrofluorocarbons (HFCs), initiating a thermal heating effect that steadily increases land and ocean temperatures and shifts climate systems. The industrial era witnessed dramatic CO2 emissions compounded by population growth, resulting from demands for high energy mass production and consumerism that also proliferated environmental exploitation. Consequently, the 21st century has been plagued with increased frequency and severity of sudden-onset natural disasters and slow-onset environmental degradation as average global temperatures continue to rise.[2] Such deleterious climatic events are accompanied by a set of secondary consequences such as natural resource scarcity, habitat loss, infectious disease outbreaks, conflict, and the focal point of this thesis, mass human displacement.

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[1] Nils, "Whither the Weather," 3-9.

[2] Malley, "Climate Change," 7.

II. Multi-Causality and the Complex Nature of Environmental Displacement

The exacerbation of environmental degradation and natural disasters due to climate change has imposed a significant threat to the global population's security and the mobility of people. The United Nations High Commissioner for Refugees (UNHCR) approximates that roughly 250 million people will be forcefully displaced by 2050[3] as a result of increasing oceanic and atmospheric temperatures; melting sea ice; rising sea levels; and proliferation of intense and frequent precipitation, hurricanes, floods, heatwaves, droughts, and wildfires.

While there is no direct and mono-causal link between climate change and armed conflict,[4] scientists predict that the recurrence and severity of climatological and hydrometeorological events will continue to escalate the potential for conflict by aggravating existing economic, environmental, and socio-political stressors indirectly. Therefore, the United Nations (UN) has effectively labeled climate change as a "threat multiplier".[5] Climate change-induced loss of cultivatable land and potable water sources can initiate violence and increase local and international forms of forced migration. In 2007, UN Secretary-General Ban Ki-moon declared Darfur as the first conflict brought on by climate change after clashes between farmers and pastoralists culminated in ethnic cleansing in response to prolonged droughts and desertification in the African Sahel region.[6] As water and food resources grow scarce, political instability and terrorist activity increases, proliferating and compounding both conflict and forced migration.

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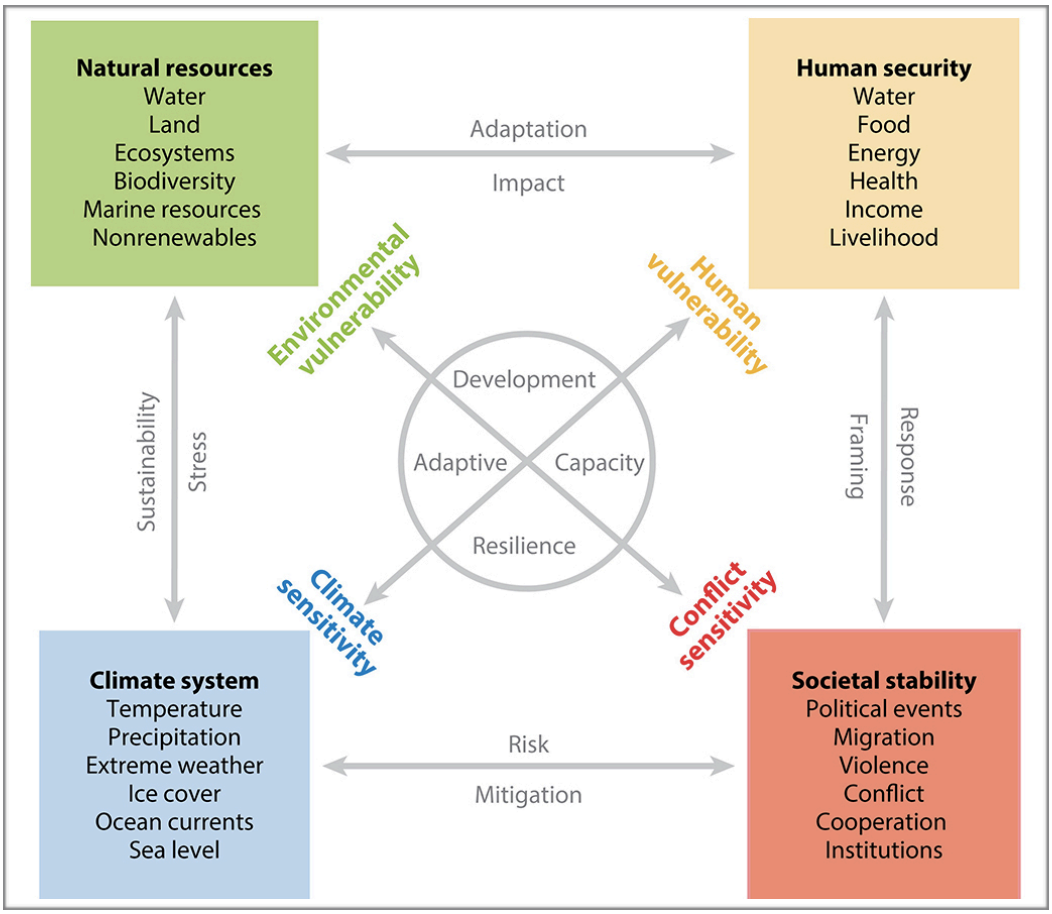
[3] United Nations, “Top UNHCR Official Warns.”

[4] Ghani, “Climate Change Doesn’t,” 3.

[5] Yale Climate Connections, “Threat Multiplier,” 1-3.

[6] Sakagushi et al., “Climate Wars,” 622-645.

Figure A: Linkage between the climate, natural resources, human security, and societal stability [Source: Barry S. Levy, Victor Sidel and Jonathan A. Patz via Annual Review of Public Health]



More-so, the considerable effects on the ecosystem have already displaced threefold more people than armed conflict or war and have adversely impacted both developed and developing states.[7] The White House identified climate change as a significant threat to the livelihood of Americans under the Obama administration in a 2015 report stating, "climate change is an urgent and growing threat to our national security, contributing to increased natural disasters, refugee flows, and conflicts over basic resources like food and water".[8] In 2018, across 148 states, a

[7] Aton, "Biden Pushes U.S.," 2.

[8] "Fact Sheet," 2.

combined 17 million people forcefully migrated due to environment-related disasters, and roughly 760,000 people from South Asian and Sub-Saharan Africa were displaced due to drought and famine.[9]

While there is no universally accepted definition for these migrants, the remainder of this thesis will refer to them as "environmentally displaced person(s)" (EDPs). They are loosely defined as those who are compelled or urged to migrate due to the threat on their livelihoods posed by destructive natural disasters and permanent environmental degradation as a result of slow-onset and sudden-onset impacts of climate change. The discourse on people impelled to flee due to adverse environmental conditions has transpired for decades, but interest has augmented in recent years due to the acceleration and intensification of climate change. The visibility of EDP vulnerability has become apparent not merely because of the natural occurrence but also the lack of available institutional support. The majority of EDPs migrate within their state's borders and remain internally displaced. However, those who do migrate across borders do not fit the "refugee" criteria under international law unless it's within the context of nexus dynamics in which armed conflict and persecution would have to be linked to climate change-related precursors.[10] According to the 1951 Convention relating to the Status of Refugees, a "refugee" is legally defined as one who migrates beyond territorial borders as a result of a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion".[11] In specific cases, the definition has been expanded

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[9] Migration data portal, “Environmental Migration”.

[10] Cudiamat, “Displacement Disparity,” 891.

[11] Zimmermann et al., “*1951 Convention,”* 3-45.

under the 1969 Organization of African Unity Convention and the 1984 Cartagena Declaration to include those escaping scenarios that are disruptive to societal order.

The lack of international consensus on how to appropriately categorize climate-induced migration and their exclusion from refugee law has resulted in limited progress and implementation of solutions based policies — known as the "protection-gap".[12] This gap ignited conversations among experts, scholars, organizations, and institutions on defining EDPs and bringing about realized protection. In 1996, a global symposium on "Environmentally Caused Population Displacement and Environmental Impacts that Resulted in Mass Migration" was held in Geneva, Switzerland, among several international actors, including the International Organization for Migration (IOM), Refugee Policy Group (RPG), and the UNHCR. The UNHCR rejected the term "climate refugee" as the category did not fulfill requirements under the existing refugee regime pursuant to the 1951 Refugee Convention. Instead, they settled on "environmentally displaced persons" while other organizations used "environmental migrants".[13] They did not want to cause uncertainty over legally recognized "refugees" and claimed the expansion of the current definition could lead to problems within host states, competition for resources, and worsening socio-economic scenarios. In effect, the report bypassed the protection of EDPs themselves and failed to address cross-border migrants.

Within this scenario, EDPs were formally distanced from the refugee regime and were not afforded access to assistance provided under the legally regulated status. Over time, the UNHCR has altered its position recognizing the serious risks EDPs around the world face. The IOM has been working with leaders from their 146 member states and 13 observer states on how

[12] Cudiamat, “Displacement Disparity,” 891.

[13] Ionesco, “Lets Talk About Climate Migrants,” 2.

proactively manage migration and urges them to ensure humane and beneficial treatment of EDPs. U.N. representative and anthropologist Oliver Smith, along with his contemporaries, have been pushing for the expansion of the current legal definition of EDPs,[14] while some argue for an entirely new convention that addresses both EDPs and the root cause of their displacement — climate change.[15] The recently adopted Global Compact on Refugees by the UN General Assembly is a step towards this direction by acknowledging climate change as a driver of refugee movements. In addition, the latest UN Human Rights Committee opinion pursuant to Individual Communication No. 2728/2016 (Teitiota v New Zealand)[16] provides an understanding of how the international legal infrastructure is beginning to address climate-induced migration. Although the opinion was not in favor of Teitiota, the committee's reasoning recognized the migratory implications of climate change that can threaten the human right to life under Article 6 of the International Covenant on Civil and Political Rights (ICCPR). This contribution augments human rights law's capacity to address EDPs and hold destination states responsible for considering climate change when assessing asylum requests.

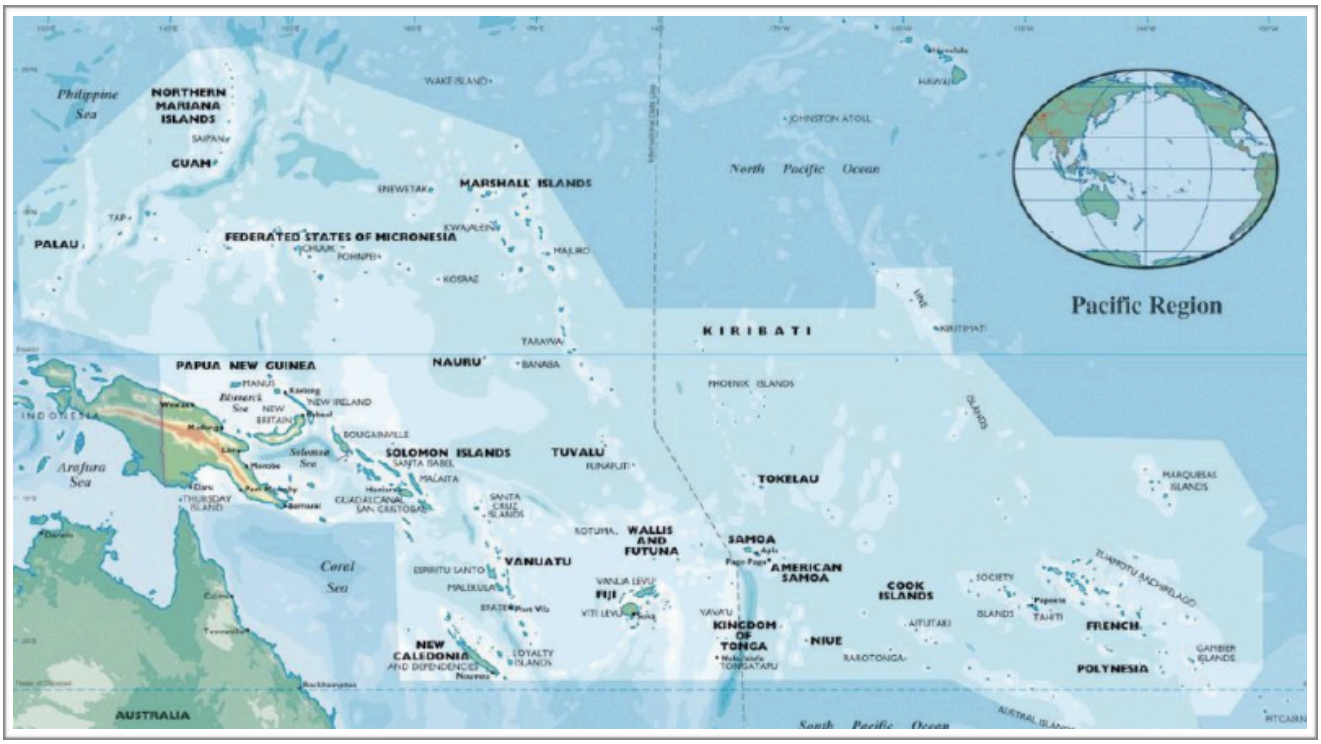
III. Oceania: On the Frontlines of Climate Change

The Pacific Islands consist of 22 nation-states and territories inhabited by roughly 10 million people and comprises approximately 7,500 islands that span across 30 million km2. Of which, up to 7 million people live in Papua New Guinea, which also possesses an enormous landmass relative to the rest of the islands.[17] The UN categorizes the majority of Pacific Island

[14] Hartmann, "Rethinking," 233-46.
[15] Zartner, "Stemming the Flow," 3-15.
[16] Stojanovic, "The View," 73-90.
[17] Coelho, "How Climate Change Affects the Pacific," 12.

nations as Small Island Developing States (SIDS). Regarding its physical geography, the Pacific comprises the Melanesian, Micronesian, and Polynesian geo-cultural sub-regions. Melanesia is composed mainly of sizable rocky volcanic islands as opposed to Micronesia's and Polynesia's smaller and less fertile atoll islands. Pacific nations vary in the number of territorial islands, with some such as Nauru only claiming one and others, such as Fiji and Papua New Guinea, claiming hundreds.

Figure B: Map of the Pacific Region
[Source: Migration Data Portal]



It is well regarded that climate change has a considerable impact on Oceania and Pacific Island populations,[18] most of whom reside on coastal plains and depend on subsistence agriculture and natural resources to maintain their livelihoods. As a result, the islands are viewed

[18] Mimura et al., *Climate Change 2007*, 687-716.

as being on the front-line of the adverse effects of climate change, even though they are at most responsible for roughly 0.006% of the total global greenhouse gas emissions.[19] Disproportionally suffering the consequences of unregulated modernization policies and fossil-fuel practices of developed countries, Pacific Island leaders have long pressed for global recognition of the urgency and need for mitigation efforts. In 2011, the Pacific Climate Change Science Programme (PCCSP) published a report detailing that unless drastic cuts to global emissions are made, the Pacific will continue to confront an average temperature increase, prolonged heat, increased extreme precipitation and flooding, ocean acidification, coastal erosion, and a sea-level rise of 0.18 to 0.59 meters by 2080-2099.[20] Pacific Island communities' sustainability will be rendered unsuitable as development pressures such as lack of potable freshwater, pollution, substandard sanitation, and urbanization aggravate the unraveling climate conditions.[21]

Low-lying atoll nations, including Kiribati and Tuvalu, face the added existential threat of complete inundation as the land continues to submerge underwater. Scholars and policy experts have supported migration as an adaptation strategy under such circumstances, a plight that many Pacific Islanders have already undertaken. For example, outward migration has resulted in roughly 57 percent of Samoan nationals living outside of Samoa and an estimated 46 percent of Tongan nationals living outside Tonga.[22] Once sea levels reach a certain degree, entire populations will have to be resettled in another country or territory. Historical precedents of similar forms of community relocation and outmigration have occurred after World War II from Banaba, the Gilbert Islands to Rabi, Fiji; Gilbertese to Western Province, Solomon Islands; and

[19] Cernea et al., “Front Line.”

[20] Australian Bureau of Meteorology, “Climate Change in the Pacific,” 35.

[21] Storey, “Kiribati,” 167–81.

[22] Coelho, “How Climate Change Affects the Pacific,” 12.

Vaitupu, Ellis Islands to Kioa, Fiji. Even so, John Campbell from the University of Waikato emphasizes that most Pacific Island nations and territories will become uninhabitable long before they submerge underwater. In a 2010 article, he found that between 600,000 to 1.7 million Pacific Islanders will voluntarily relocate or be forcefully displaced due to adverse climate effects.[23] The movement can be voluntary, involuntary, or forced. Some islanders preemptively leave anticipated climate effects, and others flee as a direct result of disasters. Destinations can be internal, within customary lands, usually towards urban centers, or crossing international boundaries.

Figure C: Effects of Climate Change on Pacific Islands
[Source: UN ESCAP - Climate Change and Migration Issues in the Pacific - August, 2014]

Climate change impact	Community security impact
Sea level rise • inundation • coastal erosion • storm surge exacerbated	Land security in coastal and atoll locations may be severely reduced and there may be impacts on livelihood security through loss of agricultural land and salinisation of soils, plants and water supplies
Water resource impacts • rainfall uncertainty • increased frequency and magnitude of droughts • reduced quantity and quality of water resources • salinisation	Livelihood security may be affected by decreased agricultural productivity and habitat security may be adversely affected by water borne diseases.
Coral reef health decline • reef degradation as a result of increased sea surface temperatures and increased ocean acidity	Livelihood security may be compromised by reductions in fisheries and other marine resources dependent upon healthy coral environment. Land security may be reduced by increased exposure to high waves and storm surge.
Agricultural production decline • adverse effects from a variety of processes including temperature rise, reduced water availability, salinisation, exposure to tropical cyclones (wind, rain and wave damage)	Reduced agricultural productivity would impinge upon livelihood security and where extremely severe may render some locations uninhabitable.
Human health challenges • changing disease vectors such as malaria, dengue • increased incidence of water borne disease • increased incidence of heat related diseases	Effects on human health are likely to reduce the habitat security of island settlement locations and where severe may render some locations uninhabitable.

[23] Campbell, "Climate-Induced Community Relocation," 58-59.

While international actors and scholars often prioritize well-planned relocation and resettlement in the Pacific as the only inevitably viable solution, they are often characterized by technocratic and paternalistic top-down initiatives that seldom consult the communities involved. Besides the key challenges every resettlement process experiences, such as confirming funding and logistical nuances, Pacific Islanders have expressed concerns over the loss of community and cultural cohesion.[24] This has been evident in the resettlement of the Carteret Islands in Papua New Guinea to Bougainville, in which the integration and livelihood difficulties faced by the islanders were overlooked and disregarded in the name of political expediency.[25]

The lack of a collaborative and bottom-up human rights-based approach does not end here. The debate over what to label those displaced by environmental stressors has created several images of Pacific Islanders from "climate refugees" to "environmental migrants." Many of the labels superimposed on them have been rejected by the subjects themselves over concerns of being pacified into a vulnerable and powerless group that requires the Wests' saving.[26] A sentiment that vividly alludes to colonial power dynamics in which the Pacific is reinforced as the peripheral "Other." The international images of an abject and subdued population are detrimental in that they determine how the Pacific Islands are portrayed and received within the international arena, in addition to guiding how actors decide to react to climate change on their behalf. Such conceptual and policy discourses also fail to consult local populations and effectively strips them of all agency.[27] This strategic thinking mode stems from Western technocratic and paternalistic notions of "refugeehood" without regard for local climate-change

[24] Campbell and Warrick, “Climate Change and Migration Issues.”
[25] Tabe, “Climate Change Migration,” 218.
[26] Farbotko, “No Retreat,” 3.
[27] Hartmann, “Rethinking,” 233-46.

adaptation strategies or traditional migration trajectories.[28] The international community should not reconcile the Pacific Islands' experiences as a solely vulnerable aid-recipient region that should be victimized. While support from the international community is necessary, it should come as a collaborative effort that regards the Pacific Islands as a germane source of knowledge in light of their experiences and valuable understanding of climate change concerns. Therefore, it is imperative that relocation and resettlement talks are preceded by the exhaustion of all feasible efforts to prevent the necessity to migrate. Pacific Islanders have called for drastic cuts to global greenhouse gas emissions, financial assistance towards local adaptation efforts, and legal pathways to migrate with dignity before full-scale relocation planning takes effect.

IV. Mise-en-scène: Thesis Objective and Structure

Accordingly, this thesis aims to contribute to the worst-case scenario where individuals and entire communities will need to be resettled in a third country to secure safety from uninhabitable climate conditions. However, long-term planning should not supplement the necessary action that can be taken today to mitigate and adapt to climate change impacts. To that end, the pace of sea-level rise in the Pacific region has dramatically increased up to 4 times faster than the global average. The island of Tuvalu is expected to be uninhabitable in 30 years, and its neighbor, Kiribati, is projected to be completely underwater by 2100.[29] With the threat of submerged land, residents such as the Teitiota family are left with no choice but to find safety in neighboring countries. Moreover, with Australia's and New Zealand's geopolitical proximity to these islands, the two countries will continue to be anchors in the region and the focal point for

[28] Cernea et al., "Front Line."

[29] Mileski and Malish-Sazdovska, "Environmentally Displaced," 133.

climate-threatened Pacific islanders. In this context and with the absence of legal protection, this thesis project seeks to uncover innovative approaches towards motivating states to resettle EDPs and asks, what "rationale" most compelled or deterred positive traditional refugee resettlement policies in Australia and New Zealand, and how can this model be applied in the case of EDPs from the Pacific Islands? In doing so, the formation of refugee policy can be better understood by resettlement stakeholders, and potential avenues for "soft" approaches towards EDP resettlement mechanisms is identified.

This thesis's structure is as follows: chapter two reacquaints readers with a survey of the prevalent contributions and substantive findings on refugee policy in Australia and New Zealand, including legal imperatives and subterranean trends, through a literature review. Chapter three exhibits the use of critical refugee studies to guide the research and presents the methodology inspired by Suman Momin's human rights-based approach used to compile and analyze data. The project's significance, broader impact, and limitations are also explored. Chapter four analyzes refugee policy in Australia and presents the rationale-outcome. Likewise, Chapter five analyzes refugee policy in New Zealand and presents the rationale-outcome. The findings are applied as a model in the case of EDPs through what I label as the Pacific Peoples' Solution in chapter six. The thesis is brought to a close in the conclusion section.

CHAPTER TWO: REVIEW OF RELATED LITERATURE

The absence of concrete data collection standards coupled with methodological issues has made it difficult for researchers to produce literature quantifying environmentally induced displacement. There are have been a few research studies that provide statistics on internal population displacement for specific countries, but even less on cross-border migration. As a result, most of the environmental migration literature is based on qualitative case studies, with some comparative studies. There is concordant agreement among scholars and researchers that a data gap on environmental migration exists that ultimately contributes to the protection-gap. In effect, current literary works primarily focus on standardizing terms and concepts, the need for a legal protection infrastructure, or anticipated future implications resulting from a rise in the global migration scale. Likewise, ample literature scrutinizes relocation and resettlement proposals as a feature of adaptation for climate-threatened communities. Such contributions have provided necessary criticisms that have produced viable alternatives to the classic technocratic advances by policymakers and have called for the inclusion of EDP voices within discussion tables.

Even so, there is a lack of research on how to work within a protection-gap and the saliency of state sovereignty to encourage governments to consider resettlement of EDPs. This thesis aims to incrementally help fill in this gap by utilizing the existing and more comprehensive literature on traditional refugees to help add to the broader discussion on cross-border environmental displacement. From this body of work, it is apparent that the dominating features investigated by scholars throughout time have been historical precedents, endogenous and exogenous factors, legal considerations, and concealed systemic conditions such as racism

that guide refugee policy-making in Australia and New Zealand. Through a historical and contemporaneous lens, each literary theme serves to display the various immigration policy development components in both cases. Nevertheless, it is done so in a disengaged and isolated manner, a feature this thesis seeks to harmonize through integration and consolidation. More so, scholars have drawn attention to the nominal attempts at comparing refugee resettlement policy in Australia with that of other countries or modeling EDP resettlement approaches with that of traditional refugee resettlement policies.[30] An additional endeavor this thesis seeks to accomplish.

I. Rethinking Climate-Induced Community-Level Relocation and Resettlement

Cross-border relocation and resettlement have a history that spans from the 18th century to the modern-day in which government-sanction population transfers have occurred due to various drivers. The connection between climate change impacts and resettlement programs have burgeoned in policy circles and materialized through on-the-ground initiatives. Previous resettlement projects have exposed the livelihood implications encountered by the displaced community as well as involved stakeholders. An analysis of resettlement outcomes has been pursued by many scholars whose research provides not only substantive and conceptual lessons but also procedural. While not many climate-motivated resettlement cases exist, Piggott-McKellar et al. evaluated over 200 cases and extracted key findings applicable to all future attempts.[31] These include land and compensation rights, access to livelihood assets, and attention to the cultural dimensions of a community, to name a few. Such salutary findings are

[30] Neumann et al., "Refugee Settlement," 4.

[31] Piggott-McKellar et al., "Livelihood Analysis," 12-20.

characterized by a call to rethink how we perceive relocation through considerations for the past in which McAdam notes need to be rectified by the need for practical implementation in the present.[32] Chief here is the necessity for meaningful and sincere participatory planning.

In the Pacific region, research undertaken by Donner has revealed similar lessons essential for the success of any resettlement scheme based on the Gilbertese resettlement in the Solomon Islands and the relocation of the Carteret Islands, Papua New Guinea.[33] It is vivid that political representation, cultural cohesion, livelihood opportunities, and security need to be considered just as much as logistical nuances. These findings are congruent with the existing literature on learning from development-forced displacement and resettlement (DFDR) efforts to inform EDP resettlement. While DFDR is noted for its frailties, distinctly for intensifying impoverishment,[34] Mathur asserts it can provide a blueprint for organizing slow-onset climate change resettlement, from the policy guidelines to the monitoring phase.[35] Price contends this can only be achieved through governing laws that protect the rights of EDPs and integrates inclusive decision-making.[36] To do so, Ferris reminds us of the struggle with the lack of conceptual clarity and universal terminology that had adversely impacted DFDR is also the same condition for climate-motivated planned relocations.[37] Furthermore, scholars have also introduced the ethical implications of not just climate change but migration and the nexus between the two segments. Draper and McKinnon call for philosophers and political theorists to

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[32] McAdam, "Relocation and Resettlement," 93-130.
[33] Donner, "The Legacy of Migration," 191-201.
[34] Wilmsen and Webber, "Development-Forced Displacement," 76-85.
[35] Mathur, "Climate Change," 118-130.
[36] Price, "Looking Back," 191-204.
[37] Ferris, "Climate-Induced Resettlement," 109-117.

substantially engage in and address the variegated issues surrounding climate-induced community resettlement.[38] As a mechanism to inform a preventative course of action, Johnson agrees but adds that these issues are also intertwined with politics and include law and policy.[39]

It is well established that the consequences of climate change have disproportionately impacted the most vulnerable groups and segments of society. The concept of equitable resettlement is then brought up by Supekar, who suggests such a policy is achieved through encouraging non-illusory community participation, mobilizing economic resources, using a context-driven approach, and emphasizing voluntariness.[40] Further, political discourses need to be considered to unveil any underlying agendas or objectives by political leaders. The resettlement policies in the Maldives are brought up as an exemplar case-study by Kothari to demonstrate how politicians mobilize environmental concerns to enact unfavorable government policies.[41] De-politicizing initiatives can only be done by addressing the immutable and permeating top-down approach taken by resettlement policymakers and practitioners. Arnall et al. provide an analytical framework to address this problem, positing a justice-based solution in which the local population's opportunities for claims-making are afforded.[42] This individual and community-based agency sits at the core of the critical scholarship calling for the rethinking of climate-induced relocation and resettlement. While these scholarly contributions convey key issues within resettlement schemes, they do not address the difficulties in persuading

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[38] Johnson, "Governing Climate Displacement," 308-328.

[39] Johnson, "Governing Climate Displacement," 308-328.

[40] Super, "Equitable Resettlement," 1290-1328.

[41] Kothari, "Political Discourses," 130-140.

[42] Arnall et al., "Climate Displacement and Resettlement," 665-671.

governments to agree to resettle EDP individuals and communities. This thesis intends to provide a framework to support resettlement stakeholders seeking to motivate states to do just that.

II. Immigration Policy and Historical Precedents

The scope and composition of refugees arriving in Australia and New Zealand today is the direct result of the historical development of state immigration policy. Each period necessitated new immigration policy objectives that were predicated on a tapestry of domestic and international concerns. However, it is strikingly evident that scholars have arrived at a generalized consensus regarding the manipulation of immigration history, by both governments, as a politically-charged mechanism for government policy development. This policy formulation technique has demonstrated the failure of politicians to learn from the past and has dominated scholarly debates and discussions. Modern-day decisions that guide detainment and deportation issues are subject to the historical precedent of viewing immigration policymaking as immigration management. Nicholls contends in Australia's case, there is a striking national lineage underpinning the state's current removal system.[43] The Commonwealth Government's power-imposition is what grounds this lineage and its influence on the High Court and subsequent legislation such as the Migration Act 1958. Pitty adds to this discussion by claiming this lineage can be best observed through the relations between Indigenous peoples and the government in Australia and New Zealand. Asserting the politicization of history has resulted in the distortion of the past, Pitty contends this has constrained and impeded adequate public policy by excluding Indigenous peoples from effective participation.[44] This is observed in the official

[43] Nicholls, "Deported," 5.

[44] Pitty, "Unfinished Business," 25-45.

apology by former Australian Prime Minister, Kevin Rudd, to the Stolen Generations in 2008 and the delusive rhetoric of uniform citizenship by the former leader of the Opposition of New Zealand, Don Brash, in 2004.[45]

With the question of unfinished Indigenous citizenship in both cases remaining unsettled, scholars assert a tension will continue to permeate the facilitation of immigration policy progress. Moreover, considerable research has further pursued the hyper-selectivity of immigration history invoked by contributors to public debates on state policy. Neumann propounds that highly selective remembering of precedents and relevant historical contexts is drawn to galvanize support or criticism of new policies and initiatives.[46] While references to the past play a vital role in drafting new immigration policy, the effectiveness of analyzing analogous preceding policies is reduced if invoked selectively. Exemplifying the warnings of Brändström et al., who draw attention to the "constraining" use of history in public policymaking.[47] Scholars have taken issue with the hyper-selectivity of history by policymakers when recounting Australia's response to the 1975 anticipated arrival of the Vietnamese "boat people". Through the analysis of parliamentary debates on refugee issues before and after the 2001 Tampa Affair, in which the Howard government refused Norwegian freighter MV Tampa from entering their waters because they were carrying 433 rescued refugees, Kleist conceptualizes selective history as various forms of political memory and use of state sovereignty.[48] The event illustrates how social memories are susceptible to political shifts, with a

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[45] Action Peninsula, "National Apology."

[46] Neumann, *Does History Matter?*.

[47] Brändström et al., "Governing by looking back," 191-210.

[48] Olaf, "Remembering for Refugees," 665-683.

prior sense of communal political belonging and independent sovereign action to isolated segments of sovereignty and shifts in attitudes towards refugees.

Similarly, Tavan demonstrates how "memory politics" can take form and materialize through citizenship tests, such as the one introduced by the Howard government in Australia. She asserts the test represents "a consciously constructed form of collective memory-making that sought to reinforce a homogenous and undifferentiated view of Australian society and history in the pursuit of specific ideological and political interests."[49] The process of "looking back" by politicians to advance present-day political goals is not reserved to their domestic institutions, some researchers argue, but also in a comparative light in the name of a "humanitarian arms race". This is especially salient in New Zealand, claims Beaglehole, as leaders took pride in outdoing Australia in the business of humanitarianism in response to the Tampa Affair.[50] Scholars have pointed to the use of historical perspective as a tool to achieve multi-cultural nation-building and specific refugee policy in New Zealand through their self-perception as humanitarian heroes, even though this is not an entirely honest depiction of historical precedents and the complete character of their immigration policy. Whereas in Australia, self-perception is firmly grounded within Australia's history. Nethery brings up institutional predecessors such as Aboriginal reserves, quarantine stations, and enemy-alien internment camps to demonstrate that even though the intention and target population differed,[51] this ware-housing practice reveals continuity with the present-day practices such as immigration detention.

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[49] Neumann and Tavan, *Does History Matter?*.

[50] Beaglehole, “Refuge New Zealand,” 7.

[51] Nethery, “Separate and Invisible,” 85-98.

III. Endogenous and Exogenous Factors

A substantial amount of research has been produced looking into the factors contributing to refugee policy formulation and development. Studies have examined the various competing factors that the Australian and New Zealand governments have to consider and balance when fulfilling immigration objectives. These can include furthering their populations' interests, protecting national political and economic orientations, honoring domestic and international legal obligations, responsible engagement in the global community, and contributing to the amelioration of humanitarian crisis, to name a few. I have categorized the various components identified by scholars as either endogenous, meaning internal to the state, or exogenous, developing from external forces in the international arena.

Speaking on the subject of New Zealand's Refugee Resettlement Strategy (NZRR), Marlowe et al. reference the segmented assimilation thesis alongside empirical and theoretical literature on acculturation to conclude the strategy was a formal commitment to standardize refugee pathways in the interest of economic integration. This is done through a quota system that aims to resettle upwards of 750 refugees annually from diverse populations.[52] The paper is an extension of earlier discussions on the political, economic, and social dimensions of the NZRR and furthers it by addressing the tensions at play related to New Zealand's ideals associated with refugee resettlement. Rather than assessing the state level solely, Marlowe et al. compartmentalize the strategy to undress broader experiences, from civic engagement to self-sufficiency, of New Zealand's refugees.[53] However, the article lacks an integrated discussion on domestic political dynamics that have shaped the NZRR. An excellent example of why this is

[52] Marlowe et al., "New Zealand," 60-69.

[53] Marlowe et al., "New Zealand," 60-69.

vital to the broader discussion of refugee resettlement is Maley's analysis of the two-level game that leaves Australia's refugee policy highly malleable to domestic politics and diplomatic scrutiny. Since 1998, Australia's increasingly draconian and inhumane refugee and asylum strategy has resulted in much soft power and diplomatic implications.[54]

In dialogue with other scholars, Kamleshwer critically examines Australia's use of off-shore processing centers through its Pacific Solution strategy and puts forward the underlying principle he concludes guides asylum and refugee policy. The act of involuntarily assigning asylum seekers to detention centers in third countries is a concrete effort to "burden-shift", as Kamleshwer puts it, and brazenly violates the United Nations Refugee Conventions.[55] While Australia's reputation has undoubtedly been affected negatively by various media platforms and human rights organizations, the optics have seemingly not been a pressing concern for policymakers. Australia has for decades weighed out competing elements that influence the fulfillment of refugee and humanitarian objectives. However, as a result of conflicting ideals, the preservation of humanitarian principles and fulfillment of international obligations have been marginalized considerations. King demonstrates this, by going back to Australia's response to the Kosovar conflict and by examining the substance rather than a simple form of response, was able to illustrate Australia's interest, from economic to national security, have preponderance over the protection of individuals.[56] While it may appear as though all policy objectives were achieved when over 4,000 refugees received temporary protection, King stipulates that their successful integration in Australian society failed miserably. The prioritization of domestic political and

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[54] Maley, “Australia’s Refugee Policy,” 2-8.

[55] Lohana et al., “Policy Analysis,” 173-184.

[56] King, “Factors Affecting,” 18.

socio-economic considerations shaped the policy, not humanitarian ideal such as individual protection and fulfilling international obligations. Likewise, Johnston et al. introduce a similar case involving Iraqi refugees excluded from the main-stream community through state-sanctioned practices.[57] Recognizing it is the sovereign right of all states to monitor and control human migration in their territory, scholars have urged for a sincere balancing of not just domestic concerns but moral and ethical ones.

IV. Legal and Legislative Imperatives

A review of the scholarly work on Australia's and New Zealand's legislative and legal immigration development is explicit in their observances of the neighboring states' different approaches. The measures pursued by Australia reveal resonances with that of the European Union and to an extent, the United States, with initiatives such as removal of unauthorized arrivals and implementation of detention centers. In contrast, Crock compares this to the more open refugee laws and practices of New Zealand by relating it to the colonial legacies of the "Old World" and its influence on the two countries' current immigration policies. The "borrowing" of legal procedure by Australia, Crock suggests, unveils the primary concern over self-interest factors, which can be evaluated and categorized as a national security imperatives.[58] New Zealand's laws provide contrasting material by suggesting evincing dedication to rationalized responses for global solutions to refugee crisis. This assessment is in accordance with Marlowe and Elliott's conclusions, and perhaps would remain categorized as moral considerations.[59]

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[57] Johnston, “Social Policies,” 191-215.

[58] Crock, “Echoes of the Old Countries,” 11.

[59] Marlowe and Elliott, “Global Trends,” 43-49.

Furthermore, there is a decent amount of literature that analyzes the international legal obligations of Australia and New Zealand as well as binding domestic legislation on asylum seekers and refugees. Rightfully so, many scholars take issue with the practice of detention by both states and debate over its legal justification. The 1951 Refugee Convention stipulates under Article 31 that detention is permissible only in particular situations and when absolutely necessary.

While the Convention provides a delicate balance between recognition of state sovereignty and the needs of asylum seekers and refugees, nefarious interpretation can very well tip the scale. Frater argues in New Zealand's case, national security has been prioritized over the state's Convention obligations.[60] The 2002 Immigration Amendment Act had slightly amended the issue by incorporating conditional release operations. While held to other parts of the Refugee Convention, there is some debate over whether New Zealand is bound to Article 31 since it has not been imported into domestic law. Recognizing this relevant feature, others claim that even though Section 128(5) of the 1987 Immigration Act permits the detention of refugees, doing so must still adhere to the Conventions requirements under section 129X(2). Similar arguments have been invoked in response to the Australian government's use of inhumane detention centers and off-shore facilities to sequester asylum seekers and refugees. The majority of scholars contend Australia has obligations under the Convention to afford protection, as well as the principles of non-refoulement, provisions inscribed in the Universal Declaration of Human Rights (UDHR), and international customary law. Jackson reasons that Australia is violating these international legal instruments because the indefinite mandatory detention of boat-arrivals

[60] Frater, "Detention of Refugees," 665-694.

inflicts penalties on persecuted refugees and unnecessarily restricted their right to movement under the Convention.[61]

In addition, there is a dereliction of the refugees' fundamental human rights due to unsanitary conditions, lack of security, and violence. The Australian government is also imposing refoulement by intentionally exacerbating living conditions in the detention centers and effectively forcing the refugees to return to their native country or endure unlivable conditions. Moreover, scholars have proposed measures that can rectify the Pacific Solution policy and the preceding 1958 Migration Act that have facilitated noncompliance with international law and subsequent human rights violations. Many calls for a comprehensive domestic measure that protects and affords asylum seekers and refugees with legal rights are made. These include the need to end their detention and inhumane treatment and move away from deterrence-based immigration policies. West-Newman's research proposed an impactful avenue to attempt and re-align refugee policy and practice away from negative attitudes. On the contextual level, he puts forward the traditions of the Māori and their values of manaakitanga to foster a more hospitable treatment of refugees in New Zealand. The culturally shaped model offers a spirit of empathy and generosity that can help non-Māori policymakers and practitioners integrate "a climate of welcome and acceptance to counter the present government and media emphasis on danger, risk and rejection".[62] On an individual level, West-Newman suggests the deployment of refugee lawyers' personal knowledge on the plight of asylum seekers to enhance the human rights component of refugee policy. Both indigenous values and refugee lawyers' expertise offer

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[61] Jackson, “Restructuring,” 525-548.

[62] West-Newman, “Changing Attitudes,” 10-25.

advanced improvement in Australia and New Zealand's immigration policy by helping to reshape negative national convictions that guide the current context in which refugee policy is made.

V. Subterranean Trends: Systemic Racism and Discriminatory Rhetoric

Historical accounts and current institutional practices, from blatant to subtle and seemingly unconscious, forms of systemic racism can be traced to Australia's and New Zealand's refugee policy. Humpage disagrees with Crock and Marlowe's articulation of New Zealand's focus on moral and humanitarian grounds for resettling refugees and contends the quota system emanating from the NZRR serves a discriminatory policy. He explores this by interpreting general policy arenas and concludes quota refugees are favored for their potential contribution to "economic growth".[63] Stephens' paper draws to this dissenting opinion as well and, through the analysis of Cabinet documents, studies the regional-specific quota and contends it is a poorly supported program that serves a politicized refugee policy;[64] making it far from the often lauded humanitarian beacon amid callous developed nations.

Moreover, the way in which refugees are framed and discussed exposes these very issues, with what Pickering and Lambert define as the "discursive repertoire" that make certain hard-liner policies, such as deterrence, convincing to the leadership and public. In the process of "Othering" refugees, the media and press have routinely constructed an image of refugees and asylum seekers as not just a "problem" but one that is a deviant problem.[65] Scholars argue such rhetoric has become commonplace and a part of the everyday vocabulary that its deployment can

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[63] Humpage, "Systemic Racism," 36.

[64] Stephens, "Pacific Insoluble," 55-77.

[65] Pickering and Lambert, "Deterrence," 65.

be found in all segments of society, tacitly influencing the direction of popular refugee policy. On the other hand, Australia has engaged in more explicitly discriminatory rhetoric and deterrence initiatives that have appealed to public fears and scapegoated refugees as the "Other." Pickering and Lambert closely observed government officials' rhetoric following certain events pertaining to the refugee question, such as the MV Tampa incident, and argue such events were tokenized to deploy repressive refugee policies to keep refugees out.[66]

By recounting Australia's colonial past, scholars have noted that even as far back as the mid-19th-century, racial exclusion clauses were situated within the nascent state's early immigration policies. The 1901 Immigration Restriction Act, colloquially referred to as the "white Australian policy", was one of the earliest pieces of legislation enacted by the young national parliament of the newly federated states. In relation, The Bulletin, one of Australia's most prominent publications on politics and business, proudly displayed "Australia for the White Man" as its motto until 1960.[67] It wasn't until late into the 1960's that the government began to distance itself from the white Australia policy, officially disbanding it in 1973.[68] Therefore, much of the literature traces this long-standing custom of racist and xenophobic rhetoric companying the white population. Minns et al. label this policy the "Australian Solution" that exemplifies its persistence in policy-making even today. Likewise, they observed recent government rhetoric and assessed appeals by officials that have led to considerable political contestation. Describing the source of such policy as a "humanitarian outrage",[69] it is clear Australia is leading a fictitious national security campaign against the resettlement of refugees. Furthermore, researchers have

[66] Pickering and Lambert, "Deterrence," 69.
[67] Rolfe, "Journalistic Javelin," 1-10.
[68] Jupp, *From White Australia to Woomera,* 42-43.
[69] Minns et al., "Australia's Refugee Policy," 41.

called upon further unveiling the role systemic racism and discriminatory rhetoric have had — and continue to have — on refugee policy development in Australia and New Zealand. They argue such underpinnings have led to a securitization discourse on migrants broadly, but refugees and asylum seekers specifically. This discourse positions the refugee as a global "security" dilemma instead of for what they are; humans fleeing persecution. Kampmark conveys that the biggest implication of securitization discourse has been the dematerialization of "freedom of human mobility" as a notion supplanted by "risk" and "threat." Kampmark suggests this is observed to be “racism’s most modern form.”[70]

[70] Kampmark, “Securitization,” 61-75.

CHAPTER THREE: METHODOLOGY

I. Research Design and Methodological Approach

The objective of this study is to uncover resettlement approaches for EDPs in the absence of international legal mechanisms that can be pursued as a "soft" pathway towards positive resettlement policies. The framework models historical and contemporaneous motivators behind traditional refugee resettlement policies and is intended to be utilized as a resource for resettlement stakeholders, such as state refugee agencies and NGOs. I employed a critical refugee studies lens to help guide my research in which I positioned the displaced subject as not an object that needed rescuing but as a source for intimate knowledge and a site for critical contributions. This paradigm reconfigures and offers an alternative analytical frame into the multifaceted dimensions surrounding "refugeehood".[71] As the subjects of my inquiry, I made a conscious effort to study EDPs and refugees as displaced populations that symbolize agency and resilience as opposed to abject and helpless figures.

The design of this study is a non-experimental comparative case-study that seeks to uncover innovative approaches towards motivating states to resettle EDPs and asks, what "rationale" most compelled or deterred positive traditional refugee resettlement policies in Australia and New Zealand, and how can this model be applied in the case of EDPs from the Pacific Islands? As such, it involved the analysis and synthesis of policy patterns in both case-studies against the backdrop of a rationale-typology inspired by Suman Momin's human rights-based approach to refugees in the Duke Forum for Law & Social Change (DFLSC).[72] In her

[71] Schlund-Vials, "Subjects of 1975," 199-203.

[72] Momin, "Human Rights Based," 55-80.

analysis of German and U.S. refugee policy in response to the Syrian conflict, Momin identified five arguments under the rubric of an intrinsic and instrumental framework that includes moral, legal, economic, national security, and international reputation considerations. I adopted these arguments in my research as analytical categories labeled "rationales" that can influence refugee policy development, both negatively and positively, arranged under two motivational-forces. The first one being *Ad Honorem*, a Latin phrase meaning "for the honor of", and *Exitus Acta Probat*, translated as "the outcome justifies the deed". The former represents policies pursued for a state's own sake, while the latter represents policies pursued to achieve a utilitarian end-gain. The analytical categories and rationales are organized in the following way:

Ad Honorem

- Legal Rationale
- Moral Rationale

Exitus Acta Probat

- Economic Rationale
- National Security Rationale
- Reputation Rationale

Since undertaking an experimental design was not doable or appropriate to answer the research question, my research's impact evaluation design took form as a literature review that depended on secondary qualitative data. I did not produce any primary data sources through interviews, focus groups, or observations. This was the most suitable approach since my study includes multiple dimensions, two cases, and a long history to make sense of how refugee policy

succeeds or fails. To explain how the various rationales influenced refugee policy in Australia or New Zealand, I utilized existing data on the topic with primacy on scholarly articles and publications. It was also crucial that I gathered data from multiple fields to maximize an interdisciplinary perspective's potential. I consulted various databases, including JSTOR and Google Scholar, and partnering academic journals including but not limited to: Journal of International Law, Journal of Environmental Law, International Journal of Refugee Law, International Journal on Minority & Group Rights, Journal of Ethnic & Migration Studies, International Studies, and Australian Journal of International Affairs. In addition to the academic literature, I looked to policy documents, government reports, legal memos, newspaper articles, books, and organizational records to supplement the remaining bulk of data.

II. Methods of Data Collection

This study was produced through the collection of secondary qualitative data. My goal was to synthesize existing knowledge on refugee policy in the two cases and analyze the historical trends to identify policy patterns on a broader scale. My project also entailed a high degree of flexibility to adjust my methods as the project developed with new findings. This type of data was also easier and quicker to access, and I was able to gather the information that covered longer timescales and wider geographical areas. The synthesis of my study as a literature review and case-study entailed that I gather sources from various places. I collected my primary article sources from journals in electronic databases through the research platform EBSCOhost. Books were selected mainly from the USF Gleeson Library Catalog and independent purchases through online bookstores like Biblio and Bookfinder.

To navigate through specific keywords or topics, I utilized reference materials such as dictionaries and encyclopedias. For government publications and reports, I referred to the Australian Home Affairs and New Zealand Immigration websites. Other miscellaneous data such as NGO or IGO statements and civil society advocacy were found through internet search engines such as Google. Only official information directly from such organizations' websites was referred to. Materials used were collected over the span of 9-months and consistently updated as recent policy developments occurred. The beginning stages of data collection included gathering material that provided an overview of the various broader thematic components such as environmental displacement, climate-induced resettlement, Australian immigration policy, New Zealand immigration policy, and climate change impact on small island states. The later phases included more narrow searches to situate my research within the current discourse, including refugee resettlement policy in Australia and New Zealand, EDPs in the Pacific, and resettlement solutions.

I maintained a transparent organization system that ensured coordinated data sourcing and secure storage methods. I preserved copies of all the material used, as well as my own, by backing it up using the cloud and a USB drive. Password-protected logins secured access to the materials from hardware (laptop) to software (applications). Identifiable folders and files coordinated my data tracking system to keep track of sources and materials. I labeled files by related themes and the main categories. The same procedure was followed for my research commentary and notes, organized in a topical schema and other defining features. My documents began with condensing and selecting excerpts marked as relevant to my research. This was ultimately deduced to a data set that was analyzed by rationale. I cataloged the summarized data

in an overview chart that included key themes in a spreadsheet to track policy records and categorize them by incentives. The overview chart helped me systematically compare the results.

III. Methods of Analysis

For the analytical component of my research, I used an iterative and interactive technique that consisted of repeated reading to yield new interpretations, themes, and interconnections between different data sets. In addition, I applied the practice of thematic coding to label sections and subdividing them into folders and spreadsheets. This helped with later selective retrievals when I needed them. Insights that I gathered and patterns that I extrapolated were recorded with written memos and notes. The coding and categorization were done prior to identifying and applying the five rationales. For my study, I found it most approbate to utilize two textual analysis methods, thematic analysis and content analysis, to best examine and gain an understanding of the topic. Thematic analysis was used to interpret refugee policy patterns and identify broad themes that may have influenced policy developments. Likewise, content analysis was used to help analyze the large volumes of textual data and categorize them by subject and concepts. To process the data, I identified subtopics for each rationale that helped me better understand how they contributed to refugee policies. The document analysis uncovered the following subtopics for each rationale:

Ad Honorem

- [Legal Rationale]
    - The national refugee legal infrastructure and law
    - Observance of international refugee legal obligations

- [Moral Rationale]
    - Concern over emotional appeals
    - Feelings of political responsibility

Exitus Acta Probat

- [Economic Rationale]
    - Rhetoric on economic impact of refugees
    - Labor and market forces
- [National Security Rationale]
    - Rise of transnational terrorist networks
    - Security assessments of individuals fleeing conflict-zones
- [Reputation Rationale]
    - Perception of role as regional or global leader
    - National political party constituency influence
    - Public opinion at home and abroad

By observing and analyzing each subtopic's role in influencing refugee policy for each rationale, I was able to draw conclusions. Moreover, I added an element of analytical rigor by reflecting on alternative conclusions and cross-examining them to strengthen my own conclusions.

IV. Limitations and Challenges

As a non-experimental comparative case-study that drew from secondary qualitative data, the copious amount of material collection and data volume required made the analysis and interpretation process more challenging and time-consuming. This also meant that it was difficult at times to characterize the findings appropriately and require more energy to do so. Although time-consuming, it also allowed me to increase validity and reliability by examining issues in detail and depth. I was also able to analyze my research's subtleties and nuances and discover perspectives that positivistic inquiries cannot provide. Early on, I also recognized that because my research quality heavily depends on my skills leading a qualitative study, it would be more susceptible to subjectivity, bias, and personal idiosyncrasies. To counteract the possibility of personal influence on findings, I remained aware of my subjectivity and made sure not to exclude information that emerged in conflict with my expected outcomes. The research framework and orientation were revised as new data emerged.

To that end, two primary challenges were present in conducting the research. The first is how to consolidate conflicting rationales if they were to arise, to be cogently applied to environmental displacement? While I first perceived this to be a disadvantage, I came to find it advantageous as it widened the scope of possibilities to motivate states to resettle EDPs. Second, overcoming the critical legal nuances between refugees and EDPs. I was able to do so through deepening my understanding of refugee law and legal jargon, in addition to the oversite of my adviser, who is a legal expert on international law and refugee issues. Furthermore, the main limitation of my study's application is its scope beyond the Pacific region. The findings are case-specific to islands or coastline countries experiencing imminent climate-induced forced

displacement, specifically due to sea-rise, coastal erosion, and salinization of freshwater reserves.

V. Significance and Broader Impact

The significance and greater contribution of my thesis project are both scholarly and policy-oriented. With the substance of current literature on environmental displacement focusing on standardizing terms and concepts or the legal "protection-gap", the discipline has reached a literary impasse. In effect, a deficit in solutions-based research on resettling this group of migrants persists. By utilizing the existing and more comprehensive literature on traditional refugees, my thesis project will employ an innovative approach to incrementally help fill in the literature gap on resettlement solutions for cross-border environmental displacement. Likewise, implications for the policy sector are also considerable. To reach positive resettlement policies, you must have a willing state. My findings would identify the best approach stakeholders can embrace to incite states to spur action and resettle refugees. This approach can then be expanded and applied in the case of environmental displacement as states figure out how to assess climate change as a legitimate precursor to displacement in asylum cases.

CHAPTER FOUR: ANALYSIS OF REFUGEE POLICY IN AUSTRALIA

I. Refugee Resettlement Policy Overview

According to the Australian Department of Home Affairs (DHA), as a regional leader and international community member, the Australian government is dedicated to sharing responsibility with other nation-states to protect refugees and other migrants in humanitarian distress.[73] The government upholds the UNHCR as the leading agency mandated to aid and protect refugees and supports the three durable solutions, including voluntary repatriation, local integration, and resettlement to a third country. Australian engagement with the durable solutions is done primarily through its Humanitarian Program that offers resettlement site options to those forced to migrate due to persecution, conflict, and other adverse humanitarian conditions. Also, the government collaborates with refugee-hosting states and refugee organizations by contributing with financial support, development assistance, and capacity-building initiatives.

The Humanitarian Program comprises two segments, the offshore resettlement program and the onshore protection program. The former is offered to non-citizens with no visas that cannot be either locally integrated or repatriated but require humanitarian protection. The latter is offered to lawful non-citizens in Australia who possess a visa, such as a tourist or a student, and are determined to qualify as a refugee or satisfy the complementary protection criteria that grant a Permanent Protection visa pursuant to the Migration Act 1958. Recognized by the UNHCR as an international leader in refugee resettlement, since 1945, Australia has resettled more than 865,000 refugees and other migrants of humanitarian concern.[74] The DHA is the responsible

[73] "Department of Home Affairs," 1.

[74] "Department of Home Affairs," 2.

government body for resettlement policy and administering the Humanitarian Program. The process for determining the composition and quota of annual resettlement follows the national financial year from July 1st to June 30th. Every year, the state updates its resettlement program by deciding on the scale and composition that takes into consideration multiple factors—the first being submissions by the UNHCR based on their determinations on global resettlement needs and priority groups, according to the DHA. They also claim to considers sub-national and local governments, Commonwealth agencies, the Australian public, and relevant organizations' views. Alongside, the state's capacity to accept newcomers and properly facilitate their successful entry and integration is examined, and expert opinions on risk areas associated with resettlement are evaluated. Since 2018, the DHA has continued its efforts by focusing on allocating support to displaced persons from vulnerable areas in Africa, Asia, and the Middle East.[75] While the DHA's explicit factors contributing to refugee resettlement policy are listed above, the implicit rationales that potently influence Australia's refugee policies are analyzed below.

II. Ad Honorem Framework

i. Legal Rationale

The Australian government has an obligation under international law to afford asylum seekers assistance and protection that fall under its authority. Even though the government is bound by the Universal Declaration of Human Rights, international customary law, the 1951 Convention on the Status of Refugees, and the principles of non-refoulement, its refugee policies reflect little remorse over increasing legal violations. Specifically, the practice of indefinite mandatory detention of boat arrivals has imposed

[75] "Department of Home Affairs," 2.

unlawful penalties on persecuted refugees by restricting their movement, detaining them in unsanitary conditions, and purposefully engaging in refoulement by exacerbating inhumane conditions in detention camps.[76]

Despite requirements under the 1951 Convention in which states "shall not impose penalties, on account of their illegal entry or presence,"[77] Australia's refugee policy has practiced just that by detaining asylum seekers who qualify as genuine refugees on Manus Island in prison-like conditions for an average of 446 days.[78] While international law does not entirely prohibit detention and refugee status is left to states to determine, detainment should not be needlessly prolonged, and a "well-founded fear of persecution" should not be ignored by the receiving state. Australia seemingly circumvents legal obligations to not only receive asylum seekers but also provide them with rights. Human rights violations of asylum seekers in off-shore facilities have been reported to include lack of medical care access, insecurity and violence, and poor living standards. The refusal to provide refugees with their rights and liberties is reflected in this statement by a former detainee who has since been resettled to the United States, stating, "Even prison is better than Manus Island, Why? Because a criminal knows how long they have to stay there, but we did not know that".[79] To distance itself from legal duties, Australia asserted the asylum seekers were the responsibility of Papua New Guinea (PNG) even though PNG's court determined Australia as the responsible party for Manus Island detainees. In addition to dismissing the ruling, Australia refused to accept the

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[76] Jackson, “Restructuring,” 525-548.

[77] Zimmermann et al., “*1951 Convention,”* 3-45.

[78] Jackson, “Restructuring,” 525-548.

[79] Jackson, “Restructuring,” 525-548.

United Nations Human Rights Committee's opinion that as a result of Australia's "effective control" over the off-shore facilities, it has a "responsibility for the fate of these individuals."[80] Even lawsuits addressing the human rights violations were not enough to shift Australia's policies. More than 1,900 asylum seekers were part of a class-action lawsuit against the government that accused it of previous physical and mental abuse between 2012 and 2016. The case ended in the country's biggest human rights settlement of $70 million, and even then, the Immigration Minister asserted the payout does not mean the government is admitting liability.[81]

Australia's lack of respect for the principle of non-refoulement and durable solutions has been called into question. The government routinely fosters harsh conditions in detention camps to push asylum seekers on Manus Island and Nauru to abandon their claims and involuntarily repatriate to their countries of origin where they face persecution. They have also failed to successfully execute resettlement deals with countries like the United States as a resettlement option for detainees. Domestic legal mechanisms such as the Migration Act of 1958 and the Pacific Solution lack enough comprehension and protective measures. Its vagueness allows the government room for interpretation that supports hard-lined deterrence-based policies incompatible with safeguards under international law. While High Court discussions have advised the Immigration Minister to undertake Convention Protocols, rules have been interpreted vaguely to allow for a high degree of discretion. This vagueness has boosted the

[80] MENA Report, “Joint Press Conference.”

[81] Doherty, “Manus Island,” 1.

governments' effectiveness at evading refugee laws under the guise of countering human trafficking and burden-sharing.[82]

Dissuading refugees from seeking asylum in Australia in breach of its international obligations has been a historic feature of Australia's policies, with the safe-haven legislation of the 1990s pertaining to the Kosovars illustrating as such. The decision to grant a non-reviewable temporary safe haven visa to Kosovars seeking asylum was motivated by the effort to discourage their arrival in Australia. This was exemplified by the fact that the visa could not be appealed in the Refugee Review Tribunal, Migration Review Tribunal, or the Federal Court.[83] The safe-haven legislation was incompatible and in breach of Articles 7, 16, 17, and 32 of the Convention relating to alien treatment, access to courts, right to work, and option to appeal to a competent authority. When the UNHCR determined conditions in Kosovo were safe enough for certain evacuees to return with caution in 1999, the Immigration Minister declared to the House of Representatives that once the deadline to repatriate passed, his Department would be responsible for detaining and expelling those remaining with expired visas without regard for those still at risk.[84] Therefore, history demonstrates a continuum in Australia's disregard for its international legal obligations in which malleable domestic laws have followed instead of dictated the courses of action taken by the government. While they do not explicitly defy legal requirements, resistance to them has taken form in attempts to distance themselves and window-dress hard-liner policies as efforts to protect

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[82] Lohana et al., "Policy Analysis," 173-184.

[83] King, "Factors Affecting," 3-9.

[84] King, "Factors Affecting," 3-9.

their borders and counter human trafficking. Accordingly, Australia's legal noncompliance and aversion make it unlikely that legal rationales induce positive refugee policies.

ii. Moral Rationale

The progressive hardening of Australia's refugee policies has been confronted by welfare groups, non-governmental organizations, and refugee advocacy movements who question the moral behind government actions concerning refugees.[85] Doing what is "right" or prudent in situations where there are human rights abuses, and inhumane treatment seems to have little influence in determining Australia's response to refugee crises. The harsh policy of on and offshore mandatory and indefinite detention has been a feature of Australia's refugee program since the early 1990s. While a minority of concerned individuals contested the practice, the program intensified in 2001. Refugee support organizations, from leading human and immigrant rights agencies to church groups, urged the government to reflect on the moral guiding the inhumane policies as inconsistent with principles enshrined in the Refugee Convention, International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Rights of the Child (CRC).[86]

Even so, when the highly contentious issue became public, the government ignored calls for moral consideration and stiffened its actions. This decision was met with widespread popular support that further reinforced the government's position over refugees' treatment under its policy. A sense of political responsibility for the condition of

[85] Gosden, "Rise of Asylum Seeker," 1-21.

[86] Amnesty International, "Silence on Human Rights."

refugees seems to also not have a bearing, regardless of growing fear in young and old Australians who recall, through history and memory, the mass human rights atrocities that have characterized the 20th century.[87] The non-responsiveness of most Australians to human rights violations over their country's treatment of refugees appears to embolden instead of concern the government.

What is more, Ryan Essex, a researcher with the University of Greenwich, has alerted to Australia's covert efforts to silence all dissidents who call attention to the human suffering produced by its draconian policies.[88] An example of this includes the Border Force Act, a legislation that actively criminalizes past and present employees, including medical staff, from speaking about their observances in the immigration facilities. This brazen effort to absolve itself from moral responsibility has characterized Australia's deterrence policies, unabated by the growing vocal resistance by clinicians and medical workers concerned over refugees' health and well-being. The government has demonstrated its perceived lack of moral obligation even when the treatment of children is called into question. Researchers and camp observers have alleged the facilities are saturated with child abuse, and immediate action to protect the children is necessary.[89] Of the 3360 minors detained in these facilities, over half are considered to be unaccompanied.[90] Yet, the Australian government refuses to afford them humane and appropriate treatment stipulated in its humanitarian responsibilities and international human rights law. In 2016, the PNG Supreme Court ruling determined the Manus Island

[87] Gosden, "Rise of Asylum Seeker," 1-21.
[88] Lancet, "Australia's Offshore," 2-10.
[89] Neumann and Tavan, *Does History Matter?*.
[90] Lohana et al., "Policy Analysis," 173-184.

offshore detention center grounded in Australia's Pacific Solution policy was unconstitutional and demanded its permanent closure. In its decision, the court expressed concern over the violation of asylum seekers' rights to personal freedoms under its constitution and its own moral responsibility to protect them.[91] In response, Australia was in no rush to help assist with determining where the over 800 asylum seekers on Manus Island would be resettled. Instead of recognizing its own doing in creating such inhumane conditions, government officials publicly emphasized the refugees would not be invited to resettle in Australia. During the same week of this announcement, a young refugee from Iran held in the Nauru offshore detention center with over 400 other asylum seekers, including roughly 50 minors, died after committing suicide.[92] An unfortunate trend that has emerged out of these facilities and yet has had no bearing on the course of Australia's refugee policy.

III. Exitus Acta Probat Framework

i. Economic Rationale

In 1947, Australia's newly established Department of Immigration was headed by minister Arthur Calwell who eagerly sought to convince the public of accepting World War II refugees from the Baltic States. The government's aim of one percent annual population growth through migration could not be met due to insufficient British and Western European migration — both groups highly desired under the White Australia policy. Concurrently, Calwell sought to deport remaining Asian's in Australia who were evacuated from Pacific Island states and Chinese citizens on temporary visas seeking

[91] Lancet, "Australia's Offshore," 2-10.

[92] Dohert and Vasefi, "Iranian Asylum Seeker," 2.

asylum after the 1949 Communist takeover.[93] The process of selective protection indicates the Australian government's efforts to resettle WWII refugees were not motivated by altruism and calls for humanity. Instead, it came at a time of deep insecurity and severe labor shortages.[94]

The International Refugee Organization (IRO), whose domain was the pre-selection of displaced people, accused the Australian government of choosing only to resettle young and healthy refugees to add to their labor force instead of abiding by their primary obligation of offering sanctuary.[95] This was backed by the fact that the refugees were only given occupations that Australian-born workers perceived as unattractive and were often in areas of severe labor shortages. This included recruitment in road and infrastructure construction, steelworks, and mining. To prevent them from breaching employment contracts, the government threatened the refugees with involuntary returns to Germany. From 1945 until 1952, over 150,000 refugees were resettled from Central and Eastern Europe, with roughly 18,000 accepted Jewish asylum-seekers. Of the resettled Eastern Europeans, about 7.4 percent were considered to be low-skilled laborers prior to displacement. Yet, over 60 percent were employed as such regardless of their skill level once they reached Australia.[96]

Since then, the Australian government has increasingly considered the health of the economy in determining whether to engage their humanitarian program by evaluating the benefits of resettling certain groups and the cost of programs needed to do so. The

[93] Waxman, "Shaping of Australia's," 8.
[94] Waxman, "Shaping of Australia's," 19.
[95] Waxman, "Shaping of Australia's," 12.
[96] Waxman, "Shaping of Australia's," 19.

Department of Immigration and Multicultural Affairs (DIMA) has determined that within five years of refugee resettlement, the newcomers have an overall beneficial impact on the economy.[97] Costs associated with accommodating refugees have usually been overestimated but quickly adjusted for real costs to Australia. In 1999, DIMA calculated the Kosovo Operation Safe Haven's expenses would be around $70 million, with later figures reflecting the actual cost of $43.1 million.[98]

The positive contributions by refugees to Australia's economy were a salient feature of the government's decision in 2004 to expand its humanitarian program in regional locations. The initiatives sought to have the entrants participate and actively engage in building the regional economies as soon as they arrived.[99] It appears that the state of the economy has had considerable influence on Australian refugee policy, with agreement amongst officials that there is a net beneficial impact of resettlement on the economy. However, even with its end, the White Australia Policy has keenly entrenched Australian society, with many of them fearing a racial imbalance and preferential treatment of recently-arrived entrants by the government. Concerned over public backlash and social disharmony, Australian officials have been responsive to the often skeptical public since the 1930s.[100]

Negative public perceptions have had more weight on Australia's rhetoric and actions towards refugees than effects on the economy. While studies have long reflected the positive contributions of refugee resettlement, under public pressures, officials

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[97] King, "Factors Affecting," 3-9.

[98] Government of Australia, "Senate Legal and Constitutional," 128.

[99] DIMIA, "Report of the Review of Settlement Services."

[100] Jupp, *Exile or Refugee,"* 4.

continue to engage in incredulous concerns over refugees' dependence on government income support. So much so that the formulation of Australia's offshore processing policies made sure to include PNG's and Nauru's responsibility to provide detainees with visas. This illustrated to the public and media that accommodating the asylum seekers would not be burdensome on their welfare system.[101] So while earlier decisions on refugee policy creation positioned the economy at the forefront, recent developments have exemplified Australia's preponderance of other considerations such as public response.

ii. National Security Rationale

Since the late 1990s, global increases in asylum requests accompanied by asylum seekers' images as security threats and state concerns over abating sovereignty have led to progressively more restrictive refugee legislation and policies in Australia.[102] This new era of immigration reform's objective was to constrict the irregular movement of people and reduce their responsibility for burden-sharing. Australian officials have given considerable emphasis to the integrity of their territorial borders and the state's physical security. Even though Kosovars were determined to be a low risk due to careful monitoring, the state still expressed concern over how the refugees can threaten domestic law and order.[103] Such perceived threats have heavily manifested themselves in refugee policies, as seen in Australia's decision to provide only temporary protection to Kosovar refugees.

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[101] Lohana et al., "Policy Analysis," 173-184.

[102] Johnston, "Social Policies," 191-215.

[103] King, "Factors Affecting," 3-9.

Likewise, the wording in safe-haven legislation encompasses vague and broad provisions that afford the Immigration Minister the power to arbitrarily deem certain individuals as national security risks.[104] This effectively disqualifies them from resettlement in Australia even if no misconduct has ever occurred and no significant risk of detrimental conduct is present. Additionally, the use of mandatory detention facilities under the guise of discouraging human trafficking has led to a discrepancy in its obligation to the United Nations. The government justifies these inhumane practices as their right to maintain its border promulgated in the Migration Act of 1958 and the Pacific Solution in 2001.[105] Sensitive to public response, the on and offshore policies of detention were reinforced by ordinary citizens' support. Then-Prime Minister Turnbull asserted Australia's right to defend its borders. This entails "us sending a united and concerted answer to the people smugglers that if they seek to bring people to Australia those passengers will never settle in this country. That absolutely, unflinching, unequivocal message has to be loud and clear."[106]

While the International Organization for Migration's Global Migration Data Analysis Centre in Berlin verified the tactic had reduced human smuggling, the UN has confirmed evidence that Australian officials bribed human smugglers with monetary rewards if they returned asylum seekers.[107] In a desperate effort to exploit anti-refugee sentiment for political objectives, Labour leader Kevin Rudd proclaimed, "any asylum seeker who arrives in Australia by boat will have no chance of being settled in Australia

[104] King, "Factors Affecting," 3-9.
[105] Jackson, "Restructuring," 525-548.
[106] MENA Report, "Joint Press Conference."
[107] Jackson, "Restructuring," 525-548.

as a refugee".[108] This promise was kept by the Tony Abbot administration, who rolled out "Operation Sovereign Borders" to stop illegal vessel arrivals by militarizing the policy and refusing to answer any line of questioning they consider to be "operational matters".[109] National security considerations have so heavily saturated Australian policymakers' minds insofar as refugee policy became a military operation with an appointed defense force general to lead its execution. Under the new Australian Border Force agency, senior bureaucrats were expected to adore military-style ensembles, and armed field officers were encouraged to surveil towns and detain unlawful people.[110] In addition, the government rolled out the Border Force Act in 2015 in which health and social employees were threatened with imprisonment if they disclosed sensitive information regarding camp conditions.[111]

The primacy of national security risks in determining refugee policy has been embodied in a philosophy of deterrence that disregards legal obligations and potential for economic benefit, rationalized by the government as efforts to end human smuggling and discouraging illegal immigration. According to numbers provided by the Department of Immigration and Border Protection and the Refugee Council of Australia, asylum seekers arriving by boat was a comparatively small issue compared to the larger number of visa over-stayers.[112] Although, fear over "boat people" was magnified by public opinion and perpetuated by Australian politicians to support a securitization strategy in which the very

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[108] SBS, “Australia will never,” 3.

[109] “ABC News,” 1.

[110] McKenzie, “Inside border force’s,” 3.

[111] Minns et al., “Australia’s Refugee Policy,” 1-21.

[112] Lohana et al., “Policy Analysis,” 173-184.

term "refugees" were associated with "risk and security".[113] The permeance of deterrence in its refugee policy mobilizes the government's ability to circumvent social and legal duties to asylum-seekers they perceive as threatening to the body politic and state security. By understanding refugee policy formation in Australia through the lens of more than symbolic national risk, we can better make sense of seemingly detached and neutral government stances on how refugees are being treated. It then becomes clear that considerations over national security inordinately guide the shaping of state platforms, bureaucratic actions, and policy statements in response to refugee crises.

iii. Reputation Rationale

One of Australia's earliest displays of leadership in response to the future of refugee resettlement was the 1938 agreement with France to accept 15,000 Austrian, German, and Czech Sudetenland Jewish refugees over the course of three years.[114] Not obliged to extend financial aid towards resettlement, the government distinguished itself in the international arena by offering a small financial contribution to facilitate the process. Applauded by international observers but criticized by right-wing press and politicians, the government recognized a refugee category was needed to differentiate them from conventional immigration.[115] Australia's reputation in the international arena and its domestic public has been an essential explanatory variable in its refugee policy's conditioning. This was corroborated when Whitlam's government refused to accept more

[113] Kampmark, "Securitization," 61-75.

[114] Waxman, "Shaping of Australia's," 19.

[115] Waxman, "Shaping of Australia's," 19.

than 1,500 Timorese refugees and its open-door policy to refugees fleeing Communist rule from Eastern Europe, Chile, El Salvador, and Nicaragua.

While initial assessments of Australia's participation as a good international citizen portray willingness to contribute to the burden-sharing process, a more extensive analysis indicates Australia's collaboration was more inspired by positive optics and public relations than by sincere concern over refugee livelihoods.[116] For instance, but accepting Kosovar refugees on a temporary basis, the government was not as dedicated to resolving the crisis as it could have been. Australia has expressed little concern over the significant ramifications on its reputation and international relations in response to its unilateral approach towards refugees. After the widely criticized 2001 Tampa Affair, Prime Minister Howard ardently upheld Australia's position to the press by stating, "we will decide who comes to this country and the circumstances in which they come".[117]

Furthermore, damage to its diplomatic capital with Indonesia, Nauru, and Sri Lanka had little weight on Immigration and Border Protection policymakers in charge of deterrence efforts.[118] After visiting the offshore detention facilities in 2013, the UNHCR reported the conditions in the camps amounted to arbitrary detention with comparable condemnation by Amnesty International, who determined the conditions violated international law.[119] Criticism intensified in 2014 when the Australian Human Rights Commission released the Forgotten Children Report calling for the removal of children

[116] King, “Factors Affecting,” 3-9.
[117] Maley, “Australia’s Refugee Policy,” 2-8.
[118] Maley, “Australia’s Refugee Policy,” 2-8.
[119] Amnesty International, “This is breaking people,” 3-4.

and their families from the detention centers.[120] Refusing to comply with the recommendations, the government asserted the scrutiny of its policies were politically motivated, with Prime Minister Abbott contending the Human Rights Commission report was a "blatantly partisan politicized exercise and the Human Rights Commission ought to be ashamed of itself".[121] To that end, Australia has demonstrated more sensitivity towards maintaining a good reputation for domestic public opinion over international perceptions. This has been key in determining refugee policy development in some instances, such as the Kosovar crisis. When the government first refused to resettle the refugees, the largely anti-Serbian sympathetic public led to the decision's reversal in the Cabinet.[122] Refugee policy has been justified as furthering the interests of Australians and national interest. Bipartisan political endorsement for hardline policies has rendered favorable public perceptions of the government, with polls such as the 2004 Australian Election Study noting that over 54 percent of the public approves the government's process of turning back all vessels containing asylum seekers.[123]

IV. Findings

Despite the DHA's litany of supposed considerations when deliberating refugee policy, from UNHCR assessments to domestic expert risk evaluations, how Australia ultimately determines its actions towards refugee crises is best understood against the backdrop of the five rationales. This analysis has revealed *Ad Honorem* rationales — legal and moral — are unlikely

[120] Australian Human Rights Commission, "The forgotten children," 29-37.
[121] Griffiths and Woodley, "Tony Abbot," 1.
[122] King, "Factors Affecting," 3-9.
[123] Gosden, "Rise of Asylum Seeker," 1-21.

to induce positive refugee resettlement policies. History demonstrates a continuum in Australia's disregard for its international legal obligations in which malleable domestic laws have followed instead of dictated the courses of action taken by the government. In comparison, doing what is "right" or prudent in situations where there are human rights abuses and inhumane treatment seems to have little influence in determining Australia's response to refugee crises. Rationales under the *Exitus Acta Probat* framework — economic, reputation, and national security — have evidenced a more appropriate understanding of how refugee policy is determined. Although earlier decisions on refugee policy creation positioned the economy at the forefront, recent developments have exemplified Australia's preponderance of other considerations. And while Australia has demonstrated more sensitivity towards its domestic reputation in the eyes of public opinion when formulating refugee policy, the same cannot be said for its international reputation. To that end, it is evident that considerations over national security inordinately guide the shaping of state platforms, bureaucratic actions, and policy statements in Australia's response to refugees.

CHAPTER FIVE: ANALYSIS OF REFUGEE POLICY IN NEW ZEALAND

I. Refugee Resettlement Policy Overview

According to Immigration New Zealand (INZ), New Zealand has accepted over 35,000 refugees since the end of World War II. The state's official annual quota program for the resettlement of refugees was formally established in 1987.[124] New Zealand's practices and policies in response to refugee crises have evolved over time, along with changing international circumstances and demands. The outcome of this has been a diverse and broad range of resettled cultures and backgrounds that now make up the country's social demographic. The INZ contends their refugee policies have reflected New Zealand's respect for and commitment to international refugee and humanitarian law. Through refugee policy, the government fulfills its obligations and contributes to global efforts to resettled refugees.

The INZ is the main branch responsible for immigration policy, overseeing the Refugee Quota Branch (RQB) who manages the Refugee Quota Programme. The INZ also operates within the Ministry of Business, Innovation, and Employment (MBIE). The principal source of immigration law is the 2009 Immigration Act that replaced the 1987 Act. Complimentary protection was added in 2011. It has also been amended in 2015 to clarify provisions and strengthen migrants' employment rights.[125] The 1951 Convention on the Status of Refugees is incorporated as an appendix in the Act. In 2016, the annual resettlement quota was set to increase by 1,000 per year by 2019, focusing on priorities recognized by the UNHCR. The INZ asserts they give preference to the most vulnerable groups in need of resettlement while balancing their

[124] INZ, "New Zealand Refugee."
[125] INZ, "New Zealand Refugee."

capacity to sustain successful settlement outcomes.[126] The composition of the program is determined but the Minister of Foreign Affairs and the Minister of Immigration. The scale, allocation, and groups are decided in three-year cycles. The INZ claims decisions primarily consider submissions by the UNHCR Global Resettlement Needs and government capacity. This seemingly straightforward process for developing New Zealand's refugee resettlement strategy is scrutinized against the implicit rationales in the following section.

II. Ad Honorem Framework

i. Legal Rationale

As a party to the 1951 Convention Relating to the Status of Refugees and 1967 Protocol, New Zealand has heavily incorporated and referenced the international legal instruments in their domestic legislation since acceding to them. For instance, the Convention's application is vivid in the 1987 Immigration Act. Under section 129F, the Convention's definition of what constitutes a "refugee" was adopted, and under section 129D(1), refugee status appeals authorities are obligated to conduct status determinations in a manner consistent with international refugee law.[127] While provision 128(5) permits illegal aliens and refugee claimants' detention, the Convention has still been relevant in detention proceedings even though it is not explicitly referenced. Instead of a mandatory detention strategy, New Zealand's approach operates on a continuum where asylum seekers arriving legally can, after filing a claim with the Refugee Status Branch, find their own housing and apply for a work visa. They also have access to publicly funded healthcare and immigration attorneys. For those arriving illegally, the authority to

[126] INZ, "New Zealand Refugee."

[127] Frater, "Detention of Refugees," 665-694.

determine processing measures is given to immigration officials who often look for alternative measures to detention. In such cases, decisions are also "periodically and promptly reviewed in light of changing circumstances affecting an individual asylum seeker".[128]

The government's robust accountability procedures demonstrate the country's commitment not to violate international law. The 2002 amendments expanded the rights of detainees by allowing conditional release and reducing authorized detention time. It is mandatory that discretionary decision making considers New Zealand's obligations to international law; section 129X stipulates "in carrying out their functions under this Act in relation to a refugee or refugee status claimant, immigration officers must have regard to the provisions of this Part and of the Refugee Convention."[129] Therefore, the Convention is not only applied during refugee status determinations but also the practice of all functions, including unlawful removals and detention of asylum seekers.

In 2001, during a Ministerial session of States Parties, the government reestablished its duties to fully carry out responsibilities under the Convention and Protocol effectively.[130] It is also considerable that even when unincorporated in domestic law, New Zealand courts have demonstrated their mindfulness to international covenants, especially when concerning human rights.[131] The courts have expressed the importance of New Zealand's obligations during decision-making to make sure their commitments are not perceived as only "window-dressing". New Zealand jurists have even conveyed the

[128] Jackson, "Restructuring," 525-548.
[129] Frater, "Detention of Refugees," 665-694.
[130] Frater, "Detention of Refugees," 665-694.
[131] Frater, "Detention of Refugees," 665-694.

procedural entitlements of asylum seekers and refugee claimants should be operated by New Zealand's Bill of Rights.[132] In 1999, a statutory footing was established for asylum procedures in which a general commitment to human rights and refugee protection norms produced a transparent "due process" for status determinations.[133] In the same year, the Act introduced Part VIA in which administratively and through an indirect route, the Convention became a mandatory benchmark for measuring refugee considerations.

International refugee provisions and principles such as non-refoulement can be observed in all stages of New Zealand's determination process, from initial verification to judicial review. A 2009 legislation reinforced protection for those who fall outside the specified criteria for asylum qualification and expanded protection to include those who are "at risk of serious human rights violations in their country of origin".[134] Referencing not only the Refugee Convention but also the Convention against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), New Zealand voluntarily broadened its obligation towards non-refoulement with this new category to protect those they determine to be vulnerable if deported. In addition to complimentary emergency protection, New Zealand is also one of the nominal governments that have voluntarily resettled refugees considered "difficult to settle", including vulnerable women and people with disabilities.[135] Therefore, New Zealand's noncompulsory incorporation of international human rights and refugee law into its domestic legal infrastructure and its

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[132] Crock, "Echoes of the Old Countries," 55-90.

[133] Crock, "Echoes of the Old Countries," 55-90.

[134] Dicker and Mansfield, "Fill the protection gap," 1.

[135] Beaglehole, "Refuge New Zealand," 7.

voluntary broadening of refugee rights elucidate the legal rationale's predominance in its refugee resettlement policy decision-making process.

ii. Moral Rationale

A significant aspect of New Zealand's refugee policy has been its efforts to build support for humanitarian action as a responsible global citizen in response to refugee crises. The government's contribution to alleviating mass refugee emergencies was made through their refugee resettlement quota program. While approached through a rights-based framework, moral concerns were often second to considerations over the political and economic value of resettlement decisions. Officials highly regarded the public's opinions. With a lack of a public debate transpiring for decades, the annual quota scale remained 750 for over 30 years even though the country's real GDP per capita substantially grew.[136]

The importance of its moral duty has been led more so by community organizations and refugee advocacy by the public instead of government-led initiatives. For example, in 2013, the "Doing Our Bit" campaign was led by refugee advocates who demanded the state double its refugee quota. The campaign quickly gained traction and garnered sympathy from parliament members across opposition parties to the point where the Labour Party included its commitment to increase the quota in their election manifesto.[137] Further engagement with the public drew in celebrity endorsements, mayoral support, and other advocacy groups so much so that by 2015, a poll was conducted revealing over 53% of the public supported a quota increase. In response, by

[136] Murdoch, "Refugee Resettlement," 43-45.

[137] Murdoch, "Refugee Resettlement," 41.

September of that year, the government proclaimed it would increase the quota to include an additional 600 more places over three years.[138] So while the campaign rested on a narrative of fairness and "doing our part", the government's basis was more about public demands than moral necessity.

Additionally, since 2001 there has been growing tension between New Zealand's value over protecting human rights and the state's duty to protect its national borders.[139] Nevertheless, the government did not generate widespread fear and ungenerous attitudes like other industrialized countries. A standard was established to assuage the threat of terrorism; however, in the drafting of the 2009 Act, the government still made sure that "the use of classified information in immigration decision-making would be subject to safeguards that ensured the successful protection of human rights".[140] Moreover, compared to its neighbor Australia, New Zealand has been lauded as the moral compass of the region in response to its handling of refugees. However, a closer examination shows that other forces come into play when determining who is the most vulnerable and in need of resettlement. Its limitation of refugees from Africa and the Middle East and prioritization of Asian-Pacific refugees are in direct opposition to the UNHCR's most vulnerable people suggestion.

Additionally, even though public sentiment, media outlets, and party leaders favored more refugees, the quota increase in 2016 was much lower than the expected amount.[141] New Zealand's ambivalent and capricious refugee selection process that

[138] Murdoch, “Refugee Resettlement,” 42.
[139] West-Newman, “Changing Attitudes,” 10-25.
[140] West-Newman, “Changing Attitudes,” 10-25.
[141] Murdoch, “Refugee Resettlement,” 43-45.

balances domestic political concerns and the broader humanitarian context is a trend that can be traced back to the early 20th century. Documents convey the government's hesitation to accept Jewish refugees fleeing Nazi Germany and Chinese refugees escaping the Sino-Japanese conflict. In the 1970s-1980s, they were reluctant to accommodate refugees seeking asylum from the war in South-East Asia. More recently, the quota program restrictions reveal New Zealand's concerns over accepting Muslim refugees from Africa, Central Asia, and the Middle East.[142] Contrastingly, the government displayed more disposition to accept Polish children who were orphaned and displaced during World War II and the various waves of Eastern European refugees escaping communism. Likewise, greater media attention generated more sympathy to settle the displaced Kosovars in the 1990s and the Tampa Affair's asylum-seekers in 2001.[143] Overall, these fundamental tensions are still present and illustrate that while the government has a moral desire to assist during refugee crises, other factors such as political context have more impact on its refugee policy.

III. Exitus Acta Probat Framework

i. Economic Rationale

New Zealand's generous past of resettling refugees from formal to informal pathways since the end of World War II and its upheld commitment of resettling refugees annually since 1987 has resulted in the settlement of people from 55 countries. The central source countries include Afghanistan, Burma, Iraq, Somalia, Bhutan, Iran, Ethiopia, and Syria.[144]

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[142] Humpage, "Systemic Racism," 33-44.

[143] Humpage, "Systemic Racism," 33-44.

[144] Marlowe et al., "New Zealand," 60-69.

The diverse groups have contributed exponentially to New Zealand's human and cultural capital and indicate the beneficial socioeconomic byproducts of resettlement. New Zealand officials have been open to receiving data produced by research demonstrating refugees' positive economic benefits from low skill to high skill.

The 2012 New Zealand Refugee Resettlement Strategy presented an overarching strategy the government aimed to fulfill resettlement responsibilities. In addition to social integration and civic participation, the framework emphasized the desire to have refugees actively participate in the economy. By undertaking this objective, officials assert the strong emphasis on economic participation is motivated by the effort to have refugees live independently with a strong sense of belonging for the benefit of their acculturation experience.[145] The strategy outlines five key targets to evaluate the success of integration efforts; these include the following[146]:

- Self-sufficiency: all refugees who are of working age are employed or are a dependent of an employed family member.
- Participation: refugees actively engage and participate in New Zealand society and feel like they belong in the country.
- Health and well-being: refugees and their family members feel a sense of security and autonomy in their lives and access to medical care.
- Education: refugees are able to use their English language skills to seek out opportunities such as employment or education to assist with integrating into daily life.

[145] INZ, "Refugee Resettlement," 3.
[146] INZ, "Refugee Resettlement," 3-4.

- Housing: refugees are equipped to live independent lives in dwellings that are safe, secure, and affordable.

Although the focus on employment is evident in all five key targets, they are attached to the process of integration and acculturation after resettlement. The targets do not necessarily imply the need for refugees for the state to reap economic benefits. The efforts are consistent with New Zealand's contribution to social responsibility regarding integration newcomers and fostering an environment where they can make a meaningful living and land opportunities for self-determination.[147] Aspects of the strategy influence refugees' settlement and acculturation experiences, not the policy formation by officials. Thus, while employment and self-sufficiency are essential measures for helping the state define successful settlement, there is no indication that the economic rationale is the principal measure by which refugee resettlement policy is decided.

ii. National Security Rationale

The global advent of securitization discourse and the perceived security risk of accepting refugees has not undermined New Zealand's commitments to the Refugee Convention. Undeniably like most of the world, since 2001, New Zealand has integrated features in its immigration policy and practices to prevent terrorists or criminals from entering its borders. However, unlike Australia or the United States, the greater intention to national security has not wildly violated refugee rights. The New Zealand Court of Appeal in a Refugee Council case determined that while it is legal to detain an illegal entrant under section 128, Convention regulations must be applied throughout the

[147] Marlowe et al., "New Zealand," 60-69.

detention period. Additionally, the 2002 Immigration Act necessitates the refusal of conditional release be put in place only when absolutely necessary.[148]

Since 2008, there have been shifts in resettlement restrictions after the fifth National government's election. This period saw two adjustments to New Zealand's refugee resettlement quota that have increased scrutiny over what's been perceived as discriminatory practices in resettlement selections. Specifically, the restriction of refugees from Africa and the Middle East resulted in relocations from these regions, making up only 4% and 10% of regional quotas.[149] Even as the UNHCR's case prioritizations are predominately from these regions. This coincides with the "broad security concerns" stipulated in the Department of Labour (2010a)[150], signifying a disinclination to accept Muslim asylum seekers. From a humanitarian standpoint, this regulation is decidedly questionable for a country dedicated to upholding its commitment to supporting the UNHCR's resettlement program.

While there have been growing tensions surrounding the region selection process, concerns over national security risks associated with refugees have not been cogently expressed in New Zealand's mainstream media. Often these outlets perpetuate fear and worry over the threat refugees pose. In New Zealand, even analysts opposed to increasing the quota program often don't entertain national security as a deciding factor. Instead, there is more concern over social cohesion and integration of certain refugees[151] as commentator Cameron Slater iterates on his blog Whale Oil, writing, "I have no problem

[148] Frater, "Detention of Refugees," 665-694.
[149] Murdoch, "Pacific Insoluble," 55-77.
[150] Department of Labour, "Cabinet Paper."
[151] Murdoch, "Refugee Resettlement," 43-45.

with the concept of refugees, or even the doubling of a quota".[152] Still, in *Refuge New Zealand* (2013), Ann Beaglehole brings up the growing prejudice and role of race in refugee policymaking. Speaking to her own experiences as a refugee in New Zealand in the 1950s, "Hungarians on the whole had a very good reception because we were white and had blue eyes"[153] and that today's refugees are not afforded the same welcome.

There have also been cases where securitization rhetoric by New Zealand Customs and the National-led government placed precedence security over humanitarian concerns.[154] But while the rhetoric and logic of security and risk obscured New Zealand's commitment to priority resettlement based on UNHCR's recommendations, this has not been a widespread pattern in determining its policies. In the face of mounting fears over terrorist networks and "boat people", New Zealand's government has done better than most in finding an appropriate balance between the duty to protect and control its borders and refugee rights. Even though the government needs to improve on preventing profiling and questioning the security risk of vulnerable refugees from predominately Muslim backgrounds, it cannot be inferred that the national security rationale has the most impact on New Zealand's refugee resettle policy.

iii. Reputation Rationale

Inconsistent imperatives have characterized New Zealand's consideration for its reputation in relation to refugee policy building. Government officials and political leaders often like to draw comparisons between other countries and their dealings with

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[152] Slater, "Tolerance."

[153] Beaglehole and Stephens, "Refugee Quota," 1.

[154] Murdoch, "Refugee Resettlement," 43-45.

refugee crises. Parities between its response and Australias are commonly noted. For example, during the Tampa Affair, New Zealand took significant delight in springing to action and outdoing its regional neighbor in the spirit of altruism.[155] While New Zealand's attention to its reputation has not been in complete vain and simply for favorable optics, its record in relation to refugee resettlement policy has been mixed. The government has conveyed a message of compassionate generosity, being one of the few countries eager to settled disabled and handicapped refugees.

Although, there are also accounts of harsh and discriminatory restrictiveness like the response to Jewish refugees fleeing the Holocaust during World War II. An event that remains mostly ignored and unacknowledged by the state.[156] Regardless of the evidence, by not bringing more attention to the failure of its refugee policy in that time period, the government is able to maintain its image as exceptionally humanitarian and outstandingly generous to asylum-seekers. By representing only selective records, New Zealand gains from projecting itself as the ideal society and humanitarian leader in the developed world. Therefore, there has been bourgeoning interest in sustaining a "clean" international and regional image compared to previous decades. Accurate historical accounts reveal the discrepancy between how New Zealand portrays itself and the actual account in which they responded to refugees.

Until the mid-1980s, a discriminatory immigration policy that preferred migrants from the British Isles maintained a national population primarily of Anglo-Celtic origin. With the end of the discriminatory practice in the late 1980s and the emergence of

[155] Olaf, "Remembering for Refugees," 665-683.
[156] Beaglehole, "Refuge New Zealand," 7.

multicultural attitudes and values, New Zealand did little to address its past ethnic discrimination against non-British migrants.[157] Instead, the government disguised its problematic past to advance immigration from Asia and perpetuate an image of exceptional race relations by only acknowledging the 19th-century discriminatory Chinese poll tax. When recent administrations recognize the past for what it was, it is done to advance a political agenda or highlight national growth in handling refugees. For instance, to depict mandatory detention in a favorable light, the previous Labour-led government tried to push its harder-line policies by comparing it to the past.[158] On that note, even as interest in maintaining a positive self-image seems to be a growing interest of New Zealand's government, the reputation rationale does not sufficiently account for their refugee resettlement policy decisions.

IV. Findings

Regardless of the INZ's claim that refugee policy making decisions primarily consider submissions by the UNHCR Global Resettlement Needs and government capacity,[159] the imperatives that decidedly dictate action towards refugee crises is best understood against the backdrop of the five rationales. This analysis has revealed A*d Honorem* rationales — legal and moral — have the most influence on the production of positive refugee resettlement policies. While the government has a moral desire to assist during refugee crises, other factors such as political context have more impact on New Zealand's refugee policy over the moral rationale.

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[157] Beaglehole, "Refuge New Zealand," 7.

[158] Beaglehole, "Refuge New Zealand," 7.

[159] INZ, "Refugee Resettlement," 7.

However, New Zealand's noncompulsory incorporation of international human rights and refugee law into its domestic legal infrastructure and its voluntary broadening of refugee rights elucidate the legal rationale's predominance in its refugee resettlement policy decision-making process. The remaining rationales under the *Exitus Acta Probat* framework — economic, reputation, and national security — have the least utility in helping us understand how New Zealand's refugee policy is determined. Thus, while employment and self-sufficiency are essential measures for helping the state define successful settlement, there is no indication that the economic rationale is the principal measure by which refugee policy is formulated. And even though the government needs to improve on preventing profiling and questioning the security risk of vulnerable refugees from predominately Muslim backgrounds, it cannot be inferred that the national security rationale has the most impact on New Zealand's refugee resettle policy. Finally, even as interest in maintaining a positive self-image seems to be a growing interest of New Zealand's government, the reputation rationale does not sufficiently account for their refugee resettlement policy decisions.

CHAPTER SIX: PACIFIC PEOPLES' SOLUTION

I. Application of Rationale-Outcome as an EDP Resettlement Approach

The rationale-outcomes, i.e., the rationale's that most compelled or deterred positive traditional refugee resettlement policies, are *National Security* for Australia and *Legal* for New Zealand. Accordingly, these rationales have been the primary imperatives considered by the respective country-case when formulating policy in response to refugees and asylum seekers protected under the 1951 Convention and 1967 Protocol Relating to the Status of Refugees. With this finding, we can infer that a similar line of reasoning and logic will follow during resettlement discussions over environmentally-displaced persons. Based on the rationale-outcomes, in the absence of legal protection, a "soft" approach towards incentivizing governments to resettle EDPs is uncovered. A "soft" approach entails influencing the shaping of policies through persuasive mechanisms such as appeal and co-option instead of coercion. With that said, how can resettlement stakeholders and advocates entice Australia and New Zealand, as well as other state actors, to act in favor of EDPs? Interest groups including but not limited to civil society, NGOs, advocacy movements, media outlets, and social networking platforms can motivate states to offer EDPs opportunities to migrate with dignity based off rationales that guide traditional refugee resettlement policies.

In the Pacific, considerations over national security, under the *Exitus Acta Probat* framework, inordinately guide the shaping of state platforms, bureaucratic actions, and policy statements in Australia's response to refugees. Stakeholders and advocates can counter the negative public sentiments and state concerns over the utility of accepting another migrant group

like EDPs by responding to fears over migrants as a national security threat that bring with them, terrorists and other nefarious actors. The response should take some form of fact-checking in which campaigns built on data reflect the actual benefits of accepting displaced communities and, as a result of the vetting process, their low-security risks. Interest groups must address state concerns over the possibility of terrorism and national security threats through education and knowledge-awareness mechanisms. To alleviate heightened levels of hostility and xenophobia towards asylum seekers that can manifest towards EDPs, stakeholders, and advocates can remind the public and governments of the various processes that can be put in place to ensure risk-free resettlement. This includes negotiating security packages with agencies that can run background checks, security screening, and funds for EDP vetting services. Additional law enforcement training by the UNHCR can also be offered to host states. Advocacy using the national security rationale should also remind state actors of the increased risk to national security if action is delayed and climate conditions rapidly deteriorate, causing a mass human displacement scenario. Preemptive gradual action contributes to longer-term sustainability and thus, reduces risks affiliated with human mobility and security.

In New Zealand's case, under the A*d Honorem* framework*,* the state's noncompulsory incorporation of international human rights and refugee law into its domestic legal infrastructure and its voluntary broadening of refugee rights elucidate the legal rationale's predominance in its refugee resettlement policy decision-making process. As a result of the protection-gap, invoking international refugee law is not appropriate for EDPs as they are not protected by the 1951 Convention and 1967 Protocol Relating to the Status of Refugees, and therefore, state actors are not bound to legal obligations. However, stakeholders and advocates should appeal to regional or

domestic laws —when present — that can apply to EDPs as supplementary legal avenues. While there is significant work that needs to be done within the current international normative and legal framework to directly address cross-border environmental displacement, this does not mean states are exempt from providing protection under international law. Interest groups can also appeal to the existing human rights paradigm that acknowledges and provides for all people's fundamental rights and dignity through various international legal instruments. These include the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social and Cultural Rights (ICESCR). States are obligated under international conventions to recognize and preserve fundamental human rights, and while EDPs are not explicitly addressed in relation to human rights and migration, this does not negate the fact that climate change is a detriment to these fundamental rights each EDP possesses. Specific applicable rights that can be called upon are the right to life, health, and civil and political rights. International legal entities are recognizing these rights as they relate to climate change. The UN Human Rights Committee, pursuant to Individual Communication No. 2728/2016 (Teitiota v New Zealand), recognized the risk to the right to life under Article 6 of the ICCPR in their opinion. Therefore while states may not be explicitly required to protect EDPs under a legal document that specifically addresses their condition, stakeholders and advocates can draw on their obligation to protect the fundamental human rights of EDPs vis-à-vis a host of existing human rights law.

While this approach is a proactive step towards long-term planning, it is to be taken with discretion and should not substitute the necessary action that state actors can take at present to mitigate and adapt to climate change impacts. Lessons from previous climate-induced relocation

projects and resettlement attempts in the Pacific stress the necessity of including the communities involved as a key component of all resettlement schemes. The previous relocation of Carteret Island residents, an atoll of the Autonomous Region of Bougainville, Papua New Guinea, exemplifies issues such as land insecurity that the displaced community can face when they are not involved.[160] Similar challenges were faced by the Gilbertese people in the mid-1900s, whom the British colonial administration resettled from Kiribati to Ghizo in the Solomon Islands. Obstacles, including lack of education and employment opportunities, cultural decline, and poor political representation, persist 60 years after resettlement.[161] More recently, in 2017, New Zealand climate change minister, James Shaw, unveiled a new scheme that would annually resettle 100 environmentally-displaced Pacific Islanders under a new "experimental humanitarian visa" category. Well-intentioned, Prime Minister Jacinda Ardern affirmed, "I see it as a personal and national responsibility to do our part".[162] The plan quickly failed because the Pacific Islanders were not consulted and involved in the policy-making process. They did not want the visas because assuming "refugee status" was perceived as the last resort policy option. Rather, Pacific Islanders have called on a gradual approach beginning with emissions reduction, then support for adaptation efforts, an institution of legal migration pathways, and, if necessary, granting refugee status.[163] Therefore, a "Pacific Peoples' Solution" framework permeates the application of the rationale-outcomes as an EDP resettlement approach in this thesis.

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[160] Edwards, "Logistics of Climate-Induced Resettlement," 3.

[161] Donner, "The Legacy of Migration," 191-201.

[162] Dempster and Ober, "New Zealand's 'Climate Refugee' Visas," 1.

[163] Dempster and Ober, "New Zealand's 'Climate Refugee' Visas," 3.

CONCLUSION

This thesis aimed to uncover resettlement approaches for EDPs in the absence of international legal mechanisms that can be pursued as a "soft" pathway towards positive resettlement policies. EDPs are loosely defined as those who are compelled or urged to migrate due to the threat on their livelihoods posed by destructive natural disasters and permanent environmental degradation as a result of slow-onset and sudden-onset impacts of climate change. Since EDPs do not qualify for "refugee" status, they are not afforded access to assistance under the 1951 Convention and 1967 Protocol; leading to the "protection-gap". The framework of this thesis models historical and contemporaneous motivators behind traditional refugee resettlement policies and is intended to be utilized as a resource for resettlement stakeholders, including but not limited to civil society, NGOs, advocacy movements, media outlets, and social networking platforms. I employed a critical refugee studies lens to help guide my research in which I positioned the displaced subject as not an object that needed rescuing but as a source for intimate knowledge and a site for critical contributions. Therefore, a "Pacific Peoples' Solution" framework permeates the application of the rationale-outcomes as an EDP resettlement approach.

Thematic and content analysis was deployed through a non-experimental comparative case-study design built on secondary qualitative data. It involved analyzing and synthesizing policy patterns against the backdrop of a rationale-typology inspired by Suman Momin's human rights-based approach to refugees in the Duke Forum for Law & Social Change (DFLSC).[164] This study adopted them as analytical categories labeled "rationales" that can influence refugee

[164] Momin, "Human Rights Based," 55-80.

policy development, both negatively and positively, arranged under two motivational-forces, *Ad Honorem* and *Exitus Acta Probat*. The findings reveal the predominance of the national security rationale and legal rationale in Australia and New Zealand's refugee policymaking, respectively.

Rationales under the *Exitus Acta Probat* framework — economic, reputation, and national security — have evidenced a more appropriate understanding of how refugee policy is determined in Australia. To that end, it is apparent that considerations over national security inordinately guide the shaping of state platforms, bureaucratic actions, and policy statements in Australia's response to refugees. Additionally, this analysis has revealed *Ad Honorem* rationales — legal and moral — have the most influence on producing positive refugee resettlement policies in New Zealand. The government's noncompulsory incorporation of international human rights and refugee law into its domestic legal infrastructure and its voluntary broadening of refugee rights elucidate the legal rationale's predominance in its refugee resettlement policy decision-making process.

While the findings are limited to islands or coastline countries experiencing imminent climate-induced forced displacement, we can infer that a similar line of reasoning and logic will follow during resettlement discussions over environmentally-displaced persons. By modeling the rationale-outcomes, new insights are provided for resettlement stakeholders and advocates on how to entice Australia and New Zealand, and other state actors to take measures in favor of EDPs. This includes education and knowledge-awareness campaigns to reduce fears over migrants and appeals to protect the fundamental human rights of EDPs vis-à-vis a host of existing human rights law. The significance and more outstanding contributions of this thesis project are both scholarly and policy-oriented. With the substance of current literature on

environmental displacement focusing on standardizing terms and concepts or the legal "protection-gap", the discipline has reached a literary impasse. In effect, a deficit in solutions-based research on resettling this group of migrants persists. By utilizing the existing and more comprehensive literature on traditional refugees, this research contributes to new knowledge on how to work within a protection-gap and the saliency of state sovereignty to encourage governments to consider resettlement of EDPs.

The findings incrementally help fill in the literature gap on resettlement solutions for cross-border environmental displacement. Likewise, implications for the policy sector are also considerable. To reach positive resettlement policies, you must have a willing state. My findings identified approaches for stakeholders interested in enticing governments to spur action and resettle EDPs. Future studies could develop and elaborate on the various approaches to formulate concrete action plans. Further research is needed to determine the rationales that guide refugee resettlement policymaking in other traditional resettlement countries. As long as there is a legal protection-gap, expanding on such research will continue to be monumental in helping states address and figure out how to assess climate change as a legitimate precursor to displacement in asylum cases.

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