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ANALYSIS

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# ENVIRONMENTAL CHANGE AND MIGRATION: IMPLICATIONS FOR AUSTRALIA

## EXECUTIVE SUMMARY

*It is likely that an increased number of migrants will arrive in Australia during the next decade as a result of the effects of environmental change in Pacific Island countries. A relatively modest sea-level rise may pose a threat to the very existence of Tuvalu and Kiribati. Natural disasters are increasing in frequency and intensity in Papua New Guinea, Fiji, Samoa and Vanuatu. Much of the population in these Pacific Island countries is youthful, and young adults tend to be the most mobile people. And migrants leaving their homes as a result of environmental change are likely to follow friends and family abroad, many of whom are already settled in Australia.*

*It is clearly in Australia's national interest to manage future migration, including environmental migration. The scale of any environmental migration to Australia can be reduced by supporting adaptation to environmental change in the affected countries. But, however effective these adaptation measures prove, migration to Australia from the Pacific Island countries as a result of environmental change is still likely to occur. Australia needs to plan for this in order to maximise the benefits, but also minimise the costs, including any increase in irregular migration.*

*What is required is a national policy framework on environmental migration with three main components: continuing support for multilateral initiatives on environmental migration; capacity-building in origin and transit countries; and national legislation for environmental migrants arriving in Australia that leverages existing labour migration programs and targets a limited number of countries. Developing a national policy framework on environmental migration is not an exercise in speculation – it is managing a future challenge, and it is in Australia's national interest to begin that process now.*

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**ENVIRONMENTAL CHANGE AND MIGRATION****Introduction**

It is likely that an increased number of migrants will arrive in Australia during the next decade as a result of the effects of environmental change. In the Pacific Islands, the increasing frequency of natural disasters, the disruption of agriculture by climate change, and the prospect of even modest sea-level rises, could displace hundreds of thousands of people in the worst-case scenario.<sup>1</sup> Australia is a likely destination for many of these people, because of geographical proximity, existing social networks, and the fact that it already has migration legislation that focuses on the Pacific such as the 2012 Seasonal Worker Scheme. It will be surprising if Australia does not also become a target for people leaving Papua New Guinea, which is particularly vulnerable to the effects of climate change, although many may move locally first. Even where environmental migration does not directly affect Australia, it may increase resource scarcity, contribute to state fragility, and even exacerbate conflict in parts of the world where Australian strategic, economic, and development interests are significant.

This Analysis makes the case for developing a national policy framework on environmental migration. It does so without relying on the dubious science, the irresponsible manipulation of data, and the sheer conjecture that have characterised much of the global debate on migration and climate change in recent years. Neither does it depend on the unconvincing argument that the ‘polluter should pay’ by invoking the national responsibility of high-emission countries like Australia to bear the burden for the consequences of climate change. Instead, it makes the argument that developing

a policy framework is in the national interests of Australia.

The proposal here is for a policy framework that combines three main elements. The first element is to support current initiatives to place environmental migration on the multilateral agenda and develop an international response. The second is to help build capacity in countries that will be affected by environmental migration, targeting those countries that are likely to be origin or transit countries for migrants heading for Australia. The final element is to develop national legislation for environmental migrants in Australia. This can be limited in scope to origin countries in Australia’s immediate neighbourhood, and build on the Seasonal Worker Scheme to provide temporary work permits rather than indefinite humanitarian protection across the board.

In developing the argument for a national policy framework, three key questions are addressed in this paper. First, how many environmental migrants can be expected in Australia and how soon? Second, why is it in Australia’s national interest to act now? And third, what form should a national policy framework on environmental migration take?

**How many and how soon?**

Many experts are understandably nervous about making estimates regarding environmental migration. The science of environmental change is not robust enough to make solid predictions, and data on contemporary migration are too inaccurate to use as a basis for forecasting. The production

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of data on climate change and migration has become politicised, and estimates on migration resulting from the effects of environmental change can be used to alarm rather than inform. Certainly, any estimate on environmental migration needs to be handled carefully.

Nevertheless, a lack of accuracy in forecasting should not be a reason to avoid addressing what most commentators agree will become a substantial issue. Even at the lower end of the estimates that are published, environmental migration will take place at a scale significant enough, and soon enough, to merit policy attention now.

The relationship between environmental change and migration is by no means straightforward. The nature of the environmental impact matters. There will be short-term and often only internal migration as a result of natural disasters such as tropical cyclones, heavy rains, and floods. Slow-onset events such as drought and desertification will cause more permanent migration. Both types of impact are predicted to increase significantly in the next few years due to climate change, although the relationship between climate change and environmental disasters remains contested. Migration is not an inevitable outcome – in many circumstances people may be able to adapt and stay put. Important variables will include poverty, social vulnerability, and the capacity of the government to provide alternatives to migration. Even where migration does take place, it will often be in response to multiple drivers. Climate change may, for example, be a threat multiplier and exacerbate disparities, reduce livelihoods, or fuel conflict in a country, making it hard to discern

environmental factors from other factors in motivating migration.<sup>2</sup> And migration may often be internal rather than across international borders.<sup>3</sup>

In considering the future impact of environmental change on migration to Australia, particular attention has been paid to Tuvalu and Kiribati. The main reason is that a relatively modest sea-level rise, or even a major storm, may pose a threat to the very existence of these island states.<sup>4</sup> The environmental threat is compounded by inadequate land and coastal management in both countries. In Kiribati, one can add inadequate water and sanitation policies to the list of problems. It is possible that the entire populations of each country may at some point need to be permanently resettled. This is significant not just in terms of numbers (the population of Kiribati is about 100,000 and of Tuvalu about 10,000). It also raises questions about how the sovereignty of these states and their citizens would be maintained in the absence of a territory.

Pacific Island countries are already regularly affected by natural disasters, especially cyclones, droughts, and storm surges, and these too may become drivers of migration. Between 2000 and 2011, about 300,000 people in Papua New Guinea were affected by natural disasters, almost 90,000 in Fiji, and about 80,000 in Vanuatu.<sup>5</sup> Such disasters do not necessarily result in migration; in Samoa, for example, effective Disaster Risk Reduction (DDR) has helped mitigate the effects of cyclones. But in other countries these natural disasters have already caused significant displacement, although usually within the affected country, at least initially. The World Bank has reported that the number of natural

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disasters in the region is increasing significantly, and that the disasters are becoming more intense.<sup>6</sup> Increasing urbanisation, deforestation, and the destruction of mangrove swamps are simultaneously making many Pacific islands more vulnerable to the effects of environmental change. According to the Asian Development Bank, virtually all the island states in the Pacific are considered to be 'hotspots' of substantial environmental impact, with coastal areas most at risk.<sup>7</sup> Estimates for the number of people predicted to be displaced in and from Pacific Island countries as a result of environmental change by 2050 range in one study from 665,000 to 1,725,000.<sup>8</sup>

There are three reasons in particular why environmental change in the Pacific Island countries may become a factor in migration in the region, including to Australia. Perhaps the most important is that the demographic changes in most of these states over the next ten or twenty years will exacerbate the 'youth bulge' that many already face. The bulk of population growth to 2050 is predicted to be in Melanesia, and particularly Papua New Guinea, although significant population growth is also anticipated in Solomon Islands and Vanuatu. Young adults tend to be the most mobile age group and this 'youth bulge' is likely to lead to a substantial increase in the numbers of migrants seeking to move within the region. This is likely to be the case even as countries such as Papua New Guinea achieve significant economic growth.<sup>9</sup>

Second, much of the internal migration in Pacific Island countries that has occurred in the past few decades has moved people to cities that are especially vulnerable to environmental

change. The urban poor, in particular, will feel the impact of environmental change, because they are more exposed to hazards (for example, in makeshift housing), live in areas that lack hazard-reducing infrastructure like drainage systems, and have less access to state assistance in the event of a natural disaster. 'Stepwise' migration, where rural-urban migration precedes an increase in international migration, is a widely observed phenomenon.

Finally, there is already considerable migration from the Pacific Island countries to Australia, New Zealand and other Pacific Rim countries. This matters because international migration precipitated by the effects of environmental change is likely to follow existing migration networks, supported by migrants already settled in specific destination countries. Richard Bedford and Graeme Hugo have identified three distinct migration networks originating in the Pacific region. One is centred on Melanesia, from where there is already a substantial diaspora from Fiji; a second on Micronesia where Kiribati and Nauru have strong migration links with Australia and New Zealand; and a third on Polynesia where regional links are strongest with New Zealand. These migration networks have been reinforced by preferential migration legislation, in particular in New Zealand, although more recently in Australia also.

**Why is it in Australia's national interest to respond now?**

It is clearly in Australia's national interest to manage future migration. In terms of managing environmental migration any policy will need to include a number of elements.

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Most obviously, the potential for environmental migration to Australia can be reduced by acting now to support adaptation to environmental change in the affected countries. Except in extreme cases such as where low-lying islands submerge, resulting in no option but to leave, migration is just one of a range of strategies in response to environmental change, and may often not be the preferred option. Many people may stay put and accept environmental change, even though their living standards may decline. Others may remain and adapt in a more active way, for example by building defences, changing agricultural practices, or adopting new livelihoods. Many will relocate within their countries rather than across national borders. The choice that people make between these strategies is likely to depend on factors such as their access to resources, their resilience and vulnerability, and their previous experience of migration.

However effective any adaptation measures prove, some migration to Australia from the Pacific Island countries is still likely to occur. It is in Australia's interest, therefore to plan now for that migration in order to maximise the benefits and minimise the costs. The development of a policy framework on environmental migration is an opportunity to plan well ahead of time to ensure Australia has as much control as possible on the number of migrants that may be admitted, their profile, the conditions of their arrival, the length of their stay, and the rights to which they will be entitled. The extent to which it may be appropriate to apply existing migration categories can be assessed in advance, and appropriate criteria could be applied to avoid concerns about 'queue-jumping'. Environmental migration may even provide the

opportunity to import required skills to Australia.

One of the potential costs to Australia of not managing environmental migration is that it may increase irregular migration. The problems caused by irregular migration hardly need to be rehearsed: it undermines the exercise of national sovereignty, by challenging the control of the state over its borders and territory; it places a strain on public services, especially health and education; and it exposes vulnerable migrants to exploitation, and the risk of harm and death. Research outside Australia indicates that the migrant smugglers who tend to monopolise irregular migration are often associated with other crimes and can become a threat to public security.<sup>10</sup> The ongoing debate over unauthorised boat arrivals in Australia demonstrates how even a relatively small number of irregular migrants can undermine public confidence in the ability of government to manage migration.

Another reason to plan for environmental migration from the Pacific now relates to Australia's long-standing development and humanitarian commitment to the region. Environmental change already does and will continue to undermine livelihoods, multiply the challenges of urbanisation, exacerbate vulnerability to food and water insecurity, and heighten competition over scarce resources in affected countries.<sup>11</sup> Planned migration is one way of supporting adaptation to environmental change in Pacific Island countries most at risk.<sup>12</sup> It can provide new livelihoods for people who lose land or work as a result of environmental change. Migrants can support those who remain at home through remittances. Migration may also alleviate pressure on resources in

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countries at risk, allowing a smaller population to remain there for longer.<sup>13</sup>

The idea that Australia should start planning for environmental migration is not new. In 2006, the Labor Party proposed a Pacific Rim coalition to accept climate change ‘refugees’,<sup>14</sup> while in 2007, Greens Senator Kerry Nettle proposed the Migration (Climate Refugees) Amendment Bill 2007.<sup>15</sup> In 2009, an enquiry by an Australian Senate Committee recommended a review of the legal and policy framework for communities forced to resettle as a result of environmental change.<sup>16</sup>

There are three reasons why it is appropriate to return to the idea now – although the proposal being made in this paper is substantially different from the ideas proposed, and rejected, in the past. One reason is that the evidence base for environmental migration is improving. While forecasting future migration will always be difficult, the relationship between environmental change and migration is far better understood than it was even five years ago. Furthermore, there is clear evidence that people are already being displaced from their homes in the Pacific Island countries as a result of the effects of environmental change.<sup>17</sup> Second, it is striking that a number of countries that are far less likely than Australia to be directly affected by environmental migration have already conducted national policy reviews, including the United Kingdom<sup>18</sup> and even Switzerland. Closer to home, New Zealand is currently developing a policy on environmental migration.<sup>19</sup> Finally, there is a significant benefit to preparing a policy framework in advance of significant environmental migration, rather than during or after the event. Getting ahead of

the curve is important in migration policy-making.

At the same time, it is important to acknowledge that the current political environment in Australia is not conducive to ambitious, expensive new policies on migration. The proposal made in the next section therefore balances multilateral with unilateral initiatives, builds upon existing commitments in Australia, and provides cost-effective options.

**Developing a national policy framework on environmental migration**

The proposal here is for a national policy framework on environmental migration with three main components: continued support for current multilateral initiatives on environmental migration; capacity-building in origin and transit countries to cope with environmental migration; and the development of national legislation for environmental migrants arriving in Australia.

***Supporting multilateral initiatives***

Currently, multilateral initiatives on environmental migration are focusing on the development and consolidation of normative principles that can inform regional or national laws and policies on environmental migration. One example is the Nansen Principles. These Principles were developed at a conference co-hosted by the Government of Norway and UNHCR in Oslo in June 2011, and adopted by over 200 delegates, including representatives of UN and civil society organisations. They recommend building on existing norms in international law, and identify the

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responsibility of local, national, and international actors.<sup>20</sup>

Normative principles are important because they provide a basis upon which to respond to the protection and assistance needs of environmental migrants. At the moment there are no agreed principles for how to deal with migrants who cross national borders for environmental reasons. Indeed, there is still a debate about the legal status of people who lose their territories completely as a result of rising sea levels, however unlikely that eventuality may actually be. The direct analogy for developing normative principles to fill protection gaps is the evolution of the Guiding Principles on Internal Displacement. These comprise a non-binding expert document that has been used to lobby for national legislation on internal displacement in about 30 countries and at the regional level.<sup>21</sup>

The development of normative principles on environmental migration is a process that Australia is well-placed to support, given its experience in multilateral negotiations (including support for the Guiding Principles on Internal Displacement), and considerable Australia-based expertise on this topic. Australia has recently agreed to become a member of the Steering Group for the Nansen Principles. There are a number of things Australia could do in this regard. It could develop a comprehensive and widely accepted definition of environmental migration. It could promote collaboration between the various separate initiatives currently aimed at developing normative responses to environmental and other forms of 'crisis' or 'survival' migration. It could convene a series of interdisciplinary and multi-stakeholder

consultations to agree proposed norms. After normative principles are agreed, Australia could become a sponsoring state for them at the multilateral level. It might, for example, support research, training, dialogue, public relations, and dissemination activities to raise awareness of the principles; or encourage adherence at the UN level or among regional partners.

Multilateral initiatives are not a panacea, however, and they would not replace, or justify delaying, the simultaneous development of a national response. In particular, beyond establishing normative principles, there is not much more that is likely to happen at a multilateral level on this issue. The prospects for a new international treaty or a protocol to the 1951 Refugee Convention are slim and have significant shortcomings. Obstacles include: resistance from the Office of the UN High Commissioner for Refugees (UNHCR) which is the guardian of the 1951 Convention, and its governing member states; the length of time it takes to negotiate international conventions in the field of human rights; and the reality that many states would refuse to ratify a Protocol or new Convention.<sup>22</sup> These legal and political obstacles are compounded by a lack of clear empirical evidence on the numbers of people expected to be displaced across borders by the effects of environmental change, the time horizon involved, and the extent to which this is likely to be a regional or truly global issue.

*Capacity-building in origin and transit countries*

Given the shortcomings of multilateral approaches, a second component of a national policy framework on environmental migration

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should focus on capacity-building in countries that are most likely to be affected. The most important element of this would be to support adaptation to environmental change. This is already identified as a priority in the Pacific region in the AusAID 2012-13 budget, which provides for an additional \$384.5 million over four years, including to support governments and communities to plan for and deal with the effects of environmental change.<sup>23</sup> It is important that this level of commitment is maintained over the next decade. AusAID also funds the Adaptation to Climate Change Initiative through the UN Framework Convention on Climate Change (UNFCCC), which provides grants in the Pacific region for a range of projects including health, education, food security, agriculture and fisheries.

Affected states should also be encouraged to sign up and adhere to the Guiding Principles on Internal Displacement, which provide a legal basis for protecting people displaced within their own countries by the effects of environmental migration. Adequate protection at home is one way to reduce the pressure to move abroad, but especially in some small Pacific Island countries there is simply a lack of capacity to focus on such medium- and long-term challenges. Implementing national laws and policies on internal displacement thus requires considerable capacity-building. One aim for capacity-building efforts is raising awareness of the problem of internal displacement; for example, through information and sensitisation campaigns for relevant authorities, including the military and police as well as the public. Data collection is another step, with the important proviso that such efforts should not jeopardise the security, protection or freedom of movement of those

displaced. The provision of training on the rights of the internally displaced is also a necessary component, targeting government policy-makers at the national, regional and local levels, the military and the police, camp administrators, commissioners and staff of national human rights institutions, parliamentarians and civil society, as well as the displaced themselves, among others.

*National legislation*

Neither support for adaptation in origin countries nor capacity-building in transit countries will stop some environmental migrants trying to move to Australia, however. A third component of a policy framework is therefore to develop national legislation on environmental migrants.

Three main models can be considered. One is to develop a new humanitarian category for environmental migrants. This is what was proposed in the Greens 2007 Bill, which called for a 'climate refugee' visa category for people fleeing 'a disaster that results from both incremental and rapid ecological and climatic change and disruption, that includes sea-level rise, coastal erosion, desertification, collapsing ecosystems, fresh water contamination, more frequent occurrence of extreme weather events such as cyclones, tornados, flooding and drought, and that means inhabitants are unable to lead safe or sustainable lives in their immediate environment'.<sup>24</sup>

The Bill attracted considerable criticism in the Senate and did not proceed to a vote. Some criticisms concerned technical issues – for example that the proposed Bill placed too much responsibility for determining the criteria for defining a disaster and the conditions for

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admitting 'climate refugees' in the hands of the Minister. Other speakers questioned the legal validity of the concept 'climate refugee'. Three concerns recurred in the criticisms. One was that Australia was already doing its fair share in terms of responding to climate change, and in terms of global migration. A second was that Australia should not be taking unilateral action on a multilateral issue. And the third was the financial implications of the proposal.

Had it succeeded the Greens legislation would have made Australia the first country in the world to develop a specific visa category for environmental migrants, potentially making it a magnet for new migrants from around the world. There were other legitimate questions about what impact the creation of a new visa category would have on the current humanitarian resettlement category – would the quota for the latter be reduced to provide for the former? The fact that the legislation did not pass also reflected the reality that the current political climate on migration issues makes it very difficult to pass new legislation at this time. A second model is to amend existing legislation to provide temporary protection or refugee-like protection to environmental migrants. One advantage of such an approach is that legislative protection responses have already been adopted by other industrialised states, and so Australia would not be setting a precedent.<sup>25</sup> In the United States, Temporary Protected Status (TPS) was introduced as part of the 1990 Immigration Act to provide at least limited protection to people who are fleeing, or reluctant to return to, potentially dangerous situations in their home country. Between 1995 and 1999, the status was extended to people from Montserrat following volcanic eruptions there, and more recently to Haitians following

the 2010 earthquake. Some analysts have suggested that the European Union Temporary Protection Directive of 2001 may be interpreted to apply to mass influxes of people from natural disasters. Within the EU, Sweden and Finland have both amended their asylum and human rights laws to incorporate some element of 'environmental migration'.<sup>26</sup> The 2005 Swedish Aliens Act provides for the possibility to provide subsidiary protection on environmental grounds; while the Finnish Aliens Act of 2004 explicitly acknowledges that unusual environmental circumstances can produce mass influxes of migrants who require temporary protection.

None of these examples of national policies and legislation is an ideal solution to the problem, however. TPS only applies to people already resident in the United States at the time of a natural disaster, and not to people fleeing the event. Invoking the EU Temporary Protection Directive would require agreement by a majority of EU Member States, which most commentators deem unlikely; and the focus of the Directive on 'mass influxes' would probably not cover most environmental migrants that would likely arrive in Europe (most environmental migrants in a European context would probably arrive gradually as the result of slow-onset events such as desertification in the Middle East and North Africa). Neither of the relevant provisions in Sweden or Finland has ever been tested, and there are reservations about how they would function in practice; for example, it is unclear whether the protection envisaged is temporary or permanent.

This then leaves a third model that provides the most realistic and pragmatic approach for Australia to take. This would be to use existing

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labour migration programs to extend migration opportunities to people vulnerable to or affected by environmental change. This is not without precedent. There is some debate, for example, about whether the New Zealand Pacific Access Category visa may evolve into a migration policy for environmental migration, although that is not its intention. It was conceived as a traditional labour migration program rather than an instrument for humanitarian protection.<sup>27</sup> It is based on a ballot system, stipulates age restrictions for applicants, who must have a job offer in New Zealand, a minimum income requirement, and a reasonable level of English. Furthermore, the scheme targets a limited number of countries only, and thus represents a limited response to environmental migration. Nevertheless, the scheme does target Pacific Islands at risk of environmental change, including Tuvalu, Kiribati, and Tonga, and arguably provides a basis for admitting people from these islands on environmental grounds. For example, the small quota could be extended, or the ballot system and criteria for selecting candidates revised, or the target countries increased, without significant legislative changes.

Against this background, Australia's new Pacific Seasonal Workers Scheme may provide a starting-point for responding to migration arising from the effects of environmental change in the Pacific Islands. Started as a pilot scheme in 2009 for people from Kiribati, Tonga, Vanuatu, and Papua New Guinea, the scheme has now become permanent and been extended to include Nauru, Samoa, Solomon Islands, and Tuvalu.

No one should be under any illusions that the Scheme provides a comprehensive response to

the challenge of environmental migration. First, at least some environmental migrants will require protection that is not conceived of in labour migration programs. Filling these 'protection gaps'<sup>28</sup> will require some crossover between labour migration and humanitarian resettlement schemes. Second, where people are moving as a result of irreversible environmental change, for example rising sea levels, a permanent solution will be required, rather than the seasonal and temporary options provided in the Seasonal Workers Scheme. There are, however, models from elsewhere for facilitating the transfer of migrants employed on temporary labour migration schemes into permanent residence, based on a set of clear rules and criteria.<sup>29</sup> Third, it may be that those affected by environmental change do not have the appropriate skills for the work on offer. One way around this is to offer Pacific Islanders targeted training to develop the skills that are required. This could be done, for example, through an extension of the Australia-Pacific Technical College that provides Australian-standard skills and qualifications for vocational careers that are in high demand in Australia. There is already an Australian government scheme to train Kiribati nurses that allows them to stay in Australia to work.

Such difficulties notwithstanding, the model of responding to environmental migration through existing labour migration programs is appealing. It could be achieved without significant new legislation or additional expenditure or changing institutional arrangements. It targets a limited number of countries only, defined by Australia's national interest, and thus would not become a global magnet for environmental migration. It combines options for pre-empting and

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responding to the effects of environmental change. And for all these reasons, it is likely to be the most palatable of policies for public consumption.

It should be said however, that adopting this model, or even the others discussed above, should be preceded by a comprehensive national review of environmental migration and its implications for Australia. The terms of reference for such a review would include a systematic evaluation of the existing data and evidence on the impacts of environmental change on migration in the region; an assessment of the direct and indirect implications of environmental migration for Australian national interests; an inventory of relevant processes and their shortcomings; consultations with appropriate stakeholders at the national and regional levels; and recommendations on mechanisms for responding to environmental migration at a national, regional, and international level.

### Conclusion

Environmental migration brings together two of the key policy challenges facing Australia today.

Significant displacement and migration prompted by environmental change effects in the Pacific Islands is a near certainty. As the nearest developed nation, the regional economic and political leader, and the hub of significant established migration networks with many of the affected countries, Australia is bound to become a target destination for many environmental migrants.

Developing a national policy framework on environmental migration is not an exercise in speculation: it is managing a future challenge, and it is in Australia's national interest. There are good reasons to act now, not least because there is no convincing multilateral response on the horizon. A national policy framework proposed need not require Australia to act alone. It need not make Australia a magnet for environmental migrants. It need not require significant new legislation or additional expenditure. It can help reduce irregular migration. And it may even help fill labour-market gaps. The opportunity for proactive and longer-term policy-making on migration may come as relief to a government that has been fire-fighting in recent years, and may help win back some public confidence in Australian migration policies.

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