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**Title**

*The Preparedness of Small Island States for Refugees with particular focus on Fiji*

**Nature of Paper**

**Working Paper**

**Abstract Submission**

The vulnerability of Small Island States to climate change and environmental degradation such as “depletion of fresh water supplies, flooding, disease and loss of traditional food sources, livelihood and housing”<sup>1</sup> has drawn not only international attention but also *forced migration* or *illegal/irregular migration, displacement and settlement* (relocation). The probing question for the Pacific Region then is, can such **circumstances and dilemmas** neatly fit with the internationally agreed definition of a ‘**refugee**’ under international refugee instruments? An immediate response on humanitarian grounds would probably reveal ‘yes’ and thus introduce category’s as ‘**climate refugees**’ or ‘**economic refugees**’ but in-depth content/text analysis has **rejected** this.<sup>2</sup>

As a mandatory requirement, the constituent elements<sup>3</sup>:

- outside the country of nationality or habitual residence;
- well founded fear;
- persecution;
- Convention grounds (race, religion, nationality...); and
- availability of State protection;

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<sup>1</sup> Office of the UNHCR <http://www.unhcr.org/pages/49c3646cbf.html> (Accessed 16/6/11) retrieved from the UNHCR – UN Refugee Agency official website <http://www.unhcr.org/pages/49da0e466.html> (Accessed 16/6/11)

<sup>2</sup> The UN Refugee Agency, *From the Regional Representative*, Refugee Newsletter 1 (2010) 8 <http://www.unhcr.org.au/pdfs/UNHCRNewsletter2010smallerize.pdf> (Accessed 5/10/10)

<sup>3</sup> Articles 2 – 34 – The Refugee Convention 1951

as stipulated in **Article 1A(2) of the 1951 Refugee Convention** need to be satisfied. All signatory States “have an international obligation not to force refugees to return or not to ‘*refoule*’, to their home countries where they would face persecution on one of the five Convention grounds (the *non-refoulement principle*)”.<sup>4</sup>

For small island states in particular, climate change and environmental degradation triggers **forced migration**. The primary question is whether forced migration sits comfortably with seeking refugee status? Do state’s immigration control, foreign policy and decision making process by immigration officials ‘realize’ the *non-refoulement principle*? What issues, challenges and complications will small island state’s face when “attempting to comply with their international obligations (refugee and human rights) and balancing their own national interests in allowing entry to their territory”.<sup>5</sup>

These are some questions guiding my working paper in *the preparedness of small island states for refugees*.

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<sup>4</sup> Article 33 – *The Refugee Convention 1951*; See also Fiona Martin, above n7, 31; See also Mary Crock, ‘Judging Refugees: The Clash of Power and Institutions in the Development of Australian Refugee Law’ (2004) 26(1) *Sydney Law Review* 51, 52

<sup>5</sup> Fiona Martin, ‘When refugee claimants are kept in the dark: obstacles to see(k)ing asylum in Australia’ (2006) 21(1) *Australian Journal of Human Rights* 27, 31