

Kaldor Centre for International Refugee Law

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FOREWORD

It is five years since my wife,
Renata, and I helped to establish
the Kaldor Centre for International
Refugee Law at UNSW. In that
period, the rapid worldwide success
of the Centre has massively
exceeded our expectations.
However, there is no time to rest on
our laurels. Today's international
populist backlash, with its increasing
insensitivity and misrepresentation
of refugees, will make the demands
on the Centre ever more pressing.

In 2013, Renata and I were very upset by the misunderstanding and false impressions circulating in discussions about refugees. Indeed, since the MV Tampa carried 433 rescued asylum seekers into Australian waters in 2001, we had grown more and more frustrated by the misinformation about people seeking refuge.

When we were presented with the opportunity to help establish an international refugee law centre, we didn't hesitate. Here was a way to develop a non-partisan, evidence-based, authoritative voice to counter

the myths and distortions tossed around in the public and political debate.

Since that moment, the Centre has become the principal source of expertise relied upon by teachers, journalists, policymakers and interested citizens all over Australia. More than that, the Centre has become a global resource, renowned as the world leader in its field.

The great success of the Centre is due to the extraordinary work of its team, led by Professor Jane McAdam. Professor McAdam began with only a concept and within four months she had an active organisation and team of four up and running. Her leadership has been the inspiration powering the Centre's success. The Centre has doubled in personnel in five years, and its output has been prodigious. I also want to acknowledge the huge support of the UNSW Law Faculty and the University. Their enthusiasm, encouragement and funding have provided a sustaining foundation for the Centre.

Ultimately justice will win, and we aim to play our part in its victory

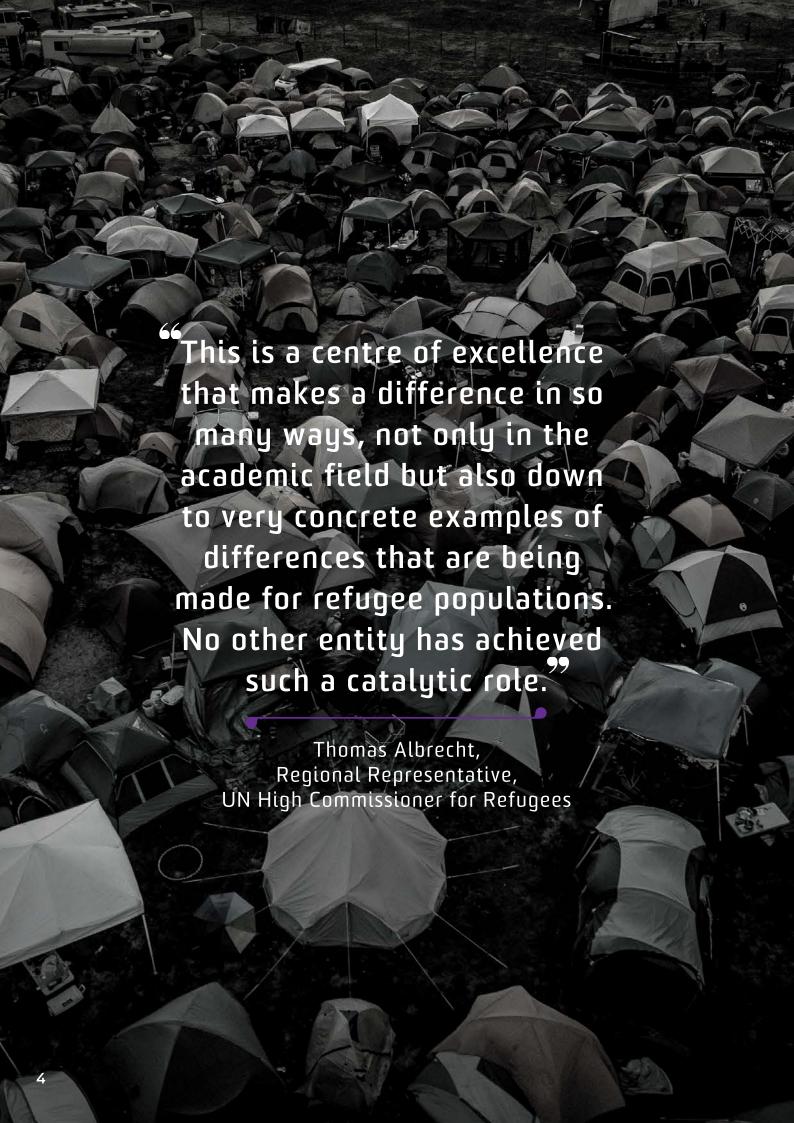
The work of the Centre is needed now more than ever before.

Attitudes and policies towards displaced people are hardening around the world. The Centre is rising to the challenge by countering misinformation with its rigorous, clear-headed research.

Renata and I are delighted by the Centre's success. We feel privileged to be involved with such a brilliant team. But there is still much work to do. Ultimately justice will win, and we aim to play our part in its victory.

Andrew Kaldor AM

Founder and Advisory Committee Chair Andrew & Renata Kaldor Centre for International Refugee Law



5 YEARS OF IMPACT

Five years ago, we came together to tackle one of the world's most critical issues. Political and social tumult about refugees was growing, in Australia and abroad, fed by populist and ill-informed narratives. The Kaldor Centre was created as a counterpoint: to bring evidence, rationality and expertise to the discussion. As the world's first research centre dedicated to the study of international refugee law, it has become renowned in just five short years as a global powerhouse on refugee law and policy.

We believe that better evidence, better answers and better understanding are urgently needed if we are to successfully meet the challenges of human displacement in the 21st century.

Better evidence means pursuing deeper research on the big challenges, not chasing easy opportunities for one-day headlines and short-term fixes. Our work is academically rigorous, but we are not stuck in an ivory tower – we seek to inform real change.

Better answers means creating evidence-based solutions with realworld impact. We apply our expertise to develop concrete human rights-based strategies to improve protection for people forced from their homes. Respected as independent and non-partisan, we actively engage policymakers, civil society and the public to promote legal, sustainable and humane responses to displacement.

Better understanding emerges from the opportunities we create for informed dialogue, serving as a trusted resource and bringing people together across different sectors to exchange knowledge and generate ideas. We share our expertise widely, making our work meaningful and accessible to everyone.

We have pursued our mission with dedication and to great effect. This impact report allows you to read about some of the ways in which we have made a difference.

2013

The Andrew & Renata Kaldor Centre for International Refugee Law is established at UNSW with Professor lane McAdam as its inaugural Director

Jane McAdam spearheads advocacy by 21 refugee law academics to successfully prevent repeal of Australia's complementary protection laws

World Economic Forum appoints Jane McAdam as a Young Global Leader





GENERATING PIONEERING RESEARCH

We undertake the deep, long-term thinking needed to understand the complex problem of displacement – and to develop holistic solutions.

Our scholars tackle some of the most pressing challenges arising today.

- How can we develop safe alternative pathways
- for people in search of protection, so that they
- · can avoid dangerous journeys?
- · How can we enhance international cooperation to
- protect people fleeing from persecution, conflict,
- · disasters or the impacts of climate change?
- · How can we hold governments to account for
- · breaches of refugees' rights in the face of
- · responsibility-shifting, extraterritorial processing
- and unfettered executive discretion?

These are some of the vital questions on which our research has contributed new insights.

Professor Jane McAdam and Professor Guy S Goodwin-Gill are internationally recognised as intellectual pioneers in the field of international refugee law. Their book, *The Refugee in International Law*, has been described as 'among the most important volumes on the subject in a generation'. Their advice is sought by global leaders and their authoritative work has been cited by courts and tribunals around the world, including the High Court of Australia, the Court of Justice of the European Union, the Supreme Courts of the United Kingdom, Canada and New Zealand, and the European Court of Human Rights.

Our Senior Research Associates are outstanding young scholars making an impressive mark in their fields.

Madeline Gleeson is recognised as an authority on Australia's policy of offshore processing and its legal implications.

Dr Claire Higgins brings an historian's keen insight to the search for alternative refugee policies.

Dr Sangeetha Pillai applies her constitutional and public law expertise to interrogate the limits of government power over people seeking asylum in Australia, and its implications for the rule of law.

Sharing our research through award-winning books, prestigious scholarly articles, book chapters, conference presentations, media and public events, we are making a significant contribution to knowledge in the field of forced migration and international refugee law.

2014

The Centre commences its Weekly News Roundup, which comes to be regarded as a 'must-read' resource

The Centre establishes a monthly national teleconference to share information and coordinate on refugee legal issues

Jane McAdam coordinates a statement, signed by 53 legal scholars from 17 universities, indicating profound concern that asylum seekers were returned to Sri Lanka by Australia in violation of international law

The Andrew & Renata Kaldor Centre for International Refugee Law is a unique centre of critical importance. Millions of people all around the world are being forcibly displaced from their homes. All of those who seek principled, practical and humane solutions to the complex and difficult problems faced by refugees everywhere, have a wonderful resource in the Kaldor Centre. " Catherine Branson AC QC Jane McAdam and Fiona Chong publish the first edition of Refugees: Why Seeking Asylum Is Legal and Australia's The Centre brings international and Australian experts international team awarded a million-dollar grant from the Research Council of Norway on 'Climate Change and Sea-Level Editor-in-Chief of the gether for the first of its ogship Annual Conference etween Principle and International Journal of
Refugee Law, the leading
peer-reviewed journal on all
aspects of international law
relating to forced migration Rise in the Anthropocene: Challenges for International Law in the 21st Century' Policies Are No stralia and

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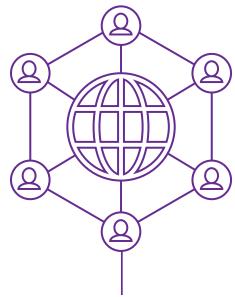
ENGAGING POLICYMAKERS AT HOME AND ABROAD

Policymakers around the world rely on the Kaldor Centre as a source of independent, authoritative advice.

We receive requests for information from parliamentarians on all sides of Australian politics, and our work has been cited dozens of times in parliamentary debates. Our researchers are regularly invited to provide briefings on the legal dimensions of Australia's policies to the Department of Home Affairs, the Department of Foreign Affairs and Trade, the Attorney-General's Department and other policymakers.

We have addressed Australian leaders at key gatherings such as the ANU Crawford Leadership Forum and the ADC Leadership Retreat (formerly the Australian Davos Connection).

We have been actively engaged in key international policy processes concerning displacement, including the Nansen Initiative on Disaster-Induced Cross-Border Displacement, the Platform on Disaster Displacement, the Global Compact on Refugees, and the Global Compact on Safe, Orderly and Regular Migration. Our work has directly informed those discussions and outcomes.



Our expertise and strategic advice has been sought by global leaders, including:

- World Economic Forum
- UN Security Council
- UN High Commissioner for
- Refugees (UNHCR)
- → World Bank
- Office of the UN High
- · Commissioner for Human Rights
- International Organization for
- Migration
- International Bar Association
- European Union and numerous
- governments

The Global Compact on Migration... contains important language on protecting people moving in the context of climate change and disasters. Much of what is reflected in the Compact would not have been possible without the conceptual work done by the Kaldor Centre.

Professor Walter Kälin, Envoy of the Chair of the Platform on Disaster Displacement Our highly regarded Policy Brief Series brings top scholarly expertise to bear on key contemporary displacement challenges. Feedback indicates that our briefs are valued by policymakers in Australia and abroad. Our policy brief on safe zones in conflict areas helped to guide the Department of Foreign Affairs and Trade's approach to the issue, while our policy brief on extraterritorial processing was an essential resource for UN agencies and civil society organisations in Europe. Our policy brief on the Global Compacts on Refugees and Migration made practical recommendations to inform on-going international negotiations. It was launched in New York among delegates directly engaged with the Compacts process, and was followed by briefings with key negotiators in Canberra.

Our ability to provide non-partisan, expert insights – grounded in our research and scholarly expertise – has enabled us to make a distinctive, highly sought-after contribution to public policy debates.

2015

The Centre releases the first issue of its Policy Brief Series. The brief – on extraterritorial processing in Europe – is one of several highly valued contributions by the Centre on Europe's unfolding refugee 'crisis'.

Jane McAdam named Winner of the 'Global' - category in the Australian Financial Review/Westpac Australia's 100 Women of Influence awards

INFORMING INTERNATIONAL RESPONSES TO DISPLACEMENT LINKED TO CLIMATE CHANGE AND DISASTERS

The Centre's Director, Professor Jane McAdam, is at the forefront of global efforts to ensure protection for people displaced by disasters and the impacts of climate change.

Every second, someone is displaced by a disaster. With climate change expected to make disasters more frequent or intense, the need for improved responses to this challenge is urgent.

Professor McAdam is shaping international responses to disaster displacement. As an advisor to the Platform on Disaster Displacement, and its predecessor, the Nansen Initiative, her work directly informed the 2015 Protection Agenda endorsed by 109 governments, which provides the roadmap for national, regional and global initiatives on addressing disaster displacement. Its recommendations were subsequently reflected in the Global Compact for Safe, Orderly and Regular Migration, the world's first comprehensive international agreement on migration.

'Jane McAdam is the leading academic voice when it comes to human mobility in the context of disasters and climate change. Without her work, we wouldn't be where we are today,' says Professor Walter Kälin, Envoy of the Chair of the Platform on Disaster Displacement, the key intergovernmental body on this issue.

Providing practical guidance to governments, Professor McAdam's work contributed to the Central American Governments' Guide to Effective Practices on Moving across Borders in the Context of Disasters, 2015 Guidance for Governments on Protecting People from Disasters and Environmental Change through Planned Relocation, and an operational toolbox for putting this into practice.

Professor McAdam spearheaded the Sydney Declaration of Principles on the Protection of Persons Displaced in the Context of Sea Level Rise, adopted by the International Law Association in 2018. This Declaration will feed directly into the work of the UN Framework Convention on Climate Change Task Force on Displacement, and – ultimately – into what governments do to provide better protection for people on the ground.

In 2016, UNHCR appointed Professors
McAdam and Goodwin-Gill to help develop
its institutional strategy on climate change
and disaster displacement. Their
recommendations formed the basis for
UNHCR's on-going strategic engagement
in this area. This will have a direct effect on
how governments respond to this
challenge and how affected communities
are assisted and protected.











(2015)

The Centre establishes the Emerging Scholars Network, a multi-disciplinary network of up-and-coming forced migration scholars, linking future thought leaders across the globe

109 governments endorse the Nansen Initiative's Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, a framework for action that builds on the Centre's pioneering research

The Centre releases a Policy brief comparing regional cooperation for refugee protection around the world, contributing to the search for more coordinated responses to displacement

2016

Madeline Gleeson releases her acclaimed book *Offshore: Behind the wire on Manus and Nauru*, adding to the Centre's ongoing expert analysis and commentary on Australia's offshore processing policy

KEEPING LAWMAKERS ACCOUNTABLE TO OUR INTERNATIONAL OBLIGATIONS

In recent years there have been many legislative proposals to reduce the rights of people seeking asylum in Australia. The Centre has scrutinised every one, making submissions to the parliamentary inquiries relating to them. We provide a consistent, authoritative voice on the international legal implications of Australia's refugee laws and policies, and we have recommended important changes. Our submissions are routinely cited – often extensively – in the parliamentary inquiries' reports.

Our work has been effective in promoting law reform and improving the protection of people seeking safety. Professor McAdam's trail-blazing research was instrumental in achieving major law reform to enshrine complementary protection in Australian law. Her work was crucial in securing the passage of the Migration Amendment (Complementary Protection) Act 2011, which inserted legislative safeguards to prohibit the government from removing people at risk of torture; cruel inhuman or degrading treatment or punishment; the death penalty; or arbitrary deprivation of life.

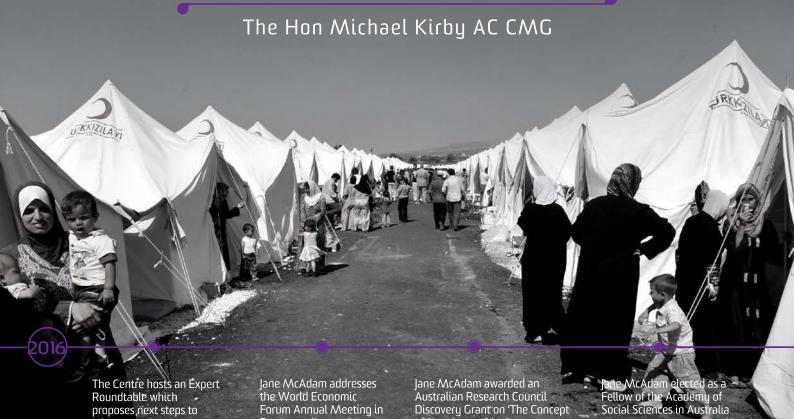
In 2013, Professor McAdam led advocacy by 21 refugee law academics to prevent the government from repealing the complementary protection laws, making influential submissions to two parliamentary inquiries and providing a comprehensive briefing note to all federal parliamentarians. Ultimately, our concerted efforts and expert opinion served to ensure that the laws were preserved. When the government again proposed detrimental changes in 2015, the Centre's submission to the Senate Legal and Constitutional Affairs Committee was vital in securing important legislative safeguards.



Special issue of the *International Journal of Refugee Law* celebrates the pioneering contribution of Professor Guy S Goodwin-Gill to international refugee law over the past four decades

The Centre provides expert commentary and a policy brief on a series of international summits culminating the New York Declaration for Refugees and Migrants, a landmark statement of commitment to strengthen protection for people on the move

The Kaldor Centre is a wonderful source of legal scholarship, empirical research and compassionate analysis... The professionalism, honesty and rigour with which the Kaldor Centre has scrutinised Australia's recent record has brought credit to Australia and laid the foundation for a more law compliant, humane and compassionate approach in the future, worthy of the Australian nation. I congratulate Professor Jane McAdam and her colleagues for their outstanding work of legal and practical scholarship as well as moral leadership.?



of "Imminence" in the

International Protection of

Refugees' with Professor Michelle Foster (Melbourne) and Professor Hélène Lambert (Wollongong/Westminster)

Davos on climate change-

related migration.

advance regional

in the Asia-Pacific

cooperation on displacement

INFORMING THE PUBLIC DEBATE







The Centre provides a credible, non-partisan, expert voice in the debate about forced migration. We have made more than 240 appearances on radio, television, online and in print media, including in *The New York Times, Al Jazeera, BBC, Forbes, ABC, Sydney Morning Herald, The Age* and *The Guardian*. Additionally, our experts have been quoted on hundreds of other occasions. Our work explains and clarifies key legal issues, calls out misinformation, and brings evidence to bear on the public discussion about refugee policy.

Our scholars make their work accessible for a general audience. Our factsheets and briefs, available on our website, provide clear and careful explanations of key forced migration issues. Our Weekly News Roundup is a valued resource for global leaders, policymakers and the general public alike.

On top of their academic writings, our scholars have produced three popular books for a general audience.

These are widely available – in schools, airport bookstores, public libraries and local bookshops across the country. They have attracted thousands of readers, as well as critical acclaim and prestigious awards.

Professor Jane McAdam and Fiona Chong's *Refugees:* Why Seeking Asylum Is Legal and Australia's Policies Are Not (2014) provides a lucid explanation of Australia's refugee policies. In shortlisting the book for the NSW Premier's Literary Awards, the judges praised the authors' 'great achievement' in producing a work that is is 'both informative and easily understood' on a complex and divisive subject. The book is still in demand from bookstores and libraries around Australia.

Madeline Gleeson's compelling book, *Offshore: Behind the Wire on Manus and Nauru* (2016), is a highly acclaimed and popular work. It won the Victorian Premier's Literary Award for Non-Fiction, was shortlisted for the Queensland and NSW Premier's Literary Awards, and was longlisted for the Walkley Book Award, Stella Prize and the Australian Book Industry Awards. Selected among the Australian Book Review's 2016 'Books of the Year' and 'Publisher Picks', *Offshore* generated considerable media interest and numerous speaking engagements.

In an increasingly polarised and polemic debate around forced migration, a voice of reason, a voice based in rationality, in evidence, and based in law is an incredibly valuable thing, and that's what the Kaldor Centre brings. It rises above the cacophony of voices, and when it speaks it is listened to because it speaks with authority.

Ben Doherty, Journalist, The Guardian

Dr Claire Higgins's book, *Asylum by Boat:*Origins of Australia's Refugee Policy (2017),

examines the Fraser government's response to the first arrivals of asylum seeker boats in the 1970s. It has been described as 'a valuable study in the importance of political nerve and leadership in the face of prejudice and panic'. Longlisted for the Council of Humanities, Arts and Social Sciences Book Awards, it has been warmly received at book festivals and speaking events across the country.

Beyond our publications, we have organised an extensive program of 70 informative public events, and our experts have undertaken over hundreds of speaking engagements, including appearances at the Festival of Dangerous Ideas, Intelligence Squared Debate, the Sydney, Melbourne and Brisbane Writers' Festivals, and rural and regional events. Recordings of our events have been turned into podcasts, with several re-broadcast by ABC Radio National and Sky News, multiplying our audience reach.

2017

The Centre releases a Policy brief on creating safe zones and safe corridors in conflict, launched with the participation of the Department of Foreign Affairs and Trade

Prestigious international award for human rights, the Calouste Gulbenkian Prize, is awarded to Jane McAdam for her research, leadership and impact for displaced people

A new Centre Policy brief examines the legality and practice of turning back asylum seekers at sea in Europe and Australia

Madeline Gleeson's book *Offshore: Behind the Wire on Manus and Nauru* wins Victorian Premier's Literary Award

Jane McAdam is one of four finalists for the NSW Premier's Award for Woman of the Year

CONNECTING AND RESOURCING CHANGEMAKERS

The Centre is a valuable resource for others working to advance refugee protection. Feedback tells us that we are regarded as a trusted source of information. Many organisations rely on our expertise to inform their own advocacy, research and policy work.

Our Weekly News Roundup is an essential resource for thousands of people, from senior UN officials, to judges, to grassroots advocacy organisations. As one high-ranking Australian official reflected: 'It's indispensable for a busy person – the one thing I make sure I read to keep on top of developments in this field.'

Our factsheets, policy briefs, parliamentary submissions and case notes are widely used by civil society organisations, legal practitioners, school teachers and the general public.

'[The Kaldor Centre's monthly teleconference] has assisted the various legal centres across Australia to drive coordinated responses to proposed changes in law and policy. The Kaldor Centre has demonstrated great leadership but also a highly collaborative approach in responding to key issues. The Centre's expertise and considered responses bring a wealth of knowledge and depth to the national dialogue. There are untold benefits for centres like The Humanitarian Group, who provide on-the-ground legal and migration advice direct to clients, to be able to work collaboratively with the Kaldor Centre and its research and policy experts.'

Kathy Bogoyev, Principal Solicitor, The Humanitarian Group



Claire Higgins releases her book Asylum by Boat: Origins of Australia's Refugee Policy

UNHCR commissions Guy S Goodwin-Gill and Jane McAdam to provide strategic recommendations on responses to displacement in the context of disasters and climate change

The Asia-Pacific Research Group is established within the Centre's Emerging Scholars Network, to build the capacity of forced migration scholars in the region

MOU concluded between the Kaldor Centre and Oxford University's Refugee Studies Centre

During a period of rapid and regressive legislative change, the Kaldor Centre has been a trusted and respected source of guidance and information. The Centre's accurate, timely and principled analysis — combined with its collaborative approach — enhances the capacity of the sector as a whole.

Daniel Webb, Director of Legal Advocacy, Human Rights Law Centre

2018

Our highly subscribed program of events informs and engages a broad audience. With our strong convening power, we bring together key actors across sectors, creating extraordinary opportunities to forge new insights and advance change. Our flagship Annual Conference is Australia's premier event for forced migration scholarship, attracting top international and domestic speakers, and participants from government, business, civil society, refugee community organisations and the general public.

'The panel events and discussions hosted by the Centre play an important role in elevating the discussion of refugee issues in this country, providing expert legal analysis in a way that is relevant and accessible to all those working on these issues.'

Graham Thom, Refugee Coordinator, Amnesty International Australia The Centre provides briefings on Australian and global refugee issues to Chinese dissident artist Ai Weiwei and executives and frontline volunteers of the Biennale of Sydney, where Ai Wei Wei's representation of an asylum seeker boat was a key attraction for over 850,000 visitors

Guy S Goodwin-Gill briefs members of the UN Security Council, European Union and other officials on Myanmar's international legal obligations towards Rohingya children

SUPPORTING THE NEXT GENERATION OF LEADING THINKERS

Through our next-generation Emerging Scholars Network, we have built a global multidisciplinary community of graduate and early-career researchers focusing on forced migration issues. This initiative nurtures future thought leaders who will help shape responses to displacement for decades to come.

The network links more than 150 scholars from institutes across the globe, whose research spans a variety of disciplines including law, psychology, international relations and history. The network sparks fresh collaborations and facilitates a fruitful exchange of ideas, connecting its members to new opportunities that can help to advance research and, ultimately, protection on the ground.

Recognising that the study of forced migration is still a developing field in our region, the Centre established the network's Asia-Pacific Research Group in 2017. Linking over 30 researchers so far, the group fosters a community of forced migration scholars across the Asia-Pacific region. It enables them to showcase their research and connects them to opportunities for funding, publications and networking.

The Centre brings scholars together in person for the network's annual workshop at UNSW Sydney. They share their research with each other and receive feedback from senior academics.

Nearly 100 scholars have already benefited from these workshops. Grants have enabled many scholars to attend from interstate and overseas. Participants describe the workshops as:

'... a great opportunity to network, share knowledge and learn from the experts in the field.'

'... characterised by such a generous spirit of collaboration, exchange and high-quality work.'

> Claire Higgins's book, Asylum by Boat: Origins of Australia's Refugee Policy, is nominated for the Council for the Humanities, Arts and Social Sciences Book Award

The International Law
Association adopts the Sydney
Declaration of Principles on the
Protection of Persons Displaced
in the context of Sea Level Rise,
led by Jane McAdam. The
Principles will feed into the
work of the UN Framework
Convention on Climate Change
Task Force on Displacement











2019

Sangeetha Pillai brings together scholars and legal practitioners to explore how academics can strengthen strategic refugee litigation

The Centre makes expert contributions to the Global Compacts on Refugees and Migration, two once-in-a-generation international agreements to improve the protection of refugees and migrants

Our Emerging Scholars Network supports original and robust academic research that is essential to achieving humane and sustainable outcomes for the world's displaced people.

'The Kaldor Centre's Emerging Scholars Network has been an important part of my development as a PhD student. The workshops have provided me with a welcoming and encouraging space to share some of my initial research and receive great feedback from experts and other academics. I have met other emerging scholars in the network who I have had the chance to work with, including on several coauthored papers. The Asia-Pacific Research Group has connected other scholars researching forced migration in the region, and has been helpful in sharing relevant research and opportunities. I really appreciate the hard work of the Kaldor Centre in running this important and valuable network.'

Asher Hirsch PhD candidate, Monash University and Senior Policy Officer, Refugee Council of Australia

Asher's research examines Australia's cooperation with Indonesia to stop people from travelling to Australia to seek asylum, and the international legal basis for Australia's responsibility for any human rights violations resulting from these arrangements.



In only five years, we have come to be recognised as the world's pre-eminent centre for research and thought-leadership on international refugee law and forced migration policy. Respected as a credible, authoritative, non-partisan voice, our influence is global.

We believe that our rigorous thinking, practical recommendations and public engagement can lead to improvements for the world's displaced people and transform communities for the better. Our work is already making a difference.

Our track record of impact provides a strong foundation for achieving our ambitious vision for the future – a world in which people in need of protection are treated with dignity and can enjoy their human rights.

In the next five years, we will advance a pioneering research program to rethink how international protection frameworks respond to displacement in the context of climate change, enhance regional protection, and support Australian law and policy reform. We will pursue innovative ways of sharing our expertise, engage meaningfully to inform and public and policy debates, and connect and resource others to generate humane and sustainable solutions to displacement.

As the challenge of displacement grows ever more complex and divisive, the need for our work has never been greater.





















