

# **SUBMISSION TO THE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**

## **TERMS OF REFERENCE**

Australia's relationship with Papua New Guinea and the island states of the south-west Pacific (known as Oceania or the South Pacific), with particular reference to:

1. the current state of political relations between regional states and Australia and New Zealand;
2. economic relations, including trade, tourism and investment;
3. development cooperation relationships with the various states of the region, including the future direction of the overall development cooperation program;
4. the implications for Australia of political, economic and security developments in the region.

## **AUSPICES : The Dominican Sisters of Eastern Australia and Solomon Islands**

This submission is made on behalf of the Dominican Sisters of Eastern Australia and Solomon Islands. The sisters are members of the Catholic Church and the international Dominican Order which includes both men and women. In the wider Pacific region, apart from Australia, there are Dominican Sisters in New Zealand, the Solomon Islands, Timor Lorosa'e, Indonesia and the Philippines. The sisters' commitment to social justice involves them in issues related to the rights of indigenous peoples, refugees and asylum seekers.

Our involvement with refugee issues began in the 1980's when we sponsored a Vietnamese 'boat' family in Canberra and received a Dominican Sister who had also fled by boat from Vietnam. More recently, we sponsored a Cambodian family to settle in Sydney. Today several sisters are involved in psychological, financial, housing, research and advocacy support for asylum seekers in detention centres and on temporary visas, as well as volunteer English teaching at STARTTS and elsewhere.

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## **EXECUTIVE SUMMARY**

The main thesis of this submission is that Australia is no longer a good international citizen or good neighbour in the Pacific region for three reasons: the treatment of asylum seekers generally, the

**Pacific Solution** and our policy on climate change with its refusal to sign the Kyoto Protocol. **This submission addresses particularly the first term of reference:** the current state of political relations between regional states and Australia and New Zealand, but has significance for all four of the terms of reference.

1. **Refugees: A Global Phenomenon and Responsibility:** Australia's current policy on refugees does not acknowledge this global phenomenon nor does it recognize adequately the ethical responsibility this imposes on national states to uphold universal human rights, when people seek asylum.
2. **Impact of Australia's Refugee/Asylum Seeker Policies on the Pacific. The Pacific Solution** has fundamentally changed the way Australia approaches many of our neighbours, basically from seeking to help them to solve their problems to using them to solve our problems. This 'solution' undermines human rights and has negative effects on our relationships with other Pacific states in terms of foreign policy and economic issues. Our pursuit of self interest has drawn serious criticism from the UN, our Pacific neighbours and world leaders.
3. **Environment Issues.** Australia, with the highest per capita use of fossil fuel in the world is impacting heavily on poorer countries of the Pacific. In coming decades, climate change and environmental degradation are expected to force many people in developing countries to move out of their homelands. In contrast to the trickle of asylum seekers now being turned away, it is likely that the future will see many environmental refugees seeking entry to Australia..

## **OUTLINE OF SUBMISSION**

### **1 REFUGEES: A GLOBAL PHENOMENON AND RESPONSIBILITY**

### **II THE PACIFIC SOLUTION**

- 1 **The Detention Camps in Nauru and PNG**
- 2 **The Implications of Australia's Decision**
  - A **Human / Legal Rights Questions**
  - B **Foreign Policy Issues with Regard to the Pacific Solution**
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- 3 **Regional Opposition to the Australian Policy on Asylum Seekers**

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- 3 **The Concept of Ecological Debt**

### **CONCLUSION**

## 1 REFUGEES A GLOBAL PHENOMENON AND RESPONSIBILITY

One of the most obvious facts about the contemporary world is the presence of refugees. Each year millions of people throughout the world leave their home country looking for a better life, fleeing war, oppression, poverty, persecution and other human rights violations. Currently the United Nations had ‘**concern**’ for about 22 million displaced people.

A refugee is defined by the 1951 United Nations Convention as a person who has fled his or her country because of ‘a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion’. Although Australia has had a proud record with regard to refugees at certain times of our history, the current publicity about immigration, refugees and asylum seekers raises some serious questions. Often the debate is ill informed and driven by ignorance, intolerance and fear, while Australia, compared to most developed countries, has few people applying for refugee status, both as a total and as a proportion of its population. This partly due to our geography.

According to the UNHCR figures for 1999, poor countries like Tanzania host one refugee for every 76 Tanzanians, while developed countries like Australia host considerably fewer: one for every 1,961 residents. European countries are considerably more generous; the Swiss for instance, take one refugee for every 156 residents; the United Kingdom take one for every 604 residents and Canada take twice as many as Australia. Government rhetoric about Australian generosity needs to take UNHCR figures into account. (Cf Crock and Saul, 26; Mungo McCallum, 1)

Most of the refugees coming to Australia in recent times have come from Iraq, Afghanistan, Iran Sri Lanka and Africa but there are also serious asylum seeker issues in the Pacific area as a result of recent civil strife and political upheaval. There are now tens of thousands of refugees and internally displaced people in Bougainville, the Solomon Islands, Fiji, West Papua and New Caledonia. The Australian allocation of millions of dollars to relatively few asylum seekers from the Middle East and Central Asia raises questions about Australia’s commitment to the Pacific region generally and puts the whole **Pacific Solution** into a stark and unflattering perspective.

## II THE PACIFIC SOLUTION

Since the *Tampa* crises of August and October 2001, the Australian Government has denied access to any asylum seeker arriving by boat in Australia. Instead, the Royal Australian Navy has intercepted these people and, with the permission of the respective governments, taken them to New Zealand, Nauru, and Papua New Guinea. New Zealand has been a model in handling detainees, not keeping them in detention long and processing applications quickly and efficiently. In the case of Nauru and PNG, claims for refugee status are being processed by the UNHCR with some help from the Australian Immigration Department.

This ‘solution’ has fundamentally changed the way Australia approaches our Pacific neighbours and profoundly altered our relationship from one of basically seeking to help them solve their problems to using them in an attempt to solve our problems. The strategy in this section is to describe the detention centres in Nauru and Manus Island, analyse the legal/human rights, foreign affairs and economic implications of Australia’s decision and then indicate the regional opposition to and world criticism of Australia’s decision.

### 1 THE DETENTION CAMPS

#### a The Nauru Detention Camps

Nauru is a small island of about 21 square kilometres in the Western Pacific with 11,500 people who live on the green coastal rim. Nearly 80% of the island is a desolate lunar landscape, a legacy of the years of Australian phosphate mining. Nauru is beset with critical problems, having few industries, high unemployment, poor health, failed investments and decaying social infrastructures. Nauru depends on a monthly shipping service for food, fuel and other essentials, but in recent times has experienced problems because of the non-payment of the shipping company.

Over the last year, Nauru has often run out of essential items, such as fresh fruit, flour, sugar, rice and the fuel and lubricating oil needed to operate the island's power generators and desalination plant. Therefore, the placement of 1150 asylum seekers, as well as security guards, UN and International Migration Office personnel puts added strain on an already fragile environment. Earlier this year, AusAid described Nauru to the Senate Foreign Affairs Committee as a country *in an increasingly untenable economic situation which presents a real threat to the availability of basic health, education, power, and water supplies for the population of Nauru. Australian Development assistance to Nauru is directly targeted at these key areas.* (Quoted in Carty, p3)

The supreme irony of the AusAid claim becomes obvious with an analysis of the **Pacific Solution**, where basic aid is **not** being spent on the 'key areas' of Nauru's governance and economic problems but on asylum seekers' accommodation, food, transport and management. The Australian Government, for its own doubtful motives, made an offer that Nauru chose to accept and opened two camps; **Topside** camp has a population of 800 Afghans and **Statehouse**, a population of about 350 made up of Iraqis, Iranians, Sri Lankans and some others. The refugees have recently been separated in anticipation of the likely outcomes of the interviews - the Government intends returning the Afghans to their own country when possible.

Access to Nauru, let alone the camp, is extremely difficult. Official requests by the Jesuit Refugee Service (JRS), Australian lawyers and Caritas Australia were rejected by DIMIA. Therefore, on behalf of JRS, Caritas Australia and the Marist Fathers, Fr Jim Carty made an unofficial visit to these detention centres in March and May, 2002 and this account draws heavily on his report to Caritas Australia. Fr Carty met the International Organization of Migration Head of Mission, Cy Winter and his deputy Luiz Vieira. He visited both camps and attended a meeting where refugees aired their frustrations about the lack of water and lack of information in regard to their future. But there were other serious problems noted by the former UN Human Rights Commission secretary, John Pace.

Dr John Pace went to Nauru on a monitoring visit for Amnesty International in November, 2001. He reported that the asylum-seekers had clearly been traumatised by events, for many of which, Australian policy is wholly responsible. In the first place, he said, the asylum seekers were traumatised by the events and many show clear signs of vulnerability. *It is often difficult to interview them. It could be discussed whether it is appropriate to perform RSD in such situations, when the symptoms of Post Traumatic Stress Disorder (PTSD) are evident and seriously affect the eligibility process.* (John Pace, quoted in the Oxfam Report, *Adrift in the Pacific*, p8)

In the second place, Dr Pace said, the asylum seekers have gone through several months of being exposed to stress, some of them have left Afghanistan one year ago. *Many of them have had several unsuccessful attempts to reach Australia by boat before being rescued by the Tampa. After that, the insecurity regarding admission to Australia, the arrival in a detention camp, the start of the air bombardments in Afghanistan and lately, the news about a boat that sank with 300 refugees on board have left serious marks in they physical and psychological well-being.*(op. cit)

Both camps were still being improved in May of this year - after eight months - and in the case of **Topside** expanded. The conditions in the first few months were appalling with open sewerage in some areas of the camp. The major concern was the inadequate water supply for the refugees as for the local Nauruans. Huge sums of money are now being used, however, to install state of the art sewerage systems in the camp and there are plans for a desalination plant. Three meals are served each day to the asylum seekers while many locals live poorly. English and computer courses are provided mostly by the Afghans themselves.

## **b The PNG Detention Camp at Manus Island**

The Detention camp in Papua New Guinea is located in the Naval Base of Lombrum on the island of Manus. Access to this camp is also very difficult, especially after Evan Williams of *Foreign Correspondent* managed, with the assistance of the parish priest of Lorengau, the second of the two parishes on the island, to drive onto the Naval Base. A 24 hour road block manned by the PNG Defence Force has now been placed on the only road to the camp and visitors are not allowed.

In return for accepting the asylum seekers, the PNG Government, apart from whatever financial inducements offered, is receiving a refurbished Naval base, which was in decay, improved officers' mess and meals, an improved hospital for the base and renovations for the houses of the families living on the base. According to Fr Carty and the Oxfam Report, *Adrift in the Pacific*, this money is coming from the aid budget. Meanwhile the local hospital in the capital Lorengau is without water and a recent report recommends that the hospital be closed, which means that the Naval hospital on the base, 45 minutes from town at the extreme end of the island, is the only one.

## **2 THE IMPLICATIONS OF AUSTRALIA'S DECISION**

As several organizations like the **Sydney University Law School, ACFOA, Caritas Australia, Edmund Rice Centre, Amnesty International** and **Oxfam Community Aid Abroad** point out, there are a number of human / legal rights, foreign policy and economic issues that impinge on Australia's **Pacific Solution**. These are taken in turn.

### **A THE LEGAL AND HUMAN RIGHTS QUESTIONS**

- i. **Breaches of Maritime Law?** According to some experts in maritime law, the whole *Tampa* incident and subsequent events have violated key tenets of the law of the sea. At the recent University of Sydney Law School Seminars on '**Refugees and the Law**' during May, 2002, Donald Rothwell was one such expert. In his address, 'The Law of the Sea and the *MV Tampa* Incident', he pointed out that the *Tampa* conformed with its international obligations, that Australia's basis for closing its territorial sea was doubtful, that Australia failed to respond adequately to a ship in distress and that the SAS boarding of the *Tampa* was an excessive use of force. For such behaviour, he said, Australia's image as a good international citizen has been seriously compromised. (Donald Rothwell, 1);
- ii. **Human Rights or Immigration Control?** *We will decide who comes to this country and the circumstances in which they come* (Prime Minister John Howard, November 2001). The presumption of sovereignty is that every country/International State has the sovereign right to determine who can and who cannot reside in that country. As Kerry Murphy points out, it is understandable that there may be cultural, religious, social or environmental reasons for restricting movement of people. It is important, however, that these restrictions are balanced by consideration of human rights issues, humanitarian responses, sustainable development and the respect for the dignity of people:

*The sovereignty presumption or immigration control model, often fails to balance these*

*matters and so developed countries increasingly use the presumption of sovereignty in order to establish stricter immigration controls through a variety of means. These include: strict visa requirements, carrier sanctions, detention of those without visas and deportation. These all feature in Australian law. In the political arena, there is a conflict between human rights principles and the bare principle of sovereignty. (Kerry Murphy, p176 );*

- iii **The right to asylum?** All asylum seekers and refugees are human persons and as such are entitled to enjoy the full range of human rights. To seek asylum in order to protect one's human dignity and human rights is, in itself, a moral as well as a legal right. The **Pacific Solution** seeks to prevent people without valid visas from entering Australia to exercise this right yet the *Universal Declaration of Human Rights*, Article 14, affirms the right to seek and to enjoy asylum. Furthermore, the *International Convention Relating to the Status of Refugees*, in Article 31, obliges ratifying States not to: ... *impose penalties, on account of their illegal entry or presence, on refugees who, directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence;*
- iv **Universality of Human Rights?** Human rights laws should apply equally to all parts of Australia's territory. By excising certain areas from the migration zone and restricting the application of international human rights law, such as the *International Convention Relating to the Status of Refugees* and its Protocol, the **Pacific Solution** breaches the principle of the universality of human rights. To say that human rights are universal, inalienable and transcendent is to assert that they apply to all people, at all times, no matter where they are, and that nothing can negate these rights;
- v. **Are asylum seekers tools?** The basic purpose of the **Pacific Solution** is to dissuade people from seeking to apply for asylum on Australian territory. As the Australian Catholic Social Justice Council position paper points out, by using certain groups of asylum seekers to 'send a message' to deter others, the **Pacific Solution** makes instruments of vulnerable human beings who are seeking to exercise their rights. The policy is fundamentally disrespectful of the dignity and human rights of those seeking asylum. The financial benefits to poor Pacific island countries of detaining asylum seekers who have been intercepted by Australian authorities also risks instrumentalising asylum seekers, a point made by many local critics.
- vi. **Is Mandatory Detention Legal under the Constitutions of Nauru and PNG.** Article 5 (1) of the Nauru Constitution states that *No person shall be deprived of his personal liberty, except as authorised by law in any of the following cases:* the cases listed in the Constitution cover the spread of disease, criminal offences, which do not apply to the asylum seekers. The Constitution also guarantees the right of legal representation *to consult in the place in which he is detained a legal representative of his own choice.* The Oxfam report quotes one Nauruan lawyer: *Under what law are they held in a compound from which they are not permitted to leave except for medical and like reasons and then under guard?*

In PNG, Ambrose Kiapseni, Bishop of Kavieng (which includes Manus Island), said in a recent statement: *Why are we keeping people innocent of any wrongdoing in PNG behind barbed wire? Is it because our neighbour and benefactor has asked us to do this thing? Shouldn't our own laws in our own country take precedence over requests from neighbours?* (Ambrose Kiapseni, Email Pastoral Letter, March, 2002);

- vii **Is It Appropriate for Australia to Seek to Extend its Own Harsh Policy of**

**Mandatory Detention to Other Countries?.** Most developed countries do not have mandatory detention, which is seen by the UNHCR as ‘inherently undesirable’. Despite the Australian government’s claim that their detention programme helps develop their Pacific neighbours’ capacity to address the refugee issue, Nauru has no refugees apart from those sent there from Australia and has not even signed the Refugee Convention. The detention camp on Manus island derives no professional expertise in dealing with their very serious refugee crises, as the processing is done by Australian officials.

- vii **Questions about Industrial Law?** There are major implications for liability in potential cases of accidental death, appeal against the ruling of Australian officials or conflict between asylum seekers and security guards from a private contracting firm. The Oxfam Report points out that the terms and conditions for security staff in Nauru have already been the matter of industrial dispute.

The Australian Liquor, Hospitality and Miscellaneous Workers Union successfully supported their members on Nauru in a complaint to the Industrial Relations Commission, after allegations that guards were offered lower rates of pay than in Australia, the guards' passports were confiscated on arrival in Nauru, they were refused medical assistance by their employer, staff were forced to pay up to \$5 for a bottle of water, and one woman allegedly suffered sexual harassment. The tribunal ruled in the union's favour, saying that the guards' conditions should be governed by Australian, not Nauruan law, since the contracts were made in Queensland.

- viii **Is the Welfare of Refugees at Risk?** There are several issues about the welfare and processing of asylum seekers in centres like Nauru which has not ratified the Refugee Convention and PNG which put stringent conditions on its ratification. As well as this, the processing being done in Nauru and PNG by Australian immigration officials is being conducted in a foreign jurisdiction. As the Oxfam Report points out, asylum seekers are disadvantaged, as neither Nauru nor Papua New Guinea have appropriate facilities. Such facilities should include:

- Independent advice from a registered migration agent to assist asylum seekers in understanding the screening procedures and resettlement issues;
- Access for visitors to the asylum seekers, including telephone and electronic mail;
- Particular attention to the needs of vulnerable groups, such as the unaccompanied minors, the disabled, and the sick;
- Provision of adequate trauma counselling and specialist medical services.

The lack of access to lawyers and visitors violates international legal obligations as do Australia’s immigration centres. This raises the question of Australia’s international standing generally and whether Australia still complies with the Refugee Convention and UNHCR Guidelines. The Australian government’s apparent disregard of the law and their continued criticisms of the UN and UNHCR are worrying signs that perhaps Australia is not only ‘adrift’ in the Pacific but in the wider world as well.

## **B FOREIGN POLICY ISSUES WITH REGARD TO THE PACIFIC SOLUTION**

Implications for Australian foreign policy in the Pacific region include:

- i **Embarrassing Approaches Made to Fragile Pacific Nations.** Unbelievably, before the decisions were taken with New Zealand, PNG and Nauru, Australia approached East Timor, Tuvalu, Kirabati, Fiji to take the *Tampa* refugees. These approaches caused dismay in much of the wider community. Fortunately for the countries concerned, their

leaders refused the Australian request. The approach to PNG was also totally inappropriate, given the political, economic and refugee problems there in September 2001; these problems have been aired recently both in the **ABC Four Corners Programme, 'The Insider'** and in the various interruptions to the voting process because of the lack of funds to pay the couriers.

- ii **Decisions Made in Haste and Without Adequate Consultation with Pacific Neighbours.** As the Oxfam and ACfOA reports point out, a major focus for Australia's development assistance program in the region has been the strengthening of regional multilateral agencies. Through its Pacific regional program, the Australian government has given strong financial and political support to regional inter-governmental organisations, such as the Secretariat of the Pacific Community (SPC) and the Pacific Islands Forum Secretariat.

However, the placement of the asylum seekers in the Pacific in late 2001 was conducted very quickly and without co-ordination and planning with key regional institutions. Pacific expert Greg Fry of the Australian National University pointed out that this policy has damaged the way Australia is seen in the region and has acted against the Australian Government's other foreign policy goals in the area such as the alleviation of poverty and promotion of responsible governance.

- iii **The 'Persuasion' of Local Governments in Nauru and PNG with Cash Looks Like Bribery in Pursuit of A Narrowly Defined Australian National Interest.** This imposition of narrowly defined Australian national interests into a regional strategy is in stark contrast to Australia's previous policy which has encouraged regionalism and cooperative behaviour. There was an implied threat to withhold aid funds or other benefits from governments that do not cooperate. As the Catholic Bishop of Manus Island put it:

*Is our neighbour and benefactor holding the very sharp AID ASSISTANCE sword over our heads, meaning given the amount of aid from Australia to PNG, our government has no option than to accept the boat people?? I am sure the good Christian people of Australia would want a portion of their tax dollars spent assisting their less fortunate neighbour to the north, without the threat of such a 'sword', for is this sentiment of help, not a basic Christian ethic? (Ambrose Kiapseni, Email Pastoral Letter, March, 2002);*

- iv **Australia Has 'Used' the Pacific Islands But Ignored Them At Other Crucial Times.** In August 2001, Foreign Minister Alexander Downer and Shadow Minister Laurie Brereton were to attend the signing of the Bougainville Peace Treaty. This treaty was an important step in ending the conflict that resulted in more than 12,000 deaths and dominated Australia's regional foreign policy for ten years. The presence of our Foreign Minister and Shadow Foreign Minister at the signing of the Peace Accord could have been an important statement and shown support for the peace initiatives. But because of the *Tampa* crisis, neither went to Bougainville. Their sense of priorities has been widely noted in the region.

As well as this slight, in August 2001, Prime Minister Howard once again chose not to attend the Nauru meeting of the Pacific Islands Forum (which unites Australia, Aotearoa/New Zealand and 14 independent island nations, to discuss trade, economic, political and security issues). As Mr Howard has only attended two heads of government Forum meetings since taking office, there was widespread criticism that he sent Defence Minister Peter Reith to Nauru, a retiring minister who was not even contesting the November national elections.

- v **Potential Security Problems in Pacific Nations Ignored.** Through an excessive focus on a relatively minor issue such as relatively few asylum seekers, significant Pacific issues,



such as the descent into chaos and corruption in places like Fiji, the Solomon Islands, and PNG are being ignored. In particular, Australian defence forces, which could be actively engaged in the region in peacekeeping training or to halt civil insurrection are being used to transport asylum seekers at great cost and to maintain surveillance for new asylum seeker boats. Instead of pro-active peace keeping initiatives, the defence forces have been used for non military purposes.

- vi **The Cost of the Pacific Solution** The amount of money required for the **Pacific Solution** is extremely high - thought to be about \$500 million for 2002. This exceeds the total aid program in the South Pacific and is seen by our Pacific neighbours as wanton waste. The cost of processing the asylum seekers in Australia is probably less than one fifth of this cost. Many have asked if the Government's policy is worth it. As the Associate Editor of *The Age* put it: *the whiffs of insecurity and naked self-interest that pervaded Canberra this week did give pause for reflection: is this what we want from our political system? Putting ourselves into deficit so that we can keep out a few thousand boat people* (Shaun Camey, *The Age*, 18 May 2002). Greg Sheridan, Foreign Editor for *The Australian* makes a similar point: *Peter Costello's Budget, designed to secure him the prime ministerhip, was big on 'border protection'. But what does border protection actually buy us?* (*The Australian*, 16 May 2002).

The Refugee Council has further criticisms of the Budget. *Just who is it that we are going to spend so much protecting ourselves from? The vast majority of boat arrivals in recent years have been determined to be refugees; in other words, people with a legitimate right to seek assistance from Australia and to whom Australia has protection obligations. And how big is the threat? The numbers of unauthorised boat arrivals for the last 2 years have been in the order of 4,000 per annum, though since the stepping up of the activities of the Australian defence forces, there have been no boats since December 2001.*

Taxpayers, the report goes on, have a legitimate right to ask: how it is possible to justify spending so much to protect us against so few? *Why, if we are so concerned about unauthorised arrivals, are we not spending the money on addressing the reasons that people turn to smugglers in the first instance? Why, if we care so much about "real refugees" have we slashed the contribution to the agency charged with their care and protection? When will the Government be honest in the way they present their refugee policy to the Australian public?* (Quoted in *Journey's End*, Australian Catholic Migrant and Refugee Office, First Edition, 2002, p 13)

- vii **The Lack of Transparency.** The complete texts of the agreements establishing the detention camps are yet to be published. Criticisms of the Budget 2002, noted by James McGillicuddy and the Refugee Council, suggest that there is some curious accounting. In fact, the Government is trying to conceal the real expenditure on its asylum seeker and refugee policy: The small print of the Budget for instance, revealed some curious accounting indicating that a \$243 million item for the civil maritime surveillance of asylum-seekers and illegal fishing vessels in the Customs budget had been listed under "environmental expenditure". The Government's excuse when challenged? That there could be animals bringing in disease on vessels carrying boat people. As the Refugee Council report says, one could question how this fits in with the poverty alleviation objectives of AusAid. More likely, it is a way to "disguise" the real costs of border protection.(Quoted in *Journey's End*, Australian Catholic Migrant and Refugee Office, First Edition, 2002, p 13)

As James McGillicuddy points out, another dubious piece of number-crunching was the inclusion of the costs of feeding and processing asylum-seekers in Nauru and Papua New Guinea in the foreign aid figures for the Budget. The Government's excuse after the

Australian Council for Overseas Aid complained? That this was consistent with international rules. (Verona Burgess, *Canberra Times* 18 May, 2002). The budgetary arrangements have not been explained, and this opens the question as to whether aid funds have been misused. The lack of transparency is unacceptable, especially when Australia is demanding transparency from the Pacific nations.(McGillicuddy, p 9)

- viii **No Suitable Exit Strategy for the Pacific Solution.** Despite promises from the Australian government that no asylum seekers will be left in either Nauru or Manus Island, casual remarks by Mr Howard and Mr Ruddock and the recent budget do not seem a real guarantee. There is a clear contradiction between the political imperative of the Australian government to ensure that "not one asylum-seeker sets foot on our shores" and the initial promise to Nauru and PNG that the arrangement was temporary and that "no one would be left behind". So far, only the Republic of Ireland have agreed to take any of the refugees. It is crucial for the Australian government to set a clear exit strategy with a deadline and to work hard on finding a solution to provide a durable solution for those asylum-seekers in Nauru and PNG. ACFOA would argue that Australia is ultimately responsible for the well-being of those people, even those who fail to attain refugee status.
- ix **An Alternative Solution in the Pacific.** With many other social justice organizations, Oxfam Community Aid Abroad believes that the so-called **Pacific Solution** is no solution to the issues raised by the *Tampa* crisis and it details alternative policies, based on humane and sustainable principles:

- ! An end to mandatory detention of asylum seekers in the Pacific islands;
- ! Support for Pacific Island governments to sign and ratify the 1951 Convention on the Status of Refugees, the 1967 Protocol and other relevant human Rights instruments, and to fully meet the relevant obligations;
- ! Increased support to address the situation of refugees and internally displaced people in the Pacific islands in West Papua, Bougainville, Solomon Islands;
- ! An increase in Australian development assistance to meet the UN target of 0.7 per cent of GDP, with special programs targeted at peace-building in areas of conflict, assistance to countries hosting millions of refugees such as Pakistan and Iran and long-term sustainable development programs;
- ! Detention of asylum seekers only for short periods to allow health, security and identity checks, followed by release into the community, with adequate funding for services such as English language training, employment assistance and trauma counselling;
- ! A review of resettlement policies, with Australia to increase the numbers of refugees accepted each year.

## C ECONOMIC ISSUES

Seen from the perspective of Pacific Islanders, Australia is an overwhelming giant with enormous wealth, educational and health facilities among the best in the world. Yet neighbouring people suffer with grossly inadequate services, particularly in health and education. As already indicated by the AusAid submission, the island of Nauru is in an increasingly *untenable economic situation which presents a real threat to the availability of basic health, education, power, and water supplies for the population of Nauru.*

In Papua New Guinea only 28% of the people have access to safe drinking water, only 22% to sanitation and only 3% of the relevant age group reach tertiary education. Fr Carty reported that

while he was there was there in May, 2002, 100 babies died from malaria, mainly because of the lack of vaccine. As the local bishop pointed out, the asylum seekers, particularly on Manus Island, are provided with health facilities and food security which are the envy of local residents of the island.

From the local perspective, these benefits are being withheld from local people by Australia. They see that Australia has the capacity to provide yet does not do so. In the local culture, such behaviour is not seen as that of a good neighbour. Australia's relations with the Pacific nations of Oceania have been severely damaged by their policies with regard to asylum seekers.

### 3 REGIONAL OPPOSITION TO THE AUSTRALIAN POLICY ON ASYLUM SEEKERS

While some government leaders and local beneficiaries have supported Australia's refugee policy in the Pacific, and many people have expressed humanitarian support for the refugees and their plight, there has been extensive criticism of the policy - from Prime Ministers and Presidents, church leaders and non-government organisations. The criticism has been sharp, with Australia accused of being 'big brother', of 'human trafficking,' of 'dumping' people in the Pacific, of breaching the 'dignity' of small island states.

The Oxfam Report *Adrift in the Pacific* details the criticism: from the Vanuatu Prime Minister, the Pacific Islands Forum, Fiji Political, Church and NGO Leaders, the NGO Coalition on Human Rights, the Anglican Church for Polynesia, Papua New Guinea politicians. The Pacific Conference of Churches and Catholic Bishops Conference produced a major statement, sharply condemning the Australian government actions as *trade in human trafficking*. A joint statement from the churches and NGOs in October 2001 warned the government about the future effects of their action:

*We...appeal to Pacific Island Governments to carefully consider the long-term impact and consequences of accepting Australian aid deals in connection to the refugees. To welcome and accommodate Australian refugees for the sake of money will add more problems and will have adverse impacts on our communal life as Pacific communities, as well as our sovereignty. Pacific island Governments need to focus on finding solutions to overcome political, social and economic problems at home. We are also concerned that accepting the Australian aid deals will make Pacific Island Governments part of the process that solicits money / profits out of trade in human trafficking, and in this case the asylum seekers. We collectively reiterate our stand in safeguarding Pacific Islands' dignity and refuse to see the Pacific region continuously becoming a dumping ground for the benefit of industrialised nations.*

In the same month, the **Catholic Bishops Conference of Papua New Guinea and the Solomon Islands** also criticised Australian policy in very strong language, raising the significant questions of Australia's political motives and their neglect of refugees in PNG:

*The Catholic Bishops Conference of Papua New Guinea and Solomon Islands believes Australia's current response to asylum seekers is wrong. We believe Papua New Guinea should tell Australia that. Although we are grateful for her support and in desperate need of it, we cannot encourage her to treat asylum seekers the way she does now...The conference notes with amazement the haste with which Papua New Guinea has been drawn into this Australian election issue. Suddenly we have an Australia ready to support, with funds and infrastructure, accommodation in Papua New Guinea for people from far away. We ask why similar support has not been extended to assist us with hosting our recently arrived Melanesian refugees from Irian Jaya?*

**Oxfam also details criticisms of the private sector.** AusAid's priority to use Australian suppliers for materials has had a negative impact on some companies that have contracts with Nauru. For example, Richard Reddy, CEO of Pacific Petroleum Company in Saipan, has complained that Nauru stopped paying its debts after AusAid provided the country with an alternative supply of fuel from Australia, as part of the deal for Nauru to take asylum seekers.

AusAid issued a tender to deliver fuel to Nauru, but on the criteria of availability and cost, an Australian supplier was selected. The Micronesia-based company is suing for unpaid bills, including the cost of the fuel, freight, interest, legal and collection costs (the Nauru Phosphate Company owes Pacific Petroleum over US\$1.5 million for loads of fuel delivered to Nauru in March 2000 and June 2001 ).

**Criticism from Nauru.** In spite of the support for Australian policy by the Harris government, there have been many expressions of concern at community level. At the time the policy launch in September, 2001, citizens were interviewed on the street and there were some serious concerns about safety. On October 15, a petition was tabled in Parliament calling for *Nauru's acceptance of asylum seekers on behalf of Australia to be terminated as soon as possible*. In recent weeks, President Harris himself has expressed serious criticism on ABC radio and television about Australia's behaviour in not keeping to the promised payment or having the refugees off the island in six months.

### III ENVIRONMENT ISSUES

At first glance, environment issues in the Pacific seem a long way from those of asylum seekers, but there is a common thread: Australia's cavalier attitude to the rights and needs of others. The strategy in this section is to analyse the effects of global warming as cited by the authoritative **Intergovernmental Panel on Climate Change**, then take the Commonwealth and Australian response, signalling the gap between rhetoric and reality in CHOGM statements and finally the concept of **ecological debt**.

#### 1 The Effects of Global Warming and Environmental Destruction

The Pacific is an area that contains over half of the Earth's total supply of water and its continued health is crucial for the welfare of people everywhere. But if environmental destruction and global warming are not addressed by industrial nations reducing their greenhouse gas emissions, then severe weather will become the norm and delicate natural systems will continue to break down. The annual bleaching of coral in the Great Barrier Reef and the recent collapse into the sea of the Larsen B ice shelf of Antarctica, are two examples of natural systems failing under warming temperatures. Around the world, heatwaves, floods, droughts, and extreme weather events have led to significant loss of life and economic costs. For Australia, as the world's largest per capita emitter of greenhouse gases, this has enormous implications for the future, not to mention the fragile Pacific islands and Australia's relationship with them.

The industrialised nations for over two centuries have accounted for about 80% of the additional greenhouse gases in the atmosphere and they have become rich largely by burning fossil fuels, but it is poor countries that will be burdened by the most severe effects of climate change. The moral imperative for rich nations to reduce their emissions is enshrined in the **1992 Framework of Climate Change**. However two very rich nations, Australia and the United States, with the world's highest levels of emissions per person have refused to accept responsibility for their over exploitation of the common property resources of the planet, and have declared that they will continue to pollute the planet. The Pacific islands in particular are vulnerable and their people could well see Australia's stance on this issue along with their **Pacific Solution** as evidence of highhanded disregard of other nations' legitimate rights and needs.

Fortunately for these countries, in recent times, there has been a considerable increase in understanding the issues through the internet websites on the Pacific Environment. For example, *Global Change* from the Pacific Institute for Studies in Development, Environment and Security criticised Australia when Mr Howard referred to the outcome to the Kyoto Protocol negotiations as a 'terrific outcome' for Australia. Other websites include **Lycos** and the **Intergovernmental Panel on Climate Change** and there are dozens of others which keep the issues in the public forum.

At the Asia Pacific Earth Charter Conference in Brisbane in November, 2001, Climate specialist, Clive Hamilton presented a sobering analysis of the dire consequences if the 'global atmospheric commons' are not shared and protected and this report draws heavily on his article. The climate change forecast by the CSIRO in 2001 is matched by the report from the **Intergovernmental Panel on Climate Change** (IPCC), a UN body that brings together hundreds of the world's leading climate scientists. This is the most authoritative source of information on the likely impacts of climate change. Its Third Assessment Report released in 2001 paints an alarming picture, especially for the developing countries, including many Pacific islands.

The very existence of several small island states is threatened by sea-level rise. According to IPCC analysis, sea levels are projected to rise by up to 95 centimetres by the end of the century, increasing the impacts of storm surges. In the Pacific, Tuvalu and Kiribati are predicted to suffer the greatest impact, including probable disappearance; Nauru and Tonga will be subject to severe impacts, resulting in major population displacement; Fiji and the Solomon Islands will be susceptible to moderate impacts; Vanuatu and Samoa are predicted to experience some local severe to catastrophic effects according to an earlier IPCC report. There are also risks for Papua New Guinea. The Salesian Fathers' school in the Gulf area of Araimiri, for instance, has had to be relocated because of the rise in the sea level.

In Oceania, some inhabitants of low - lying atoll islands already know the havoc caused by the rising sea. In recent times, Bikeman island, part of the Kiribati group has been submerged; its fate forewarning similar outcomes for Tuvalu, Kiribati, Nauru and Tonga, if rising waters are not contained. However the disappearance of land is not the only concern. There is also the issue of the loss of ancient cultures, languages, history, customs, spirituality and traditions, all of which will occur once the peoples of these small islands are made into environmental refugees. In Oceania, of course, forced migration caused through human ecological destruction predates global warming, as in the case of the Banabans' relocation to Rabi island, because their original home was destroyed by British Phosphate. As the Salesian Fathers' Provincial pointed out recently, this has left a society disillusioned and disadvantaged, struggling to make ends meet in a nation where they do not really belong. ( Quoted in *Australian Religious*, Winter 2002, p 3).

As well as land loss and concomitant issues, there are health risks. IPCC experts generally agree that 'most of the impacts of climate change on human health are likely to be adverse' and it is predicted that a number of diseases will increase their range and prevalence. The health systems of many developing countries are already over-stretched at current rates of infection. Climate change is likely to increase the impact of malaria, schistosomiasis, lymphatic filariasis, sleeping sickness, river blindness, leishmaniasis, dengue and yellow fever. (Quoted in Hamilton, p3)

## **2 The Commonwealth and Australian Response**

How has the Commonwealth reacted to these dire threats forecast by the world's top climate scientists? As Hamilton points out, ostensibly the Commonwealth 'promotes respect, encourages trust and friendship and works towards economic prosperity for all its members'. In its various declarations, it has expressed concern at 'the serious deterioration in the environment' and the threat to low lying areas and committed itself to 'a more equitable international society and 'protection of the environment through respect for the principles of sustainable development'. In the 1997 meeting in Edinburgh, the Commonwealth declared that 'all countries will need to play their part by pursuing policies that would result in significant reductions of greenhouse gas emissions'. In his 1999 address to the UN General Assembly, the then Commonwealth Secretary-General spoke of the vital need 'to avert serious environmental threats like climate change and sea-level rise' and called for the Kyoto Protocol to enter into force as soon as possible, a call repeated at CHOGM in Durban that same year and again this year in Brisbane.

The contrast between rhetoric and behaviour on the issue of climate change could not be greater.

In its approach to international climate change negotiations, Australia in particular has displayed no regard whatever for the future well-being of the poorest and most vulnerable members of the Commonwealth. While Australians are responsible for the highest levels of greenhouse gas emissions in the world, the government has consistently attempted to block and water down global efforts to deal with the problem - despite the fact that Commonwealth countries are committed to 'co-operating in the common interests of all their citizens'. If Australia is to be true to the principles of the Commonwealth, it must significantly reduce its greenhouse gas emissions and take responsibility for some of the adaptation costs that developing countries will bear, including offering sanctuary to environmental refugees. The special responsibilities of developed countries are acknowledged in international agreements on climate change, the most important of which, the **Framework Convention**, Australia has already ratified.

Yet the Australian Government is doing all it can to deny its responsibility. After threatening to wreck the agreement at Kyoto in 1997, and being rewarded with an extraordinarily generous target, Australia has now joined with the USA to declare that it will not ratify the Kyoto Protocol unless poor countries also commit to reducing their emissions. (Australia's emissions per person are ten to twenty times higher than those of most developing countries.) The Prime Minister, John Howard, has recently refused again to sign the Kyoto pact saying it was 'not in our interest' and that Australian jobs would be lost.

In the coming decades, climate change and environmental degradation are expected to force many people in developing countries to move out of their homelands. In contrast to the trickle of asylum seekers now being turned away from Australia, the future could see a flood of environmental refugees seeking entry to Australia, a prospect stressed by former US President Bill Clinton while on a visit to Sydney earlier this year. In fact, officials from Tuvalu have already approached the governments of Australia and New Zealand to accept their citizens as migrants, should rising sea levels render their country uninhabitable. However, according to the assistant secretary of Tuvalu's Ministry of Natural Resources, *while New Zealand responded positively in the true Pacific way of helping one's neighbours, Australia on the other hand has slammed the door in our face.* (Quoted in Clive Hamilton, p5 )

When asked about the request from Tuvalu in October, 2001, Immigration Minister Phillip Ruddock dismissed the world scientific consensus on sea-level rise as 'speculation'. He then gave the puzzling response that accepting environmental refugees from Tuvalu would be 'discriminatory' and akin to a return to the White Australia Policy. Having refused point blank to countenance accepting environmental refugees from Tuvalu, a few weeks later the Australian Government approached Tuvalu to accept asylum seekers turned away from Australia! Meanwhile at CHOGM this year, the Prime Minister of Tuvalu announced that his country was considering suing Australia in the international courts over its failure to adhere to the targets of the Kyoto Protocol.

According to Clive Hamilton, the Australian Government appears quite willing to see poor countries bear the costs of climate change while Australia enjoys the benefits of continued high levels of greenhouse gas pollution. At no point in the history of world climate change negotiations has the Howard Government demonstrated any concern for the welfare of developing countries. Indeed, it has been more inclined to attack developing countries for 'refusing to participate'.

While eager to enjoy the benefits of Commonwealth membership, including hosting the 2006 Commonwealth Games, the Australian Government has refused to accept the responsibilities that accompany membership and has actively sought to undermine the principles of mutuality on which the Commonwealth is based. Other Commonwealth members, particularly those threatened by climate change, have strong moral grounds for questioning the continued right of Australia to participate in Commonwealth processes. Hamilton even suggests there are strong grounds to suspend Australia from the Commonwealth until the Government agrees to ratify the Kyoto Protocol. *Until Australia makes a firm commitment to play its part in helping to protect millions of Commonwealth citizens in developing countries from the effects of climate change, it has no rightful claim to continued participation.* (Hamilton )

## The Concept of Ecological Debt

In a recent article in *The Guardian*, Andrew Simms of the New Economics Foundation raised the question of **ecological debt** - where the rich take up more than their logical share of a finite environmental space. He suggests that the present orthodox debt crisis will pale into insignificance beside the scale of the emerging ecological debt crisis of climate change, that ecological debt gives developing countries the moral high ground in international negotiations and that a new standard of universally recognised global citizenship will probably be needed to deal with the loss of nations. The disappearance of Tuvalu is his starting point:

*The world has just shifted on its axis, but not in the way you might first imagine. A group of nine islands, home to 11,000 people, is the first nation to pay the ultimate price for global warming. The authorities in Tuvalu have publicly conceded defeat to the sea rising around them. Tuvalu is paying for the rich world's experiment with the global atmosphere. At that price you could say that it has become the world's greatest creditor nation.*

Simms goes on to say that new and old claims to nationhood are at the root of the conflicts through which today's global economic powers are reasserting themselves, but the impact of climate change means the 'familiar mental landscape of international relations could be turned upside down'. He points out that several decades of dubious management of the global economy made whole parts of the world in Africa and Latin America synonymous with debt. However the emerging ecological debt crisis of climate change sustained by rich countries changes the international mental landscape of debt analysis. Conventional debtors will become new environmental creditors and vice versa. And the world is not prepared for the implications.

A new standard of universally recognised global citizenship will probably be needed to deal with the loss of nations, he says, but this will have to be coupled with an inclusive plan to tackle climate change and a commensurate compensation framework. Eun Jung Cahill Che of the Honolulu-based **Pacific Forum** asks in relation to Tuvalu: *What will become of its territorial waters? What are the economic and security implications of disappearing exclusive economic zones? Can there be compensation for the loss of a country, its history, its culture, its way of life? How do you put a price on that?*

For at least 200 years, he says, two dynamics have driven the global economy. One is the enormous growth of material wealth underwritten by humankind's rampant exploitation of fossil fuel. The other is the relentless widening of the gap between rich and poor. Now, everyone, from Tony Blair to the head of the World Bank and former head of the IMF, agrees that the rich/poor divide fuels conflict. Costs and benefits in a warming world are grossly unfairly distributed. While rich countries enjoy a cheap fuel policy, the brunt of climate change - floods, rainstorms and drought - is borne by countries least able to cope - such as Tuvalu, Bangladesh and Mozambique.

Because ecological debt gives developing countries the moral high ground in international negotiations **the dynamics of debt analysis** are completely changed. There should be no question now of poor countries giving one cent of unpayable debt service to any rich country creditor before ecological debts are reconciled. A realistic global deal on debt would acknowledge the logical entitlement to share equally the global commons of the atmosphere and the economic opportunities it brings, within a plan to reduce the emission of greenhouse gases to environmentally tolerable levels.

Simms concludes his article with a reflection from Rockefeller. *Rockefeller once said that the poor shall inherit the earth but not its mineral rights. He could never have guessed that the world would soon face a challenge so potentially apocalyptic, that giving the poor their rights would become the minimum necessary to clear up the mess and agree a global solution to climate change.* (Simms, p 2)

## CONCLUSION

Where does Australia stand in all this? We are obviously faced with serious social justice issues

which impinge on the culture of our country, while xenophobic behaviour about asylum seekers has been actually promoted by some of our politicians and talk back radio announcers. The blatant disregard of our Pacific neighbours' needs and rights, not to mention the welfare of some of the world's most vulnerable people, has cost Australia dearly in terms of its reputation as a good international citizen and a good neighbour.

Ultimately, as the philosophers say, the true quality of a society can be measured by its treatment of vulnerable minorities. In Australia today, the absence of moral leadership in the political sphere and the lack of accountability and transparency in government policy and practice on asylum seekers and the environment augur ill for our future as a civilized, democratic nation. Fortunately there are some, and perhaps increasing numbers of, well informed gadflies among Australians who oppose the government's current policies and provide evidence that things could be different.

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