

OPPORTUNITIES AND CHALLENGES IN FACILITATING VOLUNTARY ADAPTIVE MIGRATION IN THE PACIFIC IN THE CONTEXT OF CLIMATE CHANGE

SUBMISSION TO THE EXECUTIVE COMMITTEE OF THE WARSAW INTERNATIONAL MECHANISM FOR LOSS AND DAMAGE ASSOCIATED WITH CLIMATE CHANGE IMPACTS

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Introduction

It is widely recognised at the global level that population movement in the context of disasters, including those arising from the negative impacts of climate change, will mostly be within countries rather than across international boundaries. In the Pacific Islands region the limited land mass of most island states means cross-border movement is likely to be much more common than is the case in many other regions. It is the opportunities and challenges in relation to cross-border movement to which this submission relates.

Those wishing to adapt to or respond to natural disasters by moving across national borders in the Pacific are required to do so within the confines of existing special relationships, legislative frameworks and immigration policies. At present there are no policies specifically aimed at facilitating cross-border movement in response to natural disasters or in anticipation of future ones linked to climate change. The scope for undertaking voluntary adaptive migration as a response to natural disasters therefore depends on the ability to leverage existing relationships, frameworks and policies.

This submission takes as its starting point that the peoples of the Pacific, very often citizens of Small Island Developing States, are no strangers to dealing with disasters. Pacific peoples have had to contend with and adapt to natural disasters for centuries. The region is surrounded by a volcanic 'ring of fire', and occupies a vast oceanic space in which tsunamis, tropical cyclones and associated storm surges, flooding and periodic droughts have featured in their lives since the islands began to be settled by humans more than 30,000 years ago.

A strong bond of shared Pacific identity has developed over time, which has seen many communities develop a tradition of offering assistance to disaster affected neighbours. While naturally resilient and imbued with strong communal spirit, the twenty-first century challenges posed by climate change, underdevelopment and limited government capacity undermine the ability of these states to adequately deal with the mobility-related consequences of frequent and intense disasters.

The years 2015 and 2016 have proven to be particularly challenging in terms of disasters in the Pacific. In March 2015, Vanuatu was devastated by Cyclone Pam, one of the largest storms to hit the Pacific in living memory; Tonga and Tuvalu were also affected. During the first three months of 2016 Fiji has been

devastated, first by Cyclone Winston in February and, six weeks later, by Cyclone Zena. Alongside such sudden onset hydro-meteorological events, the region has also had to contend with an ongoing slow-onset drought disaster in PNG, Vanuatu, Micronesia and elsewhere.ⁱⁱⁱ As of late 2015, the Pacific sub-region is experiencing the strongest El Niño phenomenon recorded since 1997–1998.^{iv}

While the recent cyclones and droughts have not been accompanied by large numbers of deaths, unlike the earthquakes in Nepal and Japan, they have resulted in considerable dislocation of lives, especially in rural communities. In Fiji, for example, over 60 villages will need to be relocated, and many more have to be essentially rebuilt after the cyclones and associated storm surges and floods.^v

This submission is drawn primarily from two studies conducted by the authors. The first, *Clusters and Hubs: Toward a Regional Architecture for Voluntary adaptive Migration in the Pacific*^{vi} (“Clusters and Hubs”), carried out on behalf of the Nansen Initiative, identifies the sub-regional structure shaping mobility in the Pacific and charts the extent to which this structure contributes to freedom of movement between the Pacific Island countries and territories (“PICTs”) as well as to countries on the Pacific Rim in the context of disasters and climate change.

The second, a *Compendium on Labour Migration for Pacific Island Countries*^{vii} issued by the ILO Office for Pacific Island Countries, (“the Compendium”) examines the regulatory and institutional arrangements governing labour migration in 11 specified target countries. While not specifically directly at mobility in the context of disasters, the information contained in the Compendium is important as it helps us to understand the potential for disaster-affected individuals and households to leverage existing frameworks to generate remittances for use in in-situ adaptation, or to and sustain themselves post-disaster in host countries through employment.

The Framing Contexts for Policy Action.

In order to understand the opportunities and challenges for policy action to facilitate voluntary adaptive migration in the Pacific, it is vitally important that regional population movement is understood in its proper context.

Pacific Mobility is a multi-dimensional phenomenon

Although much is made in the international media about the permanent relocation of Pacific island communities abroad as an aspect of the so-called ‘sinking island phenomenon’, to address the challenges posed by climate change, voluntary adaptive migration must be conceptualized as encompassing more than unidirectional, permanent flows out of the disaster-affected country. Rather, it must be understood as meaning *any* form of cross-border movement occurring at the individual or household level whether temporary or permanent, seasonal or circular, undertaken for the purposes of adapting to, or helping

others to adapt to, the adverse effects of natural disasters so as to reduce the risk of being displaced in the future. From this perspective the ability of at risk individuals and households in the Pacific region to increase their resilience to these hazards through voluntary adaptive migration across international borders so as to prevent future displacement will be a critical component of an overall adaptation strategy.

The demographic context and ‘regionally trapped’ populations

Ethno-geographically, the Pacific region can be divided into three main sub-regions: Melanesia, Micronesia and Polynesia. There are a number of demographic features of critical importance in understanding existing and future potential patterns of cross-border mobility in the context of natural disasters and climate change.

First, all of the “big” PICTs are in Melanesia which, in 2013, has 98% of the total regional land area and 89% of the total regional population. In comparison, the 7 PICTs comprising Micronesia account for 0.6% of the region’s total land area, and 4.7 % of its population; the 10 PICTs of Polynesia have 1.5% of the land area and 5.9% of the population.

Second, there are wide disparities in the extent to which PICTs have significant immigrant populations or significant diaspora. The western Melanesian countries of Papua New Guinea, Solomon Islands and Vanuatu, three of the largest countries and populations, have very low percentages of immigrants and emigrants. International migration contributed very little to overall population change in this sub-region in 2013. In Polynesia, however, the net loss of people through international migration was almost as large as the contribution made by natural increase.

Third, it is in Melanesia where the largest population growth is expected to occur in coming decades. According to recent projections, Melanesia’s population could double again by 2050 (from 9,848,100 in 2013, to 18,726,600 in 2050), comprising ninety-six percent of the projected population increase of 9.2 million in the Pacific between 2013 and 2050.

This combination of low rates of migration and lack of diaspora links in countries on the Pacific Rim and elsewhere means that, in regional terms and for the purposes of guiding future policy action, Melanesians should properly be regarded as a ‘trapped population’ in terms of undertaking cross-border movement as a means of voluntary adaptive migration. This is not to say they have no opportunity, but relative to their Polynesian and Micronesian counterparts, their options are far more constrained (Figure 1).

Given projected population increases in Melanesia, the size of a regionally trapped population as a percentage of the overall regional population, presents as one of the most pressing policy issues over the short to medium term.

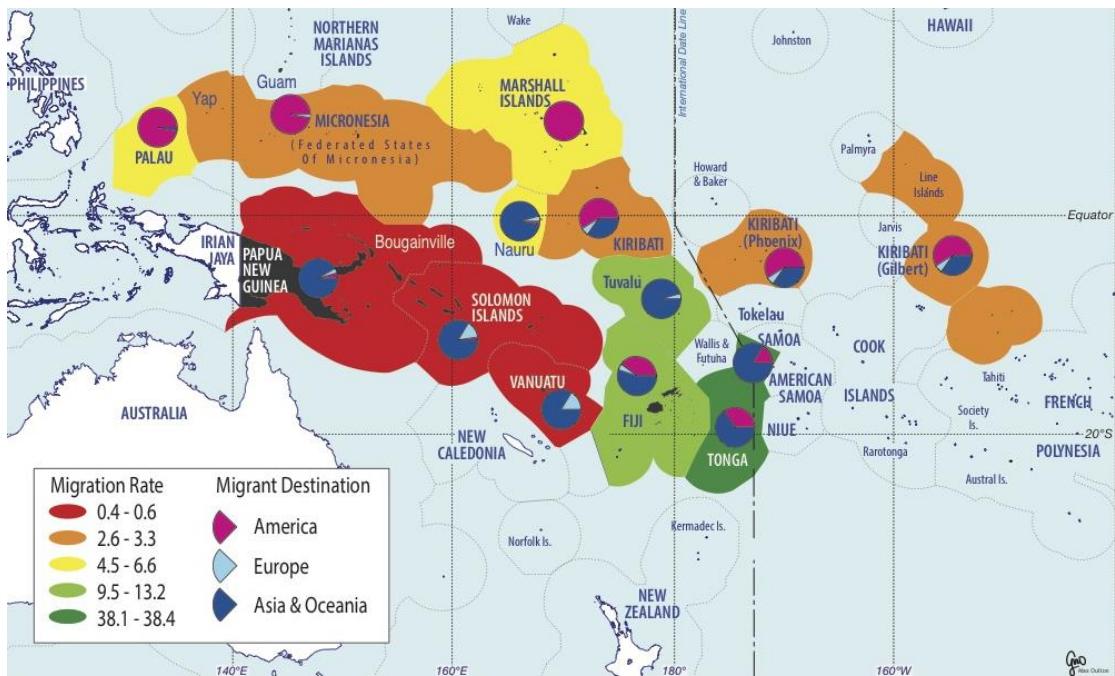


Figure 1: Migration rates c. 2010, Pacific Island states. No shading shown for colonies (New Caledonia, French Polynesia and Wallis and Futuna (France)) and territories whose citizens are entitled to the residence in a Pacific rim country by right (Cook Islands, Niue and Tokelau (New Zealand); American Samoa and Guam (United States of America)).

The historically-derived architecture framing mobility in the Pacific^{viii}

Both the colonisation process and the mandate and trusteeship systems developed in the aftermath of World Wars One and Two had a profound affect on regional mobility. They have provided the foundation for sub-regional ‘clusters’ of states within which the cluster members have varying levels of privileged access to temporary or permanent residence in the former (New Zealand and the United States) or continuing (France) colonial, mandate or trustee state which acts as a cluster ‘hub’.

In the colonial clusters, multi-tiered structures exist, and the degree to which mobility is enhanced depends on which tier in which structure the Pacific island citizen exists. Further, different bundles of privileged rights of admission and stay arise. The range of rights include the granting of unfettered right of entry and stay by way of an entitlement to hub-state citizenship ('tier one' status in the New Zealand and the United States clusters); the preferential entitlement to residence by targeted quotas (tier two, New Zealand); privileged access to the hub-state labour market (tier three, the United States) and temporary work in certain sectors of the hub-state economy (New Zealand).

In contrast, the Melanesian Spearhead Group (MSG), a sub-regional cluster including the four independent states in Melanesia as well as the indigenous political party in New Caledonia (still a French colony) has a flatter structure in which no state acts as a central hub. Consequently, the effect of cluster membership is more homogenous, relating to privileged rights of entry as

visitors and temporary access to selected occupations within the labour markets of cluster member states (the MSG Skills Movement Scheme).

Opportunities

Between PICTs, there is a large degree of mutual privileging in terms of granting visa free or visa-on-arrival entry as visitors or for tourism purposes. This stands in contrast to the countries of the Pacific Rim which do not generally grant waiver or visa-on-arrival status to citizens of Pacific islands, unless they also happen to have a qualifying hub-state citizenship. This may mean that individuals or households wishing to cross international borders in response to natural disasters are, under current regional immigration laws, more likely to be able to do so by travelling to another island country than to the Pacific Rim countries.

The effect of clustering has been to greatly enhance the capacity for cross-border voluntary adaptive migration overall, but with considerable variation. Moreover, the clustering of states into sub-regional groupings is neither fixed nor static. New clusters, such as the Melanesian Spearhead Group, have emerged and continue to do so. This dynamism is a critically important feature of the contemporary architecture. It has the potential to greatly enhance mobility in the region by fostering new bilateral and multilateral agreements providing for the temporary or permanent cross-border movement of Pacific peoples as an aspect of the ongoing and continual alignment of state interests at a sub-regional level.

While much has been made of growing engagement by China in the Pacific, and the development of the Asian Investment Development Bank,^{ix} we do not anticipate such engagement will *directly* increase the mobility options in the foreseeable future for Pacific peoples in terms of accessing the Chinese domestic labour market. There is an obvious language barrier, which will be difficult to surmount for most Pacific citizens, not to mention a surplus labour pool in China itself. We will not likely witness the emergence of a Chinese cluster any time soon.

Rather, we anticipate that increased engagement by China in the Pacific may *indirectly* increase mobility options by providing infrastructure improvements and support (for example, construction and/or development of educational and vocational training institutions and information-technology infrastructure) which will enable Pacific working age populations to better access the international labour market *outside China*.

The variability both between and within clusters provides a multiplicity of policy nodes around which a convergence of regional state interest in addressing the potential for cross-border movement in the context of natural disasters and climate change can translate into future action.

Challenges

Increasing options for Melanesians as a 'regionally trapped' population in terms of cross-border migration

It needs to be recognized that while some clusters capture approximately 90% of the total regional population, overall, the percentage of the cluster population with hub-state citizenship or otherwise having preferential rights of entry and access to hubs-state labour market is small. Typically, such privileging will not include the big three Melanesian PICTs of Papua New Guinea, Fiji or the Solomon Islands.

Table 1: Population Mobility Clusters in the Pacific, 2013

Sub-region/country	NZ	US	Established			Emergent	
			French	PIF	MSG	Aust	PAILS
Melanesia							
Fiji	X*			X*	X	X	X
New Caledonia			X		(X)		
Papua New Guinea	X			X	X		
Solomon Islands	X			X	X	X	X
Vanuatu	X			X	X	X	X
Micronesia							
Federated States (FSM)			X		X		
Guam			X				
Kiribati	X				X	X	X
Marshall Islands			X		X		
Nauru					X		
Nthern Mariana Islands			X				
Palau			X		X		
Polynesia							
American Samoa			X				
Cook Islands	X				X		
French Polynesia				X			
Niue	X				X		
Samoa	X				X	X	X
Tokelau	X						
Tonga	X				X	X	X
Tuvalu	X				X	X	X
Wallis and Futuna				X			
% Pacific pop. In cluster	91.0	6.1	4.8		94.6	89.5	83.2
% Pacific pop in cluster with hub-state citizenship	0.2	2.1	4.8				

X* Fiji is currently suspended from NZ's Pacific Access Category and RSE scheme. Fiji's membership of the Pacific Islands Forum has also been suspended
(X) New Caledonia's pro-independence party the FLNKS, is a full member and current Chair of the Melanesian Spearhead Group

X Denotes state/territory whose citizens also have hub-state citizenship
MSG refers to Melanesian Spearhead Group; PIF to the Pacific Islands Forum, PAILS to the Pacific Islands Labour Sending Forum

Note: Percentages of Pacific population in clusters derived from population estimates in Table 1. Data from SPC Population Data Sheet, 2013.<http://www.spc.int/sdd/>

Balancing protection of employment for citizens with providing durable solutions for disaster affected migrants.

Features of the present regional legal framework designed to provide maximum employment opportunities to rapidly growing citizen populations, potentially limit opportunity for voluntary adaptive migration. In many instances, it is the employer who must obtain prior authority to recruit non-resident workers. Also, it is not uncommon for there to be highly prescriptive approval requirements.

When granted, access to employment in Pacific countries is often highly regulated and controlled.^{xvii} Many have binding post-employment repatriation requirements.^{xix} These features, common to many regional systems, may impact upon the ability to respond to natural disasters by facilitating cross-border migration in a timely or economically sustained fashion. In particular, the financial and other compliance costs may be prohibitive and stifle lawful entry and stay. Moreover, the timing of binding repatriation obligations linked to the expiry of employment-related visas may be out-of-sync with disaster-related realities in the country of origin.

These features of the regional regulatory environment, understandably, present obstacles to the employment of persons who do move across international borders, but who are not granted host-state residence or citizenship, something which can be quite controversial in Pacific states. Overall, there is a pressing need to review regional policy settings to take greater account of the mobility-related consequences of disasters and climate change. This issue will need to be factored into discussions around both voluntary adaptive migration and resettlement along with more familiar regional issues such as land tenure and access to land by non-citizens.

Facilitating family-related migration

Immigration frameworks in the region contain a range of pathways to residence. Reflecting historical immigration policy settings as well as concerns over land ownership, a widely distributed pathway to residence in regional immigration policy is provided for spouses and dependent children of host-state citizens. In host-states with established diaspora, spousal residence will be a useful policy mechanism for facilitating voluntary adaptive migration over time. Nevertheless, sponsorship criteria surrounding minimum sponsor income levels, or relating to

a specified minimum duration of the marriage may limit the potential for this pathway to be leveraged at times of natural disaster or more generally.

Although family life throughout the Pacific typically involves extended family networks spanning closely-knit communities or villages, most immigration policies in the region have no specific provisions aimed at facilitating the migration of the wider family group. Australia and New Zealand have parent residence categories but they are closely controlled and current policy settings in both countries limit this as a viable pathway to residence for many Pacific families. Also, a number of PICTs have caps on the total number of permanent residence visas which can be granted to persons who do not qualify under pathways arising from marriage to a citizen or other privileged categories or migrant.

Reducing Information gaps and simplifying institutional arrangements

There is no single comprehensive database of migration law, regulations and policies in the Pacific region. The website for the Pacific Legal Information Institute, a facility provided by the Faculty of Law at the University of the South Pacific, has a comprehensive collection of relevant papers but it is far from complete. Similarly, the website of the Pacific Immigration Directors Conference, a forum established in 1996 for the official immigration agencies of the Pacific Region, also contains only a partial list of relevant legislation and regulations. The United Nations' (2013) compendium of Government views and policies concerning population and development for 195 countries contains some high-level information on internal and international migration. While the compendium issued by the ILO Office for Pacific Island Countries in 2015 plugs the gap, it does not cover all PICTS.

It is therefore difficult to get a region-wide snapshot of relevant legislative, regulatory and institutional terrain upon which to devise comprehensive and mutually reinforcing policy. Our experience of seeking to access the websites of the relevant Ministries is that relevant and up-to-date information is lacking. This is compounded by the fact that in many instances, the relevant Ministry for issuing entry and stay is different to that issuing work permits to migrants.

The lack of comprehensive publicly available information from Government websites in many PICTs makes it difficult for individuals wishing to explore options for voluntary adaptive migration to do so. While we believe most Pacific citizens would understand that, as a citizen of a PICT, they are able to visit another Pacific nation without too much trouble, should their situation in either *ex ante* or *ex post* disaster situations require a lengthy stay, perhaps with a need to work, very often critical information is missing on, for example, transition from visitor to worker status, sponsorship requirements, or limitations on entry into sectors of the labour market. This lack of information hinders informed decision-making and choice with regard to voluntary adaptive migration.

Conclusions

Under current regional policy settings, there exists considerable opportunity for disaster affected individuals in most Pacific countries to make voluntary choices whether they stay in their own country or move to another island country for a short-term stay as a visitor. Beyond short-term entry, however, a number of challenges arise in terms of transitioning to work or resident visa status should the need arise, either to remain abroad for an extended period of time post-disaster, or should work abroad be essential to generate remittances to finance *in situ* adaptation at the household level.

More broadly, opportunities to move on temporary visas to countries on the Pacific rim, especially New Zealand, Australia and the United States of America, are distributed quite unevenly across the region. In general, islanders living in the northern (Micronesia) and the eastern Pacific (Polynesia) tend to have more options and opportunities than most of their Melanesian counterparts in the western Pacific.

Removing barriers to voluntary movement of citizens between countries within regions which have strong social, economic and political ties is widely regarded now as being essential for effective development in the 21st century. As the IOM's Director-General, Lacy Swing, observed at a conference on intra-regional migration in Africa in early May 2016: "The time has now come to remove barriers to human mobility and enable [regions] to benefit from the movement of human resources. Migration is not a problem to be solved but a reality to be managed and if well managed, it is beneficial, necessary and desirable."^{xii}

Building on and re-tooling where necessary existing migration policy at the bi-lateral, regional and global levels so as to enable voluntary adaptive migration is also vital to address the mobility challenges posed by climate change in the 21st century. This must in our view form an essential component of the work-programme of the Warsaw International Mechanism For Loss And Damage Associated With Climate Change Impacts.

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ⁱⁱⁱ See, for example Giff Johnson *North Pacific Countries All Declare Drought Emergencies* Pacific Islands Report (7 April 2016)
<http://pidp.eastwestcenter.org/pireport/2016/April/04-07-02.htm> (accessed 8 April 2016).

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- ^{iv} Secretariat of the Pacific Regional Environment Programme, ‘Pacific Islands Climate Outlook Forum Releases Regional Statement on El Niño and Potential Impacts for the Pacific Islands for the first time’, SPREP, 16 October 2015. (accessed 8 April 2016).
- ^v See, for example “After assessments, many more Fiji villages slated for relocation” <http://pidp.eastwestcenter.org/pireport/2016/April/04-21-04.htm> (accessed 25 April 2016).
- ^{vi} A full version of the report can be found at:
https://www.researchgate.net/publication/274254810_Clusters_and_Hubs_Towards_a_Regional_Architecture_for_Voluntary_Adaptive_Migration_in_the_Pacific?c_hannel=doi&linkId=551a3d910cf2f51a6fea2dd3&showFulltext=true
- ^{vii} Prepared by the authors along with Charlotte Bedford. Available:
http://www.ilo.org/suva/what-we-do/publications/WCMS_304002/lang--en/index.htm; <http://www.unescap.org/resources/compendium-legislation-and-institutional-arrangements-labour-migration-pacific-island>
- ^{viii} This architecture and its consequences are set out in full in the ‘Clusters and Hubs’ report prepared for the Nansen Initiative.
- ^{ix} See, for example, Nic Maclellan Transforming the Regional Architecture: New Players and Challenges for the Pacific Islands East West Centre Asia, Pacific Issues No 118 (August 2015)
- ^x It is not uncommon for there to be list of reserved occupations or businesses. Examples include the Federated States of Micronesia, Papua New Guinea, Tonga, and Vanuatu. See here, respectively, *Compendium* at pp5, 33,48 and 59.
- ^{xi} Examples include Samoa and Tonga. See here, respectively, *Compendium* at pp38, 48
- ^{xii} “IOM urges countries to ratify, implement protocols on free movement” <https://www.iom.int/news/iom-urges-african-countries-ratify-implement-protocols-free-movement> (accessed 7 May)