Australia’s Obligation to Refugees

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ABSTRACT

Refugees are special; in causation, character, and the obligations they impose. But deciding what policy a country should take towards them is seldom either obvious or easy; and it is made no easier by the confusion that surrounds the definition of "refugee" and the fact that refugee status is necessarily a matter of degree.

In deciding what countries should do about refugees in specific instances it is important to keep in mind three principles: (i) resettling refugees onto its territory is only one of the ways a country can assist them — and not necessarily a particularly appropriate one; (ii) the natural right to leave one's country of residence is unmatched by any complementary right to settle in whatever country one pleases; and (iii) because what any country can do for refugees is necessarily limited, it is necessary to make choices about whom to assist and the kinds of assistance to be rendered.

At the most general level, Australia's (or any country's) obligation concerning refugees is to: (i) do what it can to prevent the creation of refugees, (ii) do what it can to meet the material, health, and emotional needs of refugees, and (iii) assist efforts to relocate refugees (where this is necessary) and, ideally, to re-establish them in their places of origin. The general approaches to this are two: (i) to work on behalf of the moderation of international tensions and the resolution of international conflicts and (ii) to work on behalf of the alleviation of hardship elsewhere in the world. Specific approaches involve a considerable variety of activities both within Australia and abroad. The resettlement of refugees onto its territory is only one of them.

Equity demands that the decision about which refugees to assist be based essentially on refugee need, and not on some presumed benefit accruing to Australia. Moreover, irrespective of their country's policy on refugees, Australians have an obligation to exercise far more stewardship — both ecological and cultural stewardship — than they are doing at present or have ever done in the past. Were they, therefore, to put their own house in order — environmentally, economically, and socially; were they to double and redouble their overseas efforts on behalf of ameliorating hardship and preventing the creation of refugees; and were they to confine their immigrant intake essentially to those refugees most in need (but, so as to avoid unduly increasing total population size, in numbers no higher than would be roughly commensurate with the gap between current and replacement-level fertility), Australians would, arguably, be doing not only their best for both Australia and the world as a whole, but also setting a good example.

AUSTRALIA'S OBLIGATION TO REFUGEES

Lincoln H. Day*

INTRODUCTION

Refugee migration is something special: in its causes, its character, and the obligations it imposes. The refugee migrant moves in response to more immediate and short-term goals, under greater duress, and with little or no choice as to destination and timing. With refugee migration, moreover, the criteria employed in assessing success or failure are generally those, like personal safety, health, freedom, and liberty, that relate more specifically to the well-being of the individual migrant than to the more general concerns of the society — whether the sending or the receiving society. And the justification for a country's admitting refugees is ordinarily in terms of humanist values, as against the economic, political, or cultural values commonly employed to justify the admission of other types of immigrants.

There is also an obligation with refugee migrants. Countries have an obligation to them that they do not have to other types of migrants. This is grounded in the general obligation to render assistance to those in need (including the need for justice, for escape from persecution), the basis of which is the principle of the equal moral worth of individuals (which is not, incidentally, to be confused with any assumption of equal merit. As Shacknov puts it (1988:137), "We may judge persons according to their talents, skills, or character, but their moral worth is not subject to evaluation").

In many countries, this obligation to refugees is buttressed by certain moral values associated with national identity; for not only do a country's citizens usually share a

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common interest in physical and economic well-being and the maintenance of certain
basic rights, they also usually share certain interests grounded in moral values, some
of which bear on refugee policy. Scanlon and Kent (1988:81-82) observe that this
point

may seem suspect to those who see it as implying some sort of organic
type of the state or as an endorsement of the theory that a "general
will" exists over and above the general wills of citizens. But ... that
citizens acknowledge such values and discourse meaningfully about
them is ... an observable fact. It is not at all uncommon for a person to
express shame as an American, for example, because the United States
refused to let 20,000 Jewish children immigrate from Nazi Germany.
The shame is not due to anything that individual has done personally,
but from being a citizen of a nation that fell below its moral principles,
in other words, principles in terms of which the citizen identifies with
the nation (italics in original).

But deciding what to do about refugees in specific instances is seldom either
obvious or easy. And the decision is made no easier by the uncertainty surrounding
the definition of "refugee".

WHAT IS A REFUGEE?

Refugee status is necessarily a matter of degree. What is troublesome for policy-
making is the range of these degrees in specific instances. The term "refugee" has
been applied to persons fleeing torture and imprisonment for their beliefs, and to
persons fleeing little more than the confiscation of dissident handbills; to peasants
seeking escape from the grinding poverty of too many people on too little productive
land, and to university graduates departing societies they think provide too few
higher-status jobs. With usage as varied as this the term risks being debased into
meaninglessness.

Four decades ago, the United Nations defined a "refugee" as "any person who is
outside the country of his nationality because of a well founded fear of persecution by
reason of his race, religion, nationality or political opinion, and is unwilling or unable
to avail himself of the protection of his own government". It was a useful enough
definition for the period of dislocation in Europe caused by World War II; but in the
view of some it unduly emphasizes the determination of refugee status on a case by
case basis, and implies a denial of the right of asylum to many of those caught up in
the types of large-scale population movements in response to war, famine, and civil
disorder that have figured so prominently in the years since World War II (Gibney
and Stohl, 1988:157-158; Singer and Singer, 1988:114). The United Nations and
various relief agencies apparently agree, for, in practice, they do not adhere strictly to
this definition; especially not to those parts of it requiring absence from the country of
one's nationality and the existence of a well-founded fear of persecution.

Most of the present confusion surrounding the concept can be blamed on the
relevance accorded economic condition. Once largely reserved for the victims of
war, natural disaster, and political, ethnic, and religious persecution, the term "refugee"
is now being increasingly applied, as well, to the victims of economic
hardship, irrespective of its origin. Given the term's emotive force, this can be a
useful way of drawing attention to human suffering, but as a basis for policy-making
such usage inevitably introduces imprecision and confusion into what is, at best, a
difficult enough process as it is.

As might be expected, this confusion over definition has led to considerable
uncertainty about numbers. For present purposes, there are but two numerical
certainties about refugees: firstly, that, even applying the narrowest of definitions,
their numbers are already substantial and still rising (the 1986 estimate of 10 million
by the United Nations High Commission for Refugees was, even in that pre-Gulf
Crisis era, assuredly on the low side (Singer and Singer, 1988:113 and footnote 1)); and secondly, that whatever Australia does or does not do is not going to have much effect on the total.

WHAT OUGHT AUSTRALIA TO DO ABOUT REFUGEES?

This is no argument for inaction, however. Surely it is better to assist one person in need than none; better, still, to prevent the onset of need in the first place. Moreover, in consequence of its role in the Vietnam War, Australia shares in that special obligation upon a country to alleviate suffering that it might itself have occasioned — in the present instance, the suffering in Vietnam and Cambodia.

But what to do? It will help if we recognize at the outset that, despite the attention accorded it, resettling refugees onto one’s territory is not the only means a country has of assisting them; and, moreover, that the natural right to leave one’s country of residence is unmatched by any complementary right to settle in whatever country one pleases. The perception of whether, in a particular instance, resettlement onto one’s territory is, in fact, an appropriate way of assisting refugees will depend on many things: (a) the time frame, (b) whether the focus is on the migrants, those in the receiving society, or (as is only infrequently the case) those in the society of origin, (c) the particular individuals involved, (d) the availability of alternative means to the attainment of the goals being sought, and (e) the values employed in making the assessment. It is at the least a matter of some complexity.

WHAT CRITERIA OUGHT AUSTRALIA TO EMPLOY IN DETERMINING WHOM TO ASSIST?

In addition to recognizing that there is a variety of means by which a country might assist refugees, let us also recognize that Australia cannot assist everyone, even with resettlement ruled out as a possibility. Like any other country, Australia must make choices. The question thus becomes one of choosing what action to take, and on whose behalf to take it. If these choices are to result in the most good and the least harm, they need to be grounded in a thorough consideration of: (a) the kinds of assistance required, (b) the characteristics of those in need of this assistance, (c) the social, economic, and natural resources that can be called upon to provide it, and (d) the likely costs — economic, social, political, and environmental — that will have to be borne.

Much difficulty will be avoided if we, first of all, rid ourselves of the confusion surrounding the definition of “refugee”. This can be accomplished most appropriately by relying essentially on the criterion of individual refugee need, with those most “seriously in need” — namely, the victims of acute hunger and persecution — adjudged as having the strongest claim upon assistance. Even at this highest level of priority, however, the requisite types of assistance would be markedly different in individual circumstances. While, for example, it is only with difficulty that any but the most immediate needs of persons fleeing persecution can be met on their home ground, it is only with difficulty that the needs of persons fleeing the likes of famine (or poverty or economic exploitation) can be met anywhere other than on their home ground. And even among those fleeing persecution there is a hierarchy of need and, therefore, of priorities: higher priority for those threatened with deprivation of life or physical freedom, and correspondingly lower priority for those, for example, whose race or religion restricts them in their pursuit of a career. Drawing the line on what is or is not acute hunger will present difficulties, but so will — to a greater extent — drawing the line on what is or is not persecution. It will be not only difficult but politically charged as well (Gibney and Stohl, 1988:159-160). Nonetheless, relying on the criterion of refugee need would eliminate a great deal of confusion and direct Australia’s assistance where it could arguably do the most good.

Within these priorities, choosing which particular individuals to assist will depend, in part, on the kinds of assistance to be provided. Rather different
considerations apply if assistance is to take the form of money, food, sanitation, health care, transport, legal aid, schooling, or temporary housing than it is to involve resettlement. It is with resettlement, specifically resettlement within one's own borders, that the choices about refugees — in Australia as elsewhere — are the most difficult. And within the resettlement alternative, the criteria for choosing will be different if the envisaged period of resettlement is of a more permanent or comparatively long-term nature as against a temporary, comparatively short-term — essentially "first asylum" — nature, instead. A further consideration is that, while not necessarily essential, it is surely to the advantage of those to be resettled if this undertaking can be carried out among a people of similar culture and in a place that has a climate similar to that of the refugees' place of origin and that is not so geographically removed from it as to be difficult of access or constitute an undue barrier to the refugees' later returning there or going somewhere else. On the basis of at least such ancillary criteria as these — that is; culture, climate, and distance — Australia, while as obligated as any other country to do what it can on behalf of refugees, does not, under current refugee conditions, have much to recommend it as a place for their resettlement.

With any immigration program, the two criteria of usefulness and assimilability could be expected to be accorded some precedence, the more so the longer the anticipated period of settlement. These criteria are not all that easily applied, however. In the case of Australia, the country is not so homogeneous that admitting a migrant, whatever his or her characteristics, will be universally — or invariably — beneficial. "Usefulness to Australia" is more appropriately subdivided into: usefulness to whom?; to what sector of the society?; in pursuit of what ends?; and over what time period? — if there are potential benefits, so also are there potential costs; costs, it must be remembered, that, by their very nature, cannot be spread either equally or equitably among society's members; costs that can, moreover, be reasonably expected to weigh most heavily on those least likely to share in any of the putative benefits. The boss' tractable hardworker (and bearer of a more interesting cuisine for restaurant dining), for example, can be his fellow worker's non-union rate-buster (as well as competitor in the housing market and parent of the less-than-fluent English-speaking child vying with his own child for the teacher's time and energies).

As for assimilability, the frequent claim that refugees are particularly assimilable because their choices are so limited seems a bit thin. What might be believable about, say, urban white educated persons of essentially European culture fleeing fascist or communist totalitarianism is not so likely to be believable — whatever the stimulus to their emigration — about rural (or urban) poor of markedly different culture, and with racial characteristics that permit them to be recognized at a hundred paces as members of an "out-group". Family reunion migration, by providing someone already here on whom the refugee would presumably have a prior claim for support, might afford some mitigation of these difficulties, but would it be enough — and what of the encouragement that reliance on this criterion might give to charges that the immigration program was grounded in favouritism?

However, the most significant drawback of criteria like usefulness or assimilability is that they are the sort of criteria met most readily by those least in need of admission in the first place. However delimited, compared with others elsewhere in the world who call upon Australia for assistance — sometimes, for permission to settle here — refugees are in greater immediate need. If we accept the view that they have a moral claim on the assistance of societies other than their own, and that alleviation of refugee hardship is an appropriate goal for Australia, criteria like usefulness and assimilability are simply irrelevant; irrelevant because they give priority to Australian rather than refugee interests (and to those of only some Australians, at that) and all but ignore the needs of the refugees, themselves.
LIMITS

In short, Australia's obligation to assist refugees — even to admit some of them for settlement, if that is deemed necessary — exists irrespective of any potential gain it might expect from such action. The obligation is not an unlimited one, however. Australia's granting of assistance (or any country's, for that matter) must be approached within the context of what it can actually do without destroying itself.

The most general of these limits are budgetary and, as such, are a matter of priorities. Australia could — and doubtless should — allocate more of its resources to the assistance of refugees. [And, in this connection, it would probably do well to transfer refugee matters out of the Department of Immigration and Ethnic Affairs and into the foreign aid sector of Foreign Affairs — so help ensure that what is allocated for refugee work actually does go to it instead of being lost within the generality of expenditures on behalf of migrants as such.] More important, it should increase its efforts to prevent the creation of refugees in the first place. The costs of these extra budgetary efforts must not, of course, be borne by those already in need in Australia. Nor must they be at the expense of future generations. The comparatively modest amounts entailed could probably be derived entirely from current allocations for offensive weaponry and highway construction (to take but two of the more obvious possibilities) — with, in all likelihood, socially beneficial results all around.

Expenditures on behalf of preventing the creation of refugees, and of assisting refugees overseas, present no particular problem other than that of political will and public support (or at least acquiescence). The difficult questions arise, as already noted, with the possibility of resettling refugees into Australia. Here the limits upon the assistance to be rendered, while to some extent budgetary, can be fitted for the most part into three partly overlapping categories: environmental, social, and demographic.

Environmentally, there is much that Australia can — and should — do to improve present conditions and inhibit further deterioration in the future. However, as far as the natural environment is concerned, most of this would entail making less — not more — use of its land, water, woodlands, and air. Always fragile, Australia's natural environment, after two centuries of misuse and abuse at the hands of its non-Aboriginal inhabitants (vividly summarized in McKinney, 1988), now lies in a particularly parlous state. It has long been recognized that Australia's empty spaces are empty with good reason. So also, it is reasonable to suppose, are the empty spaces of other countries. Whatever opportunity for further settlement these spaces might afford would necessarily be realizable only at considerable cost both environmental and economic.

It is much the same with the built environment, except that limitations — even roll-backs (were they possible) — on the likes of road-building, coastal "development", tourism, and the spread of urban settlement are already essential to the preservation of much of what is of value in the Australian lifestyle: particularly that dependent upon access to open space (beaches, woodlands, grazing areas, deserts, mountains). Substantial encroachment upon this access has taken place in recent years in consequence of "development", the extension of private property, and population increase. Further population increase — from whatever source: natural increase or immigration, refugee immigration or non-refugee immigration — can only make these changes more difficult to effect at the very time it makes them more necessary.

As for social limits, these are of two types: the one based on the characteristics of the refugees relative to those of their potential hosts, the other on their numbers and rates of entry. Within any particular country, the less assimilable a group of immigrants — for whatever reason: culture, colour, health status, or attitude (and, as already noted, today's refugees would be more likely than other types of immigrants to differ from the bulk of the Australian population in particularly obvious ways — mainly colour and culture) — the fewer of them will that country be able to accommodate, and, therefore, the more of them whose needs will have to be
addressed in some alternative fashion or through the efforts of some other country. As for numbers and rates of entry, what might be true about the assimilability, or even merely the acceptability, of a few hundred additional settlers — irrespective of race or culture — might be quite different about that of several thousand. A commonsensical observer (Murray, 1988) puts it this way:

Suppose an Eskimo, a person of exemplary quality, settles in Wagga Wagga ... or any other typical Australian town. Over the next year or so, another 100 equally fine Eskimos join him. Wagga welcomes them, enjoys Eskimo cuisine, features Eskimo dancing and Eskimo art at all its celebrations ... Then, in fairly short order, another 10,000 Eskimos, also all excellent people, settle in Wagga. Somewhere along the way the mood of the town changes from friendship to hostility. Wagga now has an "Eskimo problem" and the Eskimos have a "Wagga problem". The responsibility for this situation would lie neither with the Eskimos nor with the people of Wagga, but with immigration policies which failed to recognise that the social fabric of our communities is not infinitely elastic.

Demographically, while the resettlement of refugees into Australia should be viewed as part of this country's broader immigration policy, this should be so only to the extent that this resettlement imposes limits on the admission of other types of immigrants; for refugees have a moral claim on Australia's consideration and non-refugees do not.

Ideally, Australia's immigration policy would be part of a more general policy on population itself — one that had as its goal the attainment of a demographic "optimum". Any idea as to what such an "optimum" would consist of implies the existence of individual and social goals the attainment of which is thought to be affected by a population's size and demographic character. An optimum population is not a goal isolated from other social priorities, nor is it an end in itself. Rather, it is but one of the means albeit a highly significant one — to achievement of the conditions of life thought desirable (for a more comprehensive discussion of optimum population, see Day, 1971).

While discussion of the concept has tended to concentrate on size, size is the one constituent of the optimum population about which it is least possible to speak with any certainty. What might be seen to be the optimal size in any particular instance is too much a function of values, and of resource consumption levels and the uses to which such consumption is put, to permit setting anything other than very broad limits.

There is much less uncertainty about the demographic characteristics of an optimum population. Assuming our ultimate goal to be something like "the good life", the most supportive demographic characteristics of this goal would be: (a) low mortality, (b) a stable age and sex distribution, and (c) a zero growth rate. Low mortality is taken as intrinsically good. A stable age and sex distribution one, that is, in which the respective proportions at each age/sex level would remain the same from year to year — would permit much better planning and the avoidance of the kinds of difficulties associated with having to deal with marked changes in the numbers entering the various levels of schooling, the labour force, pensionable ages, and so on. As for a zero growth rate: no population can increase indefinitely. There are limits — to resources, to physical space, to social space. Although these limits can be extended by altering the patterns of environmental use and of individual behaviour, there will be a point, even with the most judicious use of the environment and the most prudent pattern of human behaviour, beyond which increases in population will result in declines in the quality of life.

Population growth has to cease sometime. This is both a physical and a social necessity. In terms of what it means for the range of possible choices, both now and in the future, the sooner this comes about, the better. Whatever a population's
ultimate size, it is better that it have low mortality and that year-to-year fluctuations in its age/sex structure be at a minimum. But whether such a population will be living well or poorly will depend on much more than its size and composition. Size and composition will set the limits, but they will not, except at the very extremes, be the final arbiters of the quality of a people's life.

Any immigration into Australia will entail costs both environmental and social. The fragility of Australia's natural environment has already been alluded to. As to social costs, those to be anticipated specifically with respect to refugee immigration are what would result from, among other things, the number of potential refugee immigrants relative to the size of Australia's population and the fact that these immigrants would be markedly different from the great majority of Australians in both culture and race. Specifically economic costs tend to receive the most attention, but alongside the likely social and environmental costs, the importance of economic costs is likely to be quite negligible.

If these various costs are eventually compensated for by the settlers' contributions to the host society, so much the better. But because such costs and possible benefits must necessarily be assessed very largely in terms of imprecise phenomena like values and tastes, whether this compensation actually takes place will be impossible to determine with any certainty, let alone precision. The task is no easier if we consider only the economic costs, for even here, the conclusions reached seem to have changed quite considerably over time. Past assurances that migrants (refugees or otherwise) are, for example, a net economic benefit to Australia are increasingly being subjected to sceptical scrutiny and, for the present at least, found wanting (see, e.g., Burrell and Burrell, 1981, esp. chaps. 5-6, 8-9; Nevill, 1984; Burrell, 1988; Mitchell, 1988; Joske, 1989). What is certain is that the receiving society would experience costs; that it might also experience benefits remains open to question.

It is much the same with non-refugee immigrants — only to a probably lesser extent on account of their supposedly greater assimilability and the likelihood that some of them could be assisted by relatives already in the host country. Were Australia's intake of immigrants to conform to the requisites for maintaining an optimum population (something which, with the current high intake levels, it is hardly doing at present), the number of entrants (refugee or non-refugee) would be kept to a level largely determined by the extent to which the fertility of the population already here was likely to be insufficient for its replacement. However, because of the greater likely costs entailed in the admission of refugees, every refugee admission could be expected to necessitate a reduction of more than one in the number of non-refugees who could be admitted. At the very least, Australia's fulfillment of its obligations both to refugees and to the population already here would appear to necessitate a reduction in overall immigration levels.

AUSTRALIA'S OBLIGATIONS BEYOND IMMIGRATION POLICY

But, as already noted, resettlement within its territory is neither the sole nor necessarily the most appropriate means available to a country for the assistance of refugees. At the most general level, Australia's (or any country's) obligation concerning refugees is to: (a) do what it can to prevent the creation of refugees — an obvious contrast, of course, with the role Australia played in the Vietnam War, (b) do what it can to meet the material, health, and emotional needs of persons who have become refugees, and (c) assist efforts to relocate refugees — where this is necessary — and, ideally, to re-establish them in their places of origin. The general approaches to this are two: to work on behalf of the moderation of international tensions and the resolution of international conflicts, and to work on behalf of the alleviation of hardship elsewhere in the world.

As far as the alleviation of hardship is concerned, efforts in this direction would include: (i) moves to make birth control both available and acceptable; (ii) assistance with types of economic development that do not lead to a dependency on exports, that
The subdivision of rural land in scenic areas for holiday houses; the part in popularity of vehicles suitable for off-road use; the development of ski resorts in sensitive alpine areas; the use of non-returnable deposit-bottles and other containers that increase litter; and the list could be prolonged indefinitely. If as a community we allow these and other factors to have their impact on the environment, while appealing to the need to protect our environment as a reason for restricting our intake of refugees to its present level, we are implicitly giving less weight to the interests of refugees in coming to Australia than we give to the interests of Australian residents in having holiday houses, roaring around the bush in four-wheel-drive vehicles, going skiing, and throwing away their drink containers without bothering to return them for recycling.

Never mind that such a listing begs some questions; that, in being used to support an increased intake of refugee migrants, it suggests some ignorance on the part of its authors about both demographic realities and ecological limits. The point remains that Australians, irrespective of their country's policy on refugees, have an obligation to exercise far more stewardship, both ecological and cultural stewardship, than they are doing at present or have ever done in the past. As a people, they have over-exploited their natural environment — from wastefully destroying the native forests and coastal areas to extensively over-grazing the pasturelands. They have failed to plan their cities and towns in ways appropriate either to meeting ecological requirements or to fulfilling human needs. They have — and on a large scale — introduced species of plants and animals disruptive of the country's ecological balance. And they have been notably careless about conserving areas and items of archaeological or historic, cultural or aesthetic significance. In short, they have not been paying the dues of stewardship they owe either to future generations of
Australians or to the world as a whole. Nor have they been doing what needs to be done on behalf of those already here, most particularly the Aborigines, the poor, the homeless, the aged, the disabled, and children.

Were Australia to put its own house in order environmentally, economically, and socially, were it to double and redouble its overseas efforts on behalf of ameliorating hardship and preventing the creation of refugees; and were it to confine its immigrant intake essentially to refugees (and in numbers roughly commensurate with the gap between current and replacement-level fertility so as to avoid unduly increasing its total numbers) it would not only be, arguably, doing its best on behalf of both itself and the world as a whole, it would also be setting a good example, both within Australia and elsewhere. It is a goal worth striving for.

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