

NEIGHBOURLINESS AND AUSTRALIA'S CONTRIBUTION TO REGIONAL MIGRATION STRATEGIES FOR CLIMATE DISPLACEMENT IN THE PACIFIC

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The prospect of widespread displacement in the Pacific as a result of climate change is becoming increasingly likely and it is possible that many will eventually need to relocate to other countries. Regional migration strategies not only offer the potential to minimise the harms of relocation, while acknowledging existing relationships of friendship and regional cooperation. This article examines the use of the language of 'neighbourliness' in Australia's regional climate change strategies and argues that, while it expresses friendship, such language can also be employed to avoid the creation of stronger obligations. The article considers the international doctrine of good neighbourliness and concludes that, while international legal obligations may not yet exist, Australia should nonetheless begin planning for regional migration within the Pacific to allow people to migrate with dignity.

I INTRODUCTION

The most recent report of the Intergovernmental Panel on Climate Change ('IPCC') reiterates predictions that changes to weather patterns and rising sea levels caused by climate change will result in losses of habitable land and will likely lead to the displacement of communities and potentially even entire populations. For low-lying island states in the Pacific the prospect of displacement of whole communities is becoming increasingly real, and a number of states have already begun the process of planning for relocation. Migration has been commonly employed as an adaptation strategy for climate change, as individuals or families choose to emigrate to avoid the negative environmental, social and economic implications of a changing climate. Where migration is undertaken willingly it can be an effective strategy and can assist those who remain behind, but where it is involuntary it can have significant harmful impacts, including loss of livelihoods, social structures, and cultural identity, and can cause distress and trauma. The prospect that climate change will lead to forced displacement is therefore of serious concern.

While planned migration can be successful, in order to minimise the negative impacts of relocation it is essential that migration strategies are planned in consultation with communities and that the full range of social, cultural and psychological implications are considered. Given that the negative impacts of relocation tend to increase with the distance travelled, it is

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suggested that regional migration strategies can help to minimise harm, as they can be better tailored to the needs of the particular community and can take advantage of existing migration pathways. Regional migration arrangements should be planned in consultation with affected persons, giving them opportunities to participate in decisions which affect them. When properly planned and executed, regional migration can allow persons affected by climate change to relocate with dignity and maintain connections to their communities and cultures while ensuring they have access to economic opportunities and services.

In addition to the tangible benefits of regional migration, such arrangements also incorporate notions of regional solidarity, friendship and ‘neighbourliness’. The concept of neighbourliness in the context of climate change displacement suggests a number of implications. First, by drawing on sentiments of solidarity and goodwill, regional strategies may offer greater prospects of success than attempts to secure global agreements addressing displacement, which have so far received little support. At the same time however, while attitudes of solidarity and goodwill may encourage wealthy states to offer assistance within their regions, the discourse of neighbourliness can also be used by those states to frame such assistance as non-obligatory. In the context of climate change in the Pacific, Australia has frequently adopted the language of ‘neighbourliness’ in establishing policies for international aid and assistance.¹ It is argued that this language is chosen to evoke notions of goodwill and cooperation without admitting any legal obligations to assist. As a wealthy state and a high per capita emitter of greenhouse gases, Australia arguably has moral obligations to assist persons displaced by climate change in the region, yet the language of neighbourliness employed in policies to date suggests that the assistance provided within the region flows from a sense of goodwill rather than duty. In international law, the concept of ‘good-neighbourliness’ exists to impose duties on states within a shared regional area to cooperate and to avoid conduct which harms each other’s interests.² The potential application of this concept to regional displacement caused by climate change has yet to be explored, but it is a concept which may contribute to our understanding of the benefits of regional assistance and the possible moral and legal duties which might exist.

This article will analyse the benefits of adopting regional strategies for addressing climate displacement, demonstrating that a well-considered and coordinated regional response may offer the best means of addressing displacement while minimising the harms of relocation. It will examine a number of policies adopted by Australia over the past decade in order to assess the influence of principles of regionalism and ‘neighbourliness’, arguing that Australia’s willingness to extend assistance to its ‘neighbours’ could be harnessed to create stronger strategies for addressing the problem of climate displacement in the Pacific. The article also considers whether the international law principle of good neighbourliness may have application in the context of climate displacement and might impose any obligations on states like Australia to assist within the region. The article concludes that, while legal obligations do not yet exist, there are strong economic, humanitarian and security imperatives which suggest that the time has come for states like Australia to develop regional migration strategies to address climate displacement in the Pacific.

¹ See eg Bob Sercombe and Anthony Albanese, *Our Drowning Neighbours: Labor’s Policy Discussion Paper on Climate Change in the Pacific* (Australian Labor Party, 2006); Australian Government, *Engaging our Pacific Neighbours on Climate Change: Australia’s Approach* (Commonwealth of Australia, 2009); Department of Climate Change and Energy Efficiency, ‘Australia Is Committed To Assisting Our Neighbours To Deal With The Impacts Of Climate Change’ (Media release, 7 December 2011).

² Sub-committee on Good Neighbourliness, *Development and Strengthening of Good Neighbourliness Between States*, UN GAOR, 6th Comm, 43rd sess, Agenda Item 136, UN Doc A/C.6/43/L.11 (16 November 1988).

II MIGRATION AS A SOLUTION TO CLIMATE DISPLACEMENT IN THE PACIFIC

The impacts of climate change in the Pacific region are predicted to be widespread, diverse and, in some circumstances, severe. In many places effects such as extreme weather events, rising sea levels and storm surges are already being experienced, with consequences including coastal erosion, loss of agricultural land and infrastructure, and contamination of fresh water supplies.³ The most recent report of the IPCC confirms that climate change will lead to an increased risk of displacement of individuals and communities.⁴ In some areas, such as in the Pacific, extreme weather events and rising sea levels are likely to result in loss of habitable land and may cause permanent displacement of populations.⁵ The IPCC predicts with confidence that long-term environmental changes, sea-level rise, coastal erosion and loss of agricultural productivity will have a significant impact on migration flows, resulting in permanent relocation of communities and exacerbating existing migration trends.⁶

A *Migration as Adaptation*

In response to the risks presented by climate change, work is underway in many Pacific island countries to plan and implement adaptation strategies, including building capacity in the scientific analysis of risks and undertaking projects to improve community resilience. As well as other programs to build capacity and resilience in situ, a number of nations are already planning for the eventuality of relocation. However, even before it becomes necessary for communities to relocate, migration can be an effective adaptation strategy to deal with the impacts of climate change.⁷ As Barnett and O'Neill have explained, mobility of some members of a community can reduce the risks for those who remain and can assist with adaptation. They argue that increasing voluntary labour mobility is a 'low-cost and low-regret approach that contributes to the adaptive capacity of communities through networks that are used to exchange goods, services and information.'⁸ Johnson has also argued that migration can be an effective tool in adaptation:

[w]hen it is planned and supported through public policy, migration can provide an important means of diversifying livelihoods and reducing vulnerability to environmental shocks and stresses.⁹

Migration or labour mobility can also be an effective adaptation strategy where it involves remittance of money back to families and communities. Labour migration from the South

³ Christopher B Field et al, 'Climate Change 2014: Impacts, Adaptation and Vulnerability' (Contribution Of Working Group II to the Intergovernmental Panel on Climate Change, *Fifth Assessment Report*, 31 March 2013) Summary for Policymakers, 6-8.

⁴ Neil Adger et al, 'Chapter 12: Human Security' in *Climate Change 2014: Impacts, Adaptation and Vulnerability* (Contribution of Working Group II to the Intergovernmental Panel on Climate Change, *Fifth Assessment Report*), 12.

⁵ Ibid 13-14; Stephen Tully, 'The Contribution of Human Rights as an Additional Perspective on Climate Change Impacts Within the Pacific' (2007) 5 *New Zealand Journal of Public International Law* 169, 173; Karen Elizabeth McNamara and Chris Gibson, "'We Do Not Want To Leave Our Land": Pacific Ambassadors At The United Nations Resist The Category Of "Climate Refugees"' (2009) 40 *Geoforum* 475, 475.

⁶ Adger et al, above n 4, 12.

⁷ Ibid 14; Jon Barnett and Saffron J O'Neill, 'Islands, Resettlement and Adaptation' (2012) 2 *Nature Climate Change* 8, 9; John R Campbell, 'Climate-Change Migration in the Pacific' (2014) 26(1) *The Contemporary Pacific* 1, 7.

⁸ Barnett and O'Neill, above n 7, 10.

⁹ Craig A Johnson, 'Governing Climate Displacement: The Ethics and Politics of Human Resettlement' (2012) 12(2) *Environmental Politics* 308, 310.

Pacific to Australia and New Zealand goes back to colonial times and there is a longstanding tradition of remitting earnings from overseas work to support family and community.¹⁰ Importantly, labour mobility and remittances from overseas work allow people to adapt according to their own needs and values and in their own time.¹¹ Clearly, migration can form part of climate change adaptation strategies even before land becomes uninhabitable and can be incorporated on a more individualised scale while plans are being developed for longer-term, larger-scale solutions.

While migration can be an effective tool for climate change adaptation, it should be noted that environmental factors like climate change may only be one of several drivers of migration, and in the past resettlement has occurred from South Pacific countries for various reasons. Often decisions to move are made based on a range of factors including poverty, lack of employment opportunities, lack of access to services, and family unification.¹² Long-term environmental problems like drought, desertification, erosion or salinisation may contribute to such decisions, and may be exacerbated by climate change.¹³ Displacement following an extreme weather event may be a trigger for permanent migration, but frequently people do attempt to return to their homes following a natural disaster. The decision to move permanently is often determined by other factors including perceptions of relative opportunities and benefits to be gained from staying or moving.¹⁴ Similarly, there are also a number of factors which can operate to influence people to stay, including knowledge of and access to facilities, financial resources, place-specific work knowledge and skills, and the importance of connections to land for cultural identity and community links.¹⁵ An understanding of the diversity of factors which contribute to decisions to migrate (or to stay), and an appreciation of the fact that such decisions are subjective, value-laden and embedded in the social context, is essential to ensuring that approaches to migration as adaptation, be it individualised or large-scale, cater to the needs, preferences and values of individuals, families and communities.¹⁶

As noted, migration of individuals and families can be an effective means of adapting to climate change, both for those who migrate and for those who remain. However, some communities

¹⁰ Colette Mortreux and Jon Barnett, 'Climate Change, Migration and Adaptation in Funafuti, Tuvalu' (2009) 19 *Global Environmental Change* 105, 107; see also John Connell and Dennis Conway, 'Migration And Remittances in Island Microstates: A Comparative Perspective in The South Pacific and The Caribbean' (2000) 24(1) *International Journal of Urban and Regional Research* 52; Maria Borovnik, 'Working Overseas: Seafarers' Remittances and Their Distribution In Kiribati' (2006) 47(1) *Asia Pacific Viewpoint* 136; Te'o Ian Fairbairn, 'Remittance Income: Its Importance For Some Pacific Island Countries And Implications For Production' in G McCall and J Connell (eds), *A World Perspective On Pacific Islander Migration: Australia, New Zealand and the USA* (Centre for South Pacific Studies, 1993) 307; EJ Moore and JW Smith, 'Climate Change and Migration From Oceania: Implications For Australia, New Zealand And The United States Of America' (1994) 17(2) *Population and Environment* 105; Jane McAdam, 'Relocation and Resettlement from Colonisation to Climate Change: The Perennial Solution to "Danger Zones"' (2015) 3(1) *London Review of International Law* 93; Campbell, 'Climate-Change Migration', above n 7, 11; John Campbell, 'Climate-Induced Community Relocation in the Pacific: The Meaning and Importance of Land' in Jane McAdam (ed) *Climate Change and Displacement* (Bloomsbury, 2010), 57, 64-65; Richard Bedford et al, 'The Neighbourhood Effect: The Pacific in Aotearoa and Australia' (2007) 16(2) *Asian and Pacific Migration Journal* 251.

¹¹ Barnett and O'Neill, above n 7.

¹² Adger et al, above n 4, 11; McAdam, above n 10; Mortreux and Barnett, above n 10, 107.

¹³ Adger et al, above n 4, 11; Barnett and O'Neill, above n 7; Jon Barnett and W Neil Adger, 'Climate Dangers and Atoll Countries' (2003) 61 *Climatic Change* 321; Campbell, above n 7, 8.

¹⁴ Adger et al, above n 4, 11-12; Mortreux and Barnett, above n 10, 107.

¹⁵ Mortreux and Barnett, above n 10, 107; Campbell, 'Climate-Induced Community Relocation', above n 10.

¹⁶ Carol Farbotko and Heather Lazrus, 'The First Climate Refugees? Contesting Global Narratives of Climate Change In Tuvalu' (2012) 22 *Global Environmental Change* 381, 381.

and nations are confronting the prospect that adaptation in situ may not be possible and that entire populations may need to be relocated to avoid the harmful effects of climate change.¹⁷ In the Pacific, numerous island states are confronting the likelihood that large areas of their territory will become uninhabitable due to the effects of climate change and that large proportions of their populations may have to relocate permanently.

Some states have the capacity to relocate these groups internally and have already begun the process of relocating them elsewhere within their territory. For example, the Solomon Islands has recently announced plans to relocate the township of Taro, which is the provincial capital of Choiseul Province.¹⁸ The relocation is being planned with the assistance of scientists, engineers and town planners from Australia and with funding from the Australian government, and has involved extensive consultation with the community. In Papua New Guinea, the population of the Carteret Islands has commenced the process of relocating to Bougainville.¹⁹ Internal relocation strategies present a number of significant challenges, but this article focuses instead on situations where internal relocation is not possible and communities must relocate to other countries.

International resettlement is already being considered by a number of countries which are facing the prospect of widespread displacement. For example, for the past several years the Government of Kiribati has been raising the issue that some, if not all, of its population will need to be relocated in the future. In a presentation to the 19th Conference of Parties to the *United Nations Framework Convention on Climate Change* ('UNFCCC') in 2013 the Minister of Environment, Lands and Agricultural Development stressed that the people of Kiribati would try to remain on their lands as long as possible but that, given the chance that relocation will become necessary at some point in the future, the Government feels a responsibility to take action to ensure that, when the time comes, its people can migrate with dignity.²⁰ To this end, the government of Kiribati is implementing, with the assistance of international funding, a suite of education and training programs so that people can be financially secure and contribute meaningfully to their new home.²¹ The importance of achieving migration with dignity is evident when it is considered that relocation presents significant risks when it is not sufficiently planned or when it lacks adequate consultation. These risks will be outlined in more detail in the following section.

B *The Risks of Relocation*

Resettlement, particularly where it involves relocation to the territory of another country, presents the risk of significant negative social outcomes for those who are resettled, including

¹⁷ Frank Biermann and Ingrid Boas, 'Preparing For A Warmer World: Towards A Global Governance System To Protect Climate Refugees' (2010) 10(1) *Global Environmental Politics* 60; Barnett and O'Neill, above n 7; Barnett and Adger, above n 13.

¹⁸ *UQ News*, 'Rising Sea Levels Force Pacific Island Capital to Relocate' (Media Release, 19 August 2014) <<http://www.uq.edu.au/news/node/114898>>; Megan Rowling, 'Solomons Town First in Pacific to Relocate Due To Climate Change' (Reuters, 15 August 2014) <<http://uk.reuters.com/article/email/idUKKBN0GF1AB20140815>>.

¹⁹ See the article by Sophie Pascoe in this issue, which identifies the numerous challenges that exist in carrying out internal resettlement.

²⁰ Hon Tiarite George Kwong, Minister for Environment, Land and Agricultural Development, Republic of Kiribati, statement to High Level Segment, United Nations Framework Convention on Climate Change Conference of Parties, 19th meeting, 19-21 November 2013, 8 <https://unfccc.int/files/meetings/warsaw_nov_2013/statements/application/pdf/cop19_hls_kiribati.pdf>.

²¹ *Ibid* 9.

impacts on individual rights, cultural losses and community dislocation. The problems surrounding resettlement are interrelated and can include landlessness, unemployment, impoverishment, homelessness, vulnerability to environmental stresses, social marginalisation, food insecurity, reduced access to common-property resources, mental illness and increased morbidity.²² The impacts of migration can depend on the resources which people have to facilitate migration in the first place. People who have the fewest resources are often the most vulnerable to the negative impacts of relocation, as they often incur debt in relocating or are forced to move to places where they are exposed to increased risks.²³ In this way relocation can have a disproportionately severe impact on those who were initially the most vulnerable to the effects climate change.

Loss of attachment to place can lead to significant trauma, and is often cited as a reason that people refuse to move or return home following a period of displacement.²⁴ Barnett and O'Neill explain that for some Pacific islanders their attachment to their islands is so strong that being forced to move away would be considered the worst possible impact of climate change.²⁵ The islands and the narratives which surround them form the basis for the identity of the island people and their cultures and 'there are no substitutes for the loss of these things'.²⁶ Given the significant negative impacts of relocation and the costs involved, it should be considered as a strategy of last resort.²⁷

Further, premature discussion of relocation has negative connotations for the people affected, and can distract attention from other action to address climate change. Focussing on displacement and resettlement has been argued to represent a defeatist attitude and downplays the resilience of affected communities.²⁸ McNamara and Gibson have argued that discourse around displacement, and the use of terms like 'climate refugees', creates an impression that the people affected are 'weak, passive victims with little internal resilience to fight for much more than relocation'.²⁹ In a survey of Pacific island ambassadors to the United Nations conducted in 2004, McNamara and Gibson reported that most ambassadors were of the attitude that 'exodus is not an option' and that climate change must be curbed in order to prevent their people from having to flee.³⁰

Barnett and O'Neill have argued that prematurely discussing resettlement risks diverting attention away from mitigation and adaptation strategies that offer potentially positive outcomes, and may remove the incentive to reduce greenhouse gas emissions and improve sustainable management of lands.³¹ While there remains the possibility that mitigation or adaptation strategies might allow people to remain in sustainable habitation then discussion of

²² Barnett and O'Neill, above n 7, 9; Campbell, 'Climate-Change Migration', above n 7, 15-17; Campbell, 'Climate-Induced Community Relocation', above n 10, 59; Michael Cernea, 'The Risks And Reconstruction Model For Resettling Displaced Populations' (1997) 25 *World Development* 1569.

²³ Adger et al, above n 4, 12.

²⁴ Ibid; Barnett and O'Neill, above n 7; Campbell, 'Climate-Change Migration', above n 7, 15.

²⁵ Barnett and O'Neill, above n 7, 13.

²⁶ Ibid.

²⁷ Johnson, above n 9, 309; Neil Adger et al, 'Climate Change 2007: Impacts, Adaptation and Vulnerability' (Contribution of Working Group II to the Intergovernmental Panel on Climate Change, *Fourth Assessment Report*, 5 April 2007) Summary for Policymakers.

²⁸ Mortreux and Barnett, above n 10, 106.

²⁹ McNamara and Gibson, above n 5, 479.

³⁰ Ibid 479-480.

³¹ Barnett O'Neill, above n 7, 10.

relocation serves to excuse wealthy states from taking more serious action.³² For these reasons resettlement should be considered a strategy of last resort. However, in some cases it has become recognised that rises in sea levels are likely and that, combined with changes in sea surface temperatures and increased frequency and intensity of extreme weather events, there are serious challenges to the ability of some Pacific islands to sustain existing patterns and concentrations of human habitation into the future.³³ In these circumstances steps must be taken to minimise the negative impacts of relocation. The following section will identify some essential factors which must be considered.

C Minimum Requirements for Relocation

A fundamental requirement for relocation and one which determines its ultimate success is that relocation must be undertaken voluntarily. Not only does forced relocation violate fundamental rights in relation to freedom of movement and self-determination, it also triggers a range of other negative impacts. As Barnett and O'Neill have identified:

[t]he degree of adverse outcomes from resettlement depends in part on the extent to which movement is voluntary. Resettlement schemes always fail when the people who are moved do not want to be, and/or have no control over the choice of destination and process of movement.³⁴

Voluntary resettlement programs have a greater chance of success and are likely to incorporate fewer negative impacts.³⁵

Barnett and O'Neill argue further that the outcomes of resettlement also depend on the distance moved. They suggest that when small communities resettle within customary lands the social and environmental impacts are minimal. If they are required to resettle on someone else's land the chance of negative impacts increases, and increases further where they must relocate to another country.³⁶

The risk of negative impacts from migration can be minimised where relocation is planned for appropriately. Studies have shown that success in relocation programs depends on adequate planning which incorporates cultural and psychological factors.³⁷ Johnson argues that resettlement can work where affected populations are sufficiently well-informed about the social, economic and environmental situation and are given an opportunity to inform and affect the process.³⁸ He also argues that compensation is an important part of successful relocation, so that the impact on affected populations is valued and their loss recognised.³⁹

From this discussion it is possible to identify a number of factors which could lead to more successful migration programs. First, prior preparation and planning is essential to minimising negative impacts. This is reflected in the approach of the Government of Kiribati in stressing

³² Mortreux and Barnett, above n 10, 106.

³³ Barnett and O'Neill, above n 7, 9; Ove Hoegh-Goldberg et al, 'Coral Reefs Under Rapid Climate Change and Ocean Acidification' (2007) 318 *Science* 1737; Barnett and Adger, above n 13.

³⁴ Barnett and O'Neill, above n 7, 10.

³⁵ *Ibid.*

³⁶ *Ibid.*; Campbell, 'Climate-Change Migration', above n 7, 15-17.

³⁷ See for example Robin Bronen and F Stuart Chapin, 'Adaptive Governance And Institutional Strategies For Climate-Induced Community Relocations in Alaska' (2013) 110(23) *Proceedings of the National Academy of Science* 9320.

³⁸ Johnson, above n 9, 313.

³⁹ *Ibid.*

that, while they will fight as long as possible to remain on their islands, they cannot afford to wait to find out if they will need to move – they have begun planning already so that if people have to migrate they can do so with dignity. Second, minimising the distance travelled can help to minimise the shock of relocating. Wherever possible, relocation should be to places within customary lands or local areas. Where local resettlement is not possible then relocation should prioritise places where socio-economic, cultural and other differences are not so acute. At the very least, relocation should try to align with existing migration pathways so that migrants can be settled in areas with already-established communities from their homelands.

It is suggested that, for these reasons, regional migration strategies could provide one of the more effective solutions to the problem of forced relocation triggered by the effects of climate change. While the negative impacts of relocation are greater when moving to a new state than they would be when remaining within one's own country (and particularly where one can remain within customary lands), it is argued that using existing migration pathways and minimising the distance can help to reduce the negative impacts.

Further, regional strategies for addressing climate displacement may be more likely to succeed than efforts to establish a global framework. Regional solutions which are tailored to the specific circumstances may be politically more acceptable and easier to apply than a generalised global strategy, which has to date proved elusive.⁴⁰ It may also be possible to harness regional perceptions of solidarity and shared experiences making it more likely to gain support of states for regional solutions than more abstract global approaches.⁴¹

In the Pacific, Australia stands out as an obvious host nation for people displaced within the region by the effects of climate change. Migration pathways from many Pacific islands to Australia already exist, and communities of expatriates from several Pacific nations are established in many cities and towns. However, no formal arrangement exists between Australia and any Pacific island nation, nor are there any international legal instruments which apply to climate displacement. Despite there being no legal obligation currently in existence Australia is arguably subject to moral obligations to address displacement in the Pacific. The language which Australia has adopted in relation to climate change in the Pacific has incorporated notions of regional cooperation and 'neighbourliness' and these concepts, together with the fact that Australia is a high per capita emitter of greenhouse gases, could be argued to establish moral obligations to address the impacts of climate change. The following section will consider the influence of 'neighbourliness' in Australia's policies on regional adaptation assistance.

III AUSTRALIA'S APPROACH TO REGIONAL ASSISTANCE: 'NEIGHBOURLINESS' AND MORAL DUTIES

While there is no legal instrument in place which would compel Australia to accept persons displaced by climate change in the Pacific, there are a number of arguments to suggest that a moral obligation may exist. The first is based on the justice implications of the problem of climate change. Small island states are among the first victims of climate change, and they will continue to suffer some of the most severe impacts, yet they also constitute the smallest contributors to global greenhouse gas emissions and are therefore least responsible for the

⁴⁰ Lilitiana Lyra Jubilut and Erika Pires Ramos, 'Regionalism: A Strategy for Dealing with Crisis Migration' (2014) 45 *Forced Migration Review* 66, 66.

⁴¹ *Ibid.*

problem of climate change. From a justice perspective, developed countries like Australia bear a responsibility to address the problem caused by their greenhouse gas emissions.⁴² This responsibility is acknowledged in the UNFCCC regime, which includes recognition of both responsibility for the problem and capacity to implement solutions, through the concept of common but differentiated responsibility.⁴³

Beyond the argument that wealthy, high-emitting states have an obligation to shoulder the burden of climate change and to provide assistance to poorer states which are less responsible for the problem of climate change, there also seems to be an intuitive sense that wealthy states like Australia owe a moral obligation to affected states within their region. Australia's international climate change adaptation assistance prioritises the Pacific region, rather than addressing other similar issues in other parts of the world. This stance seems to draw heavily on the special relationship which exists between states in the Pacific region. As will be shown, Australia's policies refer frequently to assisting its 'neighbours'. However, to date such policies appear to employ the concept of neighbourliness in order to exclude, rather than acknowledge, obligations to assist. Further, while there seems to be a willingness on the part of Australian governments to provide aid and assistance for climate adaptation in the Pacific region, there has been to date little attention to migration and no commitment to accept displaced persons and afford them permanent residency in Australia. This section will conduct a chronological examination of a number of policies adopted by Australia over the last decade to explore the role that migration plays within Australia's regional responses to climate changes and the extent to which those responses incorporate notions of neighbourliness.

Over the past decade the Australian government has expressed a commitment to assisting its 'Pacific neighbours' in dealing with the effects of climate change through a range of policy measures.⁴⁴ The Australian government has invested millions of dollars in projects aimed to address climate change in the region, including scientific studies to assess the effects of climate change in the Pacific and strategies to improve governance structures.⁴⁵ However, the problem of displacement has typically been addressed through measures designed to facilitate in situ adaptation and disaster risk reduction, and migration strategies have played a relatively minor part.

The first policy examined here was not a government policy but rather a policy discussion paper prepared by two opposition MPs, Australian Labor Party members Bob Sercombe and Anthony Albanese. Sercombe and Albanese drafted a discussion paper entitled *Our Drowning Neighbours* which was released in 2006. The policy centred around two key principles. The first was that Australia must help its 'Pacific neighbours' to meet the challenge of climate change. The second was that Australia must do its part locally and globally to combat climate change.⁴⁶ Under the scope of the first principle, the policy proposed two strategies to address

⁴² See Rowena Maguire and Bridget Lewis, 'The Influence of Justice Theories on International Climate Policies and Measures' (2012) 8(1) *Macquarie Journal of International and Comparative Environmental Law* 16.

⁴³ United Nations Framework Convention on Climate Change, opened for signature 9 May 1992, 1771 UNTS 107 (entered into force 21 March 1994) ('UNFCCC'); Kyoto Protocol to the United Nations Framework Convention on Climate Change, opened for signature 11 December 1997, 2303 UNTS 148 (entered into force 16 February 2005), art 10 ('Kyoto Protocol').

⁴⁴ Sercombe and Albanese, above n 1; Australian Government, above n 1; Department of Climate Change and Energy Efficiency, above n 1.

⁴⁵ Department of Foreign Affairs and Trade, *International Climate Change Adaptation Initiative* (2013) <http://aid.dfat.gov.au/aidissues/climatechange/Pages/adaptation_initiative.aspx>.

⁴⁶ Sercombe and Albanese, above n 1.

the threat of displacement. The first was to provide training to citizens of at-risk nations to help them meet skilled migration requirements in Australia and other countries should they choose to emigrate and to help those who choose to remain so they can successfully adapt.⁴⁷ The second strategy was to form an international coalition of nations which would receive citizens of Pacific island nations who are forced to relocate due to the effects of climate change, and for Australia to accept its 'fair share' of 'climate change refugees as part of our humanitarian immigration program.'⁴⁸ The discussion paper acknowledged that, given the likelihood that some states would experience large-scale displacement, work needs to begin to plan for such contingencies. The authors also advocated for greater cooperation with the United Nations to develop a comprehensive international legal framework to deal with the problem of 'climate change refugees'.⁴⁹

While the *Our Drowning Neighbours* discussion paper did not recognise any special obligations for Australia in terms of regional migration strategies, it did acknowledge that Australia is one of the states which should act, in cooperation with other wealthy states in the region. The proposal is notable for several reasons. First, it accepts that displacement and relocation will be one of the likely consequences of climate change and advocates for early planning to deal with circumstances of widespread relocation. The discussion paper was drafted in 2006. Subsequently, discussion of climate change in the Pacific moved away from relocation somewhat, in recognition of the fact that Pacific island nations had expressed some disquiet at being described as 'victims' of climate change, preferring to emphasise their resilience and work towards solutions which would enable them to remain on their territories.⁵⁰ The reality of displacement has since crystallised however, and so the attention to planned and cooperative relocation measures is once again appropriate.

The discussion paper also identifies the special relationship between Australia and other states in the Pacific, particularly the South Pacific island nations. The language of the document implies a moral obligation on Australia to act, founded on ideas of partnership and cooperation and referring to Australia's membership of the 'Pacific Community'.⁵¹ However the document falls short of identifying particular obligations on the part of Australia, referring instead to the need to work towards cooperative solutions with other states in the Pacific.

After the Labor Party formed government in 2007, it adopted a policy on climate change in the Pacific which employed similar language of 'neighbourliness'. The policy was developed by the Department of Climate Change and Water and was entitled *Engaging our Pacific Neighbours on Climate Change: Australia's Approach*.⁵² It was intended to shape Australia's policy in the area through until 2015. The language of neighbourliness is employed throughout the policy document. In her introduction to the policy, then-Minister Penny Wong explains that: '[w]e place a special value on our close historical, political, economic and community links with the Pacific island countries and their people.'⁵³

⁴⁷ Ibid 10.

⁴⁸ Ibid 11.

⁴⁹ Ibid.

⁵⁰ McNamara and Gibson, above n 5, 479-480.

⁵¹ Sercombe and Albanese, above n 1, 3.

⁵² Australian Government, above n 1.

⁵³ Ibid v.

A number of key principles underpinned the policy. The first was the need to work in partnership with Pacific island countries in order to support their national priorities.⁵⁴ The second was an acknowledgement of the resilience of Pacific island communities and their desire to reside on their lands as long as possible.⁵⁵ These two principles informed an overarching focus on in situ adaptation rather than migration as the appropriate response to climate change, as well as disaster risk reduction measures to reduce vulnerability to natural disaster, in order to ensure the ‘long-term viability’ of Pacific island countries.⁵⁶ The policy aimed to assist Pacific governments develop their institutional arrangements and skills through such measures as interagency and peer-to-peer exchanges, scholarships and training. Another key strategy was to provide information to facilitate decision-making, including through the delivery of scientific monitoring and research. The policy also suggested ways of improving the use of resources through coordination and cooperation.⁵⁷

In relation to the prospect of climate change displacement, the policy identifies that exacerbation of existing problems such as food and water security may lead people to consider leaving their home, but that most Pacific islanders desire to continue living in their own countries.⁵⁸ It states that the best way to achieve this objective is to take stronger action on reducing greenhouse gas emissions, although it acknowledges that some impacts may be unavoidable.⁵⁹ The policy document states that in the short term ‘incremental climate change impacts are unlikely to cause widespread migration.’⁶⁰ However

‘[i]n the longer term, the possibility remains that permanent migration could become an option for some Pacific islanders. In these circumstances, Australia will work in close consultation with the region to ensure that Pacific islanders’ vital interests – economic, social and cultural – are paramount.’⁶¹

While the policy acknowledges the potential for widespread displacement, its emphasis remains on taking steps to promote in situ adaptation and disaster risk reduction and does not specifically address the issue of Australia’s role in regional migration. Unlike the *Our Drowning Neighbours* discussion paper, the 2009 policy does not recognise the fact that if migration is to happen it requires long-term planning and consultation in order to minimise the negative impacts.

Under the *Engaging our Pacific Neighbours* policy, Australia enacted the International Climate Change Adaptation Initiative (‘ICCAI’).⁶² A number of programs were implemented as part of the ICCAI, including the Pacific Climate Change Science Program (‘PCCSP’)⁶³ and the Pacific

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid 3.

⁵⁷ Ibid.

⁵⁸ Ibid 12.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Overall \$328.2 million was invested in the ICCAI program between 2008 and 2013: Peter Hunnam, Review of The International Climate Change Adaptation Initiative and Pacific Programs in Climate Science and Adaptation Planning 2008-2013 (Department of Foreign Affairs and Trade, 2013), 18.

⁶³ Department of Environment, *Pacific Climate Change Science Program*, <<http://www.environment.gov.au/climate-change/adaptation/international-climate-change-adaptation-initiative/pccsp>>.

Adaptation Strategy Assistance Program ('PASAP'),⁶⁴ which were subsequently combined under the Pacific-Australia Climate Change Science and Adaptation Planning program ('PACCSAP').⁶⁵ These programs were established in order to discharge Australia's obligations under the international climate change framework to provide international adaptation assistance.⁶⁶ The choice of programs and the focus on the Pacific draws on ideas of regional goodwill and longstanding relationships of friendship as identified in the overarching policy document.

One of the outcomes of the PCCSP was a report on climate change in the Pacific prepared by Australia's national science agency, the Commonwealth Scientific and Industrial Research Organisation ('CSIRO'), and the national Bureau of Meteorology.⁶⁷ The report, entitled *Climate Change in the Pacific*, was accompanied by three online tools which would help Pacific islanders to understand how the climate is changing and how it is likely to change in the future. In the press release accompanying the report, then-Minister for Climate Change and Energy Efficiency, Greg Combet, referred to Australia's commitment to assisting its 'Pacific Island neighbours' by helping them to plan to adapt to the impacts of climate change.⁶⁸ Over the past five years Australia has invested many millions of dollars in climate change adaptation assistance for the Pacific region, though the issues of displacement and migration have received comparatively little attention.

While Australia's policies on climate change in the Pacific have focused on in situ adaptation rather than migration, there are some policy measures which work to improve labour mobility and have the potential to address climate displacement to some degree. Two examples will be given here. The first is the Kiribati Australia Nursing Initiative ('KANI'), a program funded by the Australian Department of Foreign Affairs and Trade which provides opportunities for young I-Kiribati to study nursing at Australian tertiary institutions.⁶⁹ Students accepted into the program are provided with English language and cultural awareness training before coming to Australia to enrol in a program leading either to a certificate, diploma or Bachelor of Nursing. The project is aimed both to assist communities in Kiribati and to provide opportunities for individuals to access skilled migration programs to Australia and other countries. By helping people to gain qualifications, the program creates opportunities to enable the migration of people who wish to do so now or in the coming years. Such migration helps to establish expatriate communities of I-Kiribati which will help support greater numbers of migrants in the future, as well as creating a source of remittances to assist those who remain in Kiribati.⁷⁰ By providing training which is not available locally, the program also helps to improve the standards of healthcare in Kiribati where graduates return home to work. The KANI program

⁶⁴ Department of Environment, *Pacific Adaptation Strategy Assistance Program*, <<http://www.environment.gov.au/node/36363>>.

⁶⁵ Department of Environment, *Pacific-Australia Climate Change Science and Adaptation Planning Program*, <<http://www.environment.gov.au/climate-change/adaptation/international-climate-change-adaptation-initiative/paccsap>>.

⁶⁶ Hunnam, above n 62.

⁶⁷ Australian Government, *Pacific Climate Change Science*, <<http://www.pacificclimatechangescience.org/>>.

⁶⁸ Department of Climate Change and Energy Efficiency, above n 1.

⁶⁹ Rebecca Keogh, 'Kiribati-Australia Nursing Initiative', paper delivered at *When People Have to Move* symposium, Brisbane, 23 May 2014.

⁷⁰ *Ibid.*

recognises the challenges facing Kiribati and the stated desire of its government to help people migrate with dignity by providing a means of planning for eventual relocation.⁷¹

A second policy implemented by the Australian government which helps to address the threat of climate displacement is the Department of Employment's Seasonal Worker Program. The program provides temporary permits for citizens of Timor-Leste and Pacific island nations to work in Australia in the horticulture, aquaculture and accommodation industries.⁷² The program is intended to contribute to economic development in those nations by diversifying the sources of remittances and helping individuals to develop skills which they can take home with them. While it is not designed as a pathway to permanent migration, the program nonetheless recognises the importance of labour mobility as a means of addressing the likely impacts of climate change.

As can be seen, the Australian government has adopted a number of policies over the past decade to address the effects of climate change in the Pacific region. Australia's willingness to provide assistance to other states in the Pacific appears to be influenced by notions of neighbourly goodwill, with the language of neighbourliness featuring prominently in policy documents, press releases and other instruments. Even where Australia is acting pursuant to international obligations to provide assistance, the choice of programs and recipients appears to be informed by regional friendship and solidarity. These sentiments are no doubt genuine, but it is argued that the language of neighbourliness serves dual purposes of expressing friendship while simultaneously avoiding any legal or moral obligations. As a rationale for providing assistance, neighbourliness emphasises goodwill and charity, and thereby precludes the creation of any ongoing duty or expectation.

Further, the strategies devised by Australia to date have given only very limited attention to migration, focussing instead on in situ adaptation measures and disaster risk reduction. As noted above there are strong arguments for viewing relocation as a last resort and for working to find ways to enable people to remain in their homes as long as possible. But climate change policies which focus overly on adaptation ignore two important dimensions of the problem. The first is that there is still much work to be done in securing meaningful global commitments on reducing greenhouse gas emissions, and an approach which emphasises adaptation may come at the expense of mitigation efforts. The second is that, while relocation should rightly be viewed as a solution of last resort, the reality is that we have now reached a point where relocation in some places has become inevitable. Measures should be taken to enable people to reside on their lands as long as possible, but steps must also be taken now to plan for relocation in the future so that when it becomes necessary people can move with dignity. Regional migration strategies should be part of a cooperative program to address climate displacement and wealthy states like Australia have a role to play in facilitating such strategies.

IV GOOD-NEIGHBOURLINESS IN INTERNATIONAL LAW

While the language of neighbourliness connotes relationships of goodwill and cooperation and may therefore contribute to a sense of moral obligation, its use in Australia's climate change policies appears to be intended to avoid the creation of any legal obligations. There is, however,

⁷¹ Kwong, above n 20, 8; Lea Shaw, Murray Edwards and Akka Rimon, *KANI Independent Review* (Department of Foreign Affairs and Trade, 2013).

⁷² Department of Employment, *Seasonal Worker Program*, <<http://employment.gov.au/seasonal-worker-program>>.

a principle of international law which may have the effect of sanctioning the idea of neighbourly duty. The doctrine of good neighbourliness is a principle of international law whereby states are encouraged to cooperate in order to promote friendly relations and capitalise on mutually beneficial opportunities.⁷³ The principle originated in the concept of neighbourliness between states which share a territorial border, requiring them to refrain from behaviour which would interfere with the sovereignty of adjoining states or which would be likely to cause conflict between neighbours.⁷⁴ It is derived from the fundamental objective of the United Nations for states to practice tolerance and live together in peace as good neighbours, which is expressed in the Preamble of the United Nations *Charter* and reflected in the *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States*.⁷⁵

The principle requiring adjacent states to cooperate has been expanded to encompass good neighbourliness within a region, and is most commonly reflected in environmental law principles relating to transboundary harm whereby states must prevent activities in their own territory which would negatively impact on the environment of nearby states.⁷⁶ The doctrine is justified not only by the need to protect territorial sovereignty and prevent interference but also in order to encourage states to avoid conduct which might lead to friction, to promote good relationships among states which must interact due to geographic proximity and to encourage the peaceful resolution of disputes.

While the doctrine of good neighbourliness has traditionally been limited to states within close geographic proximity, it has been argued that in a contemporary context a more expansive approach is appropriate. Sucharitkul has argued that the increased interdependence of states means that the principle should now extend even to countries that may be separated by vast expanses of water. He has argued that as the concept of neighbourhood has grown, the relevance of the principle of good neighbourliness has similarly expanded.⁷⁷ As a result, states may now be considered to owe the duties of good neighbourliness to other states within a broader region, although the extent to which this would impose obligations to address the effects of climate change raises a number of issues.

The prohibition on transboundary harm found in international law is problematic to apply to the problem of climate change. The cumulative nature of global greenhouse gas emissions makes it difficult to demonstrate that one state's actions infringe the territorial interests of a

⁷³ Sub-committee on Good Neighbourliness, above n 2, 3.

⁷⁴ Sompong Sucharitkul, 'The Principles of Good-Neighborliness in International Law' (1996) Legal Scholarship Repository at Golden Gate University School of Law, Article 559, <<http://digitalcommons.law.ggu.edu/pubs/559>>.

⁷⁵ Declaration On Principles Of International Law Concerning Friendly Relations And Co-Operation Among States In Accordance With The Charter Of The United Nations, GA Res 25/ 2625, UN GAOR, 25th sess, Agenda Item 85, UN Doc A/Res/25/2625 (24 October 1970); Ibid 3.

⁷⁶ *Corfu Channel (United Kingdom v. Albania)* (Judgment) [1949] ICJ Rep 4, 22; *Trail Smelter Case (United States v Canada)* (1949) 3 RIAA 1905; *Corfu Channel Case (UK v Albania)* [1949] ICJ Reports 4; *Pulp Mills on the River Uruguay (Argentina v Uruguay)* (Judgment) [2010] ICJ Reports 14. References to the 'neighbourhood effect' can also be found in literature on migration, where it refers to the fact that the policies of one State inevitably impact on other States in the region, such that cooperative responses can be most effective and equitable, see Bedford et al, above n 10, 262.

⁷⁷ Sucharitkul, above n 74, 10.

neighbouring state.⁷⁸ The doctrine of good neighbourliness has similarly not been applied to climate change. Even in its expanded form, the doctrine is problematic to apply to climate change which is, by definition, a global challenge and therefore difficult to reduce to duties owed between states of a particular region. However, possible arguments exist for extending the concept of good neighbourliness to encompass an obligation on states to take action to address specific effects of climate change within a region, such as displacement.

Like all states, Australia has an obligation to take steps to address climate change and to deal with the consequences of its greenhouse gas emissions.⁷⁹ Given that climate change has a particular impact on the states in the Pacific region, the doctrine of good neighbourliness could apply to require that Australia targets its response to assist those states. Good neighbourliness demands that Australia not stand back while climate change causes harm to Pacific island states, particularly where that harm is caused by the actions of high-emitting States including Australia. Such an approach represents an expansion of the traditional approach to good neighbourliness, which typically imposes a negative duty not to take action which would have a negative impact on states within a particular proximity. But, given that Australia already has obligations to take action on climate change, this view is more about prioritising that action than creating new positive duties.

An alternative argument for the application of good neighbourliness relies on the principles which underpin the doctrine, namely the objectives of preventing conflict between neighbouring states, preserving shared resources and promoting mutually beneficial relationships. The likelihood of climate displacement presents numerous problems for the Pacific region, including economic, social and cultural challenges and significant security and humanitarian implications presented by potentially large-scale, unregulated movements of people. It is in the best interests of the entire region to deal with these risks by acting to address climate displacement. The doctrine of good neighbourliness would suggest that states need to cooperate to achieve this common objective and to maintain positive relationships within the region. One aspect of this duty would be to take steps now to plan for the migration of people displaced by climate change to ensure that the negative impacts of their relocation are minimised.

While these arguments potentially suggest a duty to address regional climate displacement under the doctrine of good neighbourliness, the doctrine has yet to be applied by any international body and it is unlikely that such an expanded approach would be supported by states and enshrined in international law. The difficulties involved in securing the adoption of a new treaty or amendment of existing treaties are well-documented, and it is unlikely that States will reach agree to adopt a binding instrument to address climate displacement in the short term.⁸⁰ Even without a legal obligation, however, the strong humanitarian, economic and political imperatives outlined above operate to suggest that states should act cooperatively to address regional problems such as climate displacement, including through regional migration strategies.

⁷⁸ Alan Boyle, 'Human Rights and the Environment: Where Next?' (2012) *European Journal of International Law* 23(3) 613, 640; Marc Limon, 'Human Rights and Climate Change: Constructing a Case for Political Action' (2009) 33 *Harvard Environmental Law Review* 439, 473.

⁷⁹ Pursuant to the UNFCCC, above n 43; and the Kyoto Protocol, above n 43.

⁸⁰ Jane McAdam, 'Swimming against the Tide: Why a Climate Change Displacement Treaty is Not the Answer' (2011) 23(1) *International Journal of Refugee Law* 2; Vikram Kolmannskog, 'Climate Change, Environmental Displacement and International Law' (2012) 24(8) *Journal of International Development* 1071.

V CONCLUSION

There is currently no law at the international level which obliges states to assist other nations facing the threat of climate displacement through migration strategies. However, there are strong arguments that moral obligations exist, based on the responsibility of high-emitting nations for the problem of climate change and their capacity to assist, relative to that of the countries who are most severely affected. Wealthy states do have a general obligation to take steps to address the climate change under the current legal regime, and there are arguments that such actions should focus on regional problems. This article has identified the reality that large numbers of people will be displaced by climate change in the Pacific, and that regional migration strategies offer one way of minimising the harm caused by relocation. To ensure that people are able to relocate with dignity, migration should be well-planned, should involve adequate consultation and participation, and should wherever possible take advantage of existing migration pathways.

In addition to the practical benefits of regional migration responses to climate displacement, such strategies also acknowledge existing relationships of friendship and goodwill, expressed through the idea of neighbourliness. This article has analysed the concept of neighbourliness as it applies to climate change and noted that, while it implies the existence of moral duties, it has been employed by states such as Australia in a way which in fact avoids the creation of obligations, particularly obligations to receive emigrants from states affected by climate displacement.

While the international legal doctrine of good neighbourliness has not yet been extended to apply to climate change, it does help to identify common challenges confronting regions like the Pacific and suggests that cooperative strategies should be employed in order to combat regional threats to security, economic interests and social and cultural rights. Regional migration strategies represent an important means of addressing the shared problems presented by climate displacement, while helping to minimise the negative impacts of relocation. To date Australia has been willing to extend adaptation assistance to its Pacific neighbours to help prevent the need to relocate. However, as the prospect of widespread displacement becomes increasingly unavoidable, the time has now come for states like Australia to confront the question of how they will respond to such displacement and to develop strategies which support migration with dignity.

Even without a legal obligation to assist states in the region, there are reasons to assert that Australia has a moral duty to assist Pacific island states, based not only on its contribution as a significant emitter of greenhouse gases but also on its capacity to provide assistance. Further, our acknowledged relationship of goodwill and 'neighbourliness' with nations in the Pacific seems to imply a moral duty, at least insofar as we might expect friendly relations to diminish if we fail to provide assistance. Given the prospect that communities and even entire populations of Pacific islands will be forced to relocate due to the effects of climate change, the arguments in favour of regional solutions to climate displacement would appear to point to Australia as a key state to provide assistance by receiving and supporting migrants.