

## **Supplementary Submission to the Transport and Industrial Relations Select Committee on the Immigration Bill**

This supplementary submission concentrates on an area of omission from the Bill – that of the environmental refugee or environmental IDP (internally displaced person). While there are some 25 million people internally displaced by war or persecution, there is an equal number displaced by natural disasters ranging from famine to earthquake. This number is expected to reach 50 million within the next few years<sup>1</sup>.

The introduction of the Immigration Bill is an opportunity for New Zealand to clearly define how this country will treat those people who are forced to leave their country, either temporarily or permanently, as the result of environmental factors.

### **General Comments**

The National Council of Women of New Zealand (NCWNZ) was concerned to read a Dominion Post article<sup>2</sup>, in which it was stated that the Government is being advised against granting refugee status to environmental refugees. And further, that rather than being referred to as refugees, these people should be termed migrants. There is currently no coverage offered to environmental refugees or environmental migrants under international law, and no provision in New Zealand's immigration law that covers such people. The Ministerial briefing papers which formed the basis for this news article were released to the Dominion Post under the Official Information Act, 1982.

NCWNZ has been able to access one of the three briefing papers, however, it is understood that the remaining two papers again can only be accessed under the Official Information Act. There has been insufficient time available to access and review all of the briefing papers in advance of presenting the NCWNZ submission and supplementary submission on the Immigration Bill.

In August 2006, NCWNZ submitted a remit to the International Council of Women (ICW)<sup>3</sup>, which was adopted into ICW policy. This resolution states:

The ICW calls upon its national councils to:

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<sup>1</sup> Wilkinson, R. 2005. Forgotten no longer. *Refugees* v.4(141) <http://www.unhcr.org/publ/PUBL/43d4e8162.pdf> [22 Oct 2007]

<sup>2</sup> Easton, P. 2007. Briefings urge block on climate refugees. *The Dominion Post*, October 6 2007, p. A20. <http://www.stuff.co.nz/stuff/4227442a11.html> [30 Oct 2007]

<sup>3</sup> The International Council of Women (ICW) was founded in 1888. It is an international, non-political, non-governmental organization that represents millions of women in its affiliated councils in all continents of the globe. ICW has enabled millions of women, brought together in its affiliated National Councils, to make themselves heard at an international level, through the consultative status it enjoys with every organism of the UN and its Permanent Representatives to: ECOSOC, ILO, FAO, WHO, UNDP, UNEP, UNESCO, UNICEF, UNCTAD, UNIDO, etc.

#### ICW Objectives:

- To promote equal rights and responsibilities for both men and women in all spheres by removing all forms of discrimination based on birth, race, sex, language or religion;
- To promote recognition and respect for Human Rights;
- To support all efforts to achieve peace through negotiation, arbitration and conciliation;
- To encourage the integration of women in development and in decision-making bodies.

There are approximately 65 National Councils of Women affiliated to ICW globally.

1. urge their governments to review immigration conditions and procedures to accommodate potential environmental refugees,
2. urge their governments to plan for ways in which environmental refugees may be integrated into other localities with input from those communities affected.

NCWZN is of the opinion that an environmental refugee should not be classified under the law as an environmental migrant. To gain access to New Zealand as a migrant a variety of criteria must be met, e.g. the holding of a work Visa or Permit for at least 24 months, during the period of that visa or permit to have been employed in New Zealand for a period of 24 months, have a base salary of \$45,000, hold full or provisional registration in a specific field, be aged 55 years or younger. Depending upon which on migrant category is applied under, there are further criteria that must be met.

Should a single, childless woman aged 56 with no relationship connections already in this country apply to come to New Zealand, because conditions in her home country are adversely affected by environmental factors, she would not qualify under the current migrant classification system. The image of a middle-aged Tuvaluan woman standing ankle-deep in water with a placard reading "will someone please take me" does not rest well on the shoulders of the Council.

The Intergovernmental Panel on Climate Change (IPCC) estimated that 150 million environmental refugees will exist in the year 2050. In various sources<sup>4</sup> it has been indicated that Tuvalu has an ad hoc agreement with New Zealand to allow phased relocation. This has been denied in a report to the Minister Responsible for Climate Change Issues<sup>5</sup> but there is a Pacific Access Category (PAC) negotiated in 2001 that permits people experiencing the effects of climate change to move to New Zealand under a quota arrangement<sup>6</sup>. The Samoan Quota and PAC were never intended to address the issue of climate change<sup>7</sup>.

In the case of our Pacific Island neighbours, the existing immigration schemes are already heavily oversubscribed. In the wider context of New Zealand immigration, the Department of Labour concluded in the Immigration Policy Framework<sup>8</sup>:

- "There is a potential mismatch between the future supply of migrants (who want to come here) and demand for migrants (who New Zealand wants).
- Potential pressure is emerging in regard to people affected by climate change in the Pacific seeking refuge."

Using the existing quotas under PAC to demonstrate the problem faced, it will take those seeking to reside in New Zealand from Kiribati approximately 1040 years for the current population to all be fully absorbed. This is assuming that everyone will satisfy the criteria for residency and that the birth rate is equal to death rate in their homeland. In terms of Tuvalu, it will take 120 years, and experts suggest that the island will completely disappear within 50 years.

The Convention and Protocol Relating to the Status of Refugees<sup>9</sup> are the principal international instruments for the protection of refugees. They do not define environmental refugees. There is

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<sup>4</sup> [http://en.wikipedia.org/wiki/Effects\\_of\\_global\\_warming](http://en.wikipedia.org/wiki/Effects_of_global_warming) [16 Oct 2007]

<sup>5</sup> Environmental impacts on the Pacific and implications for New Zealand. 06-B-1064, 23 Feb 2007. [Obtained under the Official Information Act]

<sup>6</sup> Friends of the Earth. A citizen's guide to climate refugees. 2007.

<sup>7</sup> Environmental impacts on the Pacific and implications for New Zealand. p. 10.

<sup>8</sup> Immigration: delivering for New Zealand. November 2006. Immigration policy framework key findings and implications.

<sup>9</sup> <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf> [22 Oct 2007]

a body of literature on defining environmental refugee and environmental migrant. Black<sup>10</sup> for example, in his review of existing literature, argues for clarity in the basis for intervention through the Geneva or some other Convention.

NCWNZ recommends that there not be a category of environmental refugee defined within the Immigration Act and that the New Zealand definition of a refugee not be bound by a Convention that was drafted over 50 years ago and is woefully out of step with other factors that create today's refugees, such as the state of the environment.

NCWNZ believes that as a matter of urgency, the current UN Convention needs to be redrafted, particularly in light of the recently released fourth Global Environment Outlook report<sup>11</sup>.

It should be noted that in June 2007, the Migration (Climate Refugees) Amendment Bill 2007 underwent its second reading in Australia. This Bill creates a new visa class to recognise climate refugees formally and create mechanisms to deal with their situation.

NCWNZ will be reporting to the ICW on progress made in addressing the issue of environmental refugees, particularly in light of the advice received by Government. While it is noted that this advice has been made on a firm legal basis, it is felt it reflects neither our community culture nor our desire that New Zealand show global leadership in this area of such importance. There is an onus of responsibility on New Zealand, particularly in the context of climate change and its predicted impact on low-lying areas in the Pacific region. New Zealand's activities have fed this problem and we must be prepared to address the consequences fairly and reasonably.

**Specific recommendations to the Select Committee:**

The National Council of Women of New Zealand recommends:

- That the definition for refugees not be limited to the currently out-of-date Convention on the Status of Refugees
- That legislation be prepared to address the issue of environmental refugees under the Immigration Act via the current consultation on this Immigration Bill.
- That New Zealand support the redrafting of the Convention on the Status of Refugees
- That New Zealand consider recalculating the current immigration quota schemes to provide greater time for integrating refugees or migrants into New Zealand life



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<sup>10</sup> Black, R. 2001. Environmental refugees: myth or reality? New issues in refugee research working paper no. 34. <http://www.unhcr.org/research/RESEARCH/3ae6a0d00.pdf> [22 Oct 2007]

<sup>11</sup> United Nations Environment Programme. 2007. Global environment outlook: environment for development (GEO-4). <http://www.unep.org/Documents/Multilingual/Default.asp?DocumentID=519&ArticleID=5688&l=en> [30 Oct 2007]