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REFUGEES West Papua's forgotten asylum seekers
 Nearly 8000 West Papuan refugees and asylum seekers are already living in camps in Papua New Guinea, writes **Nic Maclellan**

Institute for Social Research, Swinburne University of Technology

Posted: 13-04-2006

The arrival of 43 asylum seekers in Australia in January 2006 has again brought the issue of West Papua to international attention. The Australian government is studying proposals for the Royal Australian Navy, Air Force and Coastwatch to coordinate joint patrols with the Indonesian navy, to halt further boats travelling from Merauke and other southern ports to Australian shores.

But restrictions on the sea passage from West Papua to Australia will place renewed burdens on Papua New Guinea, as asylum seekers may be forced to flee across the land border. During the recent debate over Australia-Indonesia relations, there has been little discussion about how Papua New Guinea will be affected. There's also been limited media coverage about nearly 8000 West Papuan refugees and asylum seekers already living in relocation camps in Papua New Guinea, many of whom have been there for more than twenty years. **Nic Maclellan outlines the issues.**

TO GET to East Awin refugee camp in Papua New Guinea is quite a trip. From Kiunga in PNG's Western Province, you travel along the Fly River by motorised canoe for over an hour. The camp is located another 46 kilometres into the bush, after a bumpy ride along a winding road through the mountains.

Strung out along a 30 kilometre stretch of road are 17 small settlements, housing over 2700 West Papuans, at the official Iowara relocation camp at East Awin.

Between 1984 and 1986, more than 12,000 West Papuan asylum seekers crossed into Papua New Guinea from the Indonesian province of Papua - known as West Papua to the Melanesian nationalist movement which has opposed Indonesian rule since the 1960s. During the 1990s, some of these people accepted voluntary repatriation. But today, more than twenty years later, there are still thousands of West Papuans living in official and unofficial camps along the border.

The Port Moresby office of the United Nations High Commissioner for Refugees, the UNHCR, is monitoring a "population of concern" of over 8000 people in Papua New Guinea. On the latest available figures, this includes 7627 refugees and another 198 asylum seekers whose cases are being processed. Half of this refugee group are children under the age of 18. According to UNHCR, by early 2005 there were 2677 West Papuans at the East Awin camp in Western Province, 138 "stateless persons" in Daru, Western Province, another 5400 people dispersed in five unofficial camps along the border, and a handful of refugees in other urban centres.

Indonesian rule

Since the 1962 New York Agreement and the 1969 Act of Free Choice (in which Indonesia chose just 1022 leaders from a population of 800,000 to decide on West Papua's political status), Indonesia has administered the western half of the island of New Guinea as the province of Irian Jaya (renamed as Papua in January 2002). But there is widespread local opposition to Indonesian rule from the pro-independence movement *Organisasi Papua Merdeka*, or OPM, and churches, students, non-government organisations and landowners' associations.

Since the 1960s, West Papuans have sought refuge in Papua New Guinea in response to outbreaks of conflict between the Indonesian military and police, student and landowners groups, the nationalist OPM movement, and guerrillas of the TPN, the armed wing of the OPM.

The fall of the Suharto regime, independence in Timor Leste and the creation of the pro-independence Papua Dewan Presidium in June 2000 have increased the tension between the West Papuan nationalist movement and the Indonesian military. The murder of Presidium chair Theys Eluay in November 2001 symbolises the crackdown on political dissent, and today there are ongoing human rights violations by TNI

EDITED BY THE INSTITUTE FOR SOCIAL RESEARCH, SWINBURNE UNIVERSITY OF TECHNOLOGY

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24 October,

Public lecture The Fisher Labor Government,

military, BRIMOB police and militia forces. Indonesia's Special Autonomy Law for Papua has not been implemented effectively and an upsurge of protest in 2006 has led to a number of political activists and their families fleeing the country.

This ongoing conflict raises sensitive issues for neighbouring states like Australia and Papua New Guinea, whose governments support the territorial integrity of the Republic of Indonesia and oppose the call for the independence of West Papua. The presence of thousands of refugees in Papua New Guinea has largely faded from international concern and scrutiny, but could become a major problem if further clashes erupt.

Border crossers or refugees?

The island of New Guinea has a long and varied colonial history. Germany, Britain, the Netherlands, Australia and Indonesia have administered different parts of the island, which has over a thousand language groups, since the nineteenth century.

The border that divides Indonesian-administered Papua and the independent nation of Papua New Guinea, officially surveyed in 1967, traverses rugged and mountainous terrain. Beyond the coastal fringe between Jayapura and Vanimo, the border is not clearly distinguished except for occasional markers (during the 1990s, patrolling Indonesian have crossed over the border into PNG territory on dozens of occasions, sometimes in hot pursuit of OPM guerrillas). In December 1979, PNG and Indonesia signed an agreement establishing a Joint Border Committee. In August 1982, the two countries signed a Memorandum of Understanding on border security whereby Papua New Guinea and Indonesia survey teams and military are allowed 20 kilometres into each other's territory. Today, there is increased PNG-Indonesia cooperation on border issues, with regular meetings of officials from the two countries.

Because the PNG government usually regards them as border crossers rather than asylum seekers, West Papuans have difficulty in being recognised as refugees. Many indigenous communities have land on both sides of a frontier that is simply a line drawn on the map, and there is a tradition of crossing back and forwards for cultural and economic purposes, including marriage, hunting, gardening and customary trade. Some West Papuans have also fled temporarily into Papua New Guinea over the past two decades because of Indonesian military operations against the OPM, but soon return home without seeking the protection of PNG government authorities or the UNHCR.

But many people arriving in Papua New Guinea refuse to return to their homes because they fear persecution. The UNHCR does not assume they are refugees, and says each case needs to be assessed individually. After the 1984 influx of asylum seekers, Papua New Guinea signed the 1951 Refugee Convention. Under the Convention, the processing of refugee applications is the responsibility of the PNG government, not the UNHCR, though the international agency provides technical and financial support.

But the PNG government placed significant reservations on its signature and does not accept all the obligations detailed in the Convention. They key phrase reads:

The Government of Papua New Guinea in accordance with article 42 paragraph 1 of the Convention makes a reservation with respect to the provisions contained in articles 17 (1), 21, 22 (1), 26, 31, 32 and 34 of the Convention and does not accept the obligations stipulated in these articles.

Thus the Papua New Guinea Government does not accept convention obligations covering: wage-earning employment (Article 17), housing (21), public education (22), freedom of movement (26), refugees unlawfully in the country of refuge (31), expulsion (32) and naturalisation (34).

After the influx of refugees in the mid-1980s, PNG authorities initially charged people with illegal entry and repatriated them. But there were pressures for greater acceptance of international refugee law, and Papua New Guinea allowed the UNHCR to establish an office in Port Moresby. The office was closed in 1996 due to funding constraints, but reopened in 2003 to encourage the establishment of a formal refugee protection framework in Papua New Guinea and monitor further displacements from Papua.

The UN office advises the PNG government on meeting its obligations under the Refugee Convention and provides training in refugee status determination procedures. UNHCR organises workshops for PNG police, immigration and customs officers along the border, outlining international law on asylum and appropriate standards of treatment and detailing UNHCR's mandate. In 2003, UNHCR, the PNG government and other agencies developed contingency plans based on three scenarios for mass arrival of West Papuan asylum seekers, on a scale similar to 1984. These plans have also been elaborated in the border areas with provincial authorities in Sandaun (West Sepik) and Western provinces.

Residency and repatriation

The arrival of thousands of West Papuans in 1984 and 1985 stretched PNG government resources to the limit, and raised new political problems in the relationship between Port Moresby and Jakarta. In September 1984 Papua New Guinea and Indonesia signed an exchange of letters outlining the procedures to be followed by both countries for the repatriation of 'border crossers'. Initially housed at 17 sites along the border, PNG authorities began encouraging people to return home voluntarily, but most refused to return and claimed refugee status.

Once it was clear that many of the asylum seekers wouldn't accept voluntary

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Conference

Adult Learning Australia 48th National Conference

30 October - 1 November 2008, Fremantle

Conference

Policy Exchange 2008 'Market Design: Driving Investment in National Capacity'

30-31 October, Brisbane

Symposium

Enhancing Protection of Civilians in Protracted Conflicts

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Seminar

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Conference

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Seminar

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The Asian Journal of Public Affairs

Deadline: 15 November 2008

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repatriation and with limited prospect of third country resettlement, Papua New Guinea established the central relocation settlement at East Awin, about 120 kilometres from the border in Western Province. Numbers have ebbed and flowed since the first refugees were relocated to the isolated camp site in 1987, but today there are nearly 2700 West Papuans still living there.

In 1996, Papua New Guinea established a system of permissive residency for West Papuans at East Awin and began issuing residency permits in 1999. More than 2500 of the original refugees have been granted permissive residency by a PNG government screening committee, allowing them to enjoy rights similar to those of PNG citizens. The latest group of 184 people were granted residency in October 2005.

Permissive residency means the refugees can remain at East Awin or move to another part of the country. They must stay away from the border area and avoid any political activity, but are allowed to engage in business activities, use health facilities and enrol in schools and tertiary institutions. After eight years of permissive residency, refugees can apply for naturalisation.

In 2004, in a program supported by UNHCR, the PNG government issued birth certificates to 1217 children born in East Awin and other camps since the 1980s. (The children range in age from babies to 20-year-olds, which highlights the length of time some West Papuans have been away from home.) The birth certificates now give these children a legal identity in Papua New Guinea, which assists them to access services such as school enrolment or opening a bank account.

The Catholic Diocese of Daru-Kiunga provides health care services to the refugees at East Awin and the Catholic Church in Papua New Guinea has played a central role in providing humanitarian support at the unofficial camps. Other groups, including the Lutheran and SDA churches, PNG Red Cross, Save the Children (UK) and private sector organisations have also contributed to humanitarian support for the West Papuan refugees.

Despite this help, West Papuans living at East Awin are reliant on subsistence agriculture, growing food on land in a narrow strip along the road which runs through the camps at East Awin. Local landowners from the Awin and Pare peoples have allowed the refugees to hunt and garden in the allocated land, though there are ongoing complaints that the PNG government has not paid the full amount of compensation to landowners for granting 100,000 hectares of land.

The reluctance of third countries like Australia to take West Papuan refugees also remains a stumbling block for those who don't want to settle in Papua New Guinea or return home. In 2000, 802 West Papuans from East Awin were repatriated to Indonesia under the auspices of the UNHCR. Although the PNG government has a policy encouraging voluntary repatriation, many West Papuan nationalists are concerned that the Indonesian government should give formal guarantees for the returnees' safety. They are also angered that key independence leaders from the OPM have faced forcible repatriation.

Reviving the Pacific Solution

During the current crisis over Australia-Indonesia relations, the Australian government has proposed amending the law to allow detention centres on Nauru and Manus Island in Papua New Guinea – created in 2001 for the 'Pacific Solution' – to detain West Papuan asylum seekers.

When the detention centre was set up at Lombrum Naval Base on Manus Island on 21 October 2001 it was widely criticised by PNG church and community leaders. They asked why Australia would spend tens of millions of dollars on the Manus centre while humanitarian agencies were using limited resources to support nearly 8000 West Papuan refugees and border crossers. In October 2001, the Catholic Bishops Conference of Papua New Guinea and the Solomon Islands stated:

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?

From 2001, over \$42 million was spent to establish and run the Manus centre for less than 400 refugees. In July 2003, the Manus detention centre was wound down, leaving one last remaining asylum seeker, Aladdin Sisalem, who was imprisoned on Manus by himself for another ten months at a cost of over \$250,000 a month.

As Papua New Guinea is a signatory to the Refugee Convention, the appropriate authorities to undertake refugee status determination processing in the country are the local authorities. But the processing of Pacific Solution asylum seekers on Manus Island between 2001 and 2004 was conducted by Australian officials. UNHCR refused to participate after expressing serious reservations about the Australian policy of sending asylum seekers to overseas countries. In 2002, the organisation explicitly criticised Australia's policy of offshore detention, stating: "UNHCR is concerned about the detention of refugees on Nauru and Manus Island. We consider such detention inconsistent with the provisions of the Refugee Convention."

Back to the past?

Without knowing it, the current proposal to revive Manus as a detention centre echoes past history, for Manus played a central role in the West Papua debate at the time of the 1969 Act of Free Choice.

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After Indonesian troops moved into Papua in 1963, hundreds of people per year crossed over into the Australian-administered territory of Papua and New Guinea. By the time of PNG's independence in 1975, the total had reached around 4200 people, none of whom – partly because of the White Australia policy – were allowed to relocate to Australia. Most were repatriated by Australian authorities after warnings about the penalty for illegal entry. A small number of political activists were granted permissive residence status by the Australian authorities, but only if they committed themselves to avoiding political activity during their stay in the territory. In late 1968, the Australian administration moved 69 refugees from the north coast towns of Vanimo and Wewak to offshore Manus Island to prevent them from participating in anti-Indonesian politics in the Territory of Papua and New Guinea.

In his book *Refugee Australia*, historian Klaus Neumann has documented Australia's refugee policies in pre-independence Papua New Guinea. He notes that Australian officials were particularly reluctant to reveal the reasons why particular refugees were granted asylum to avoid offending the Indonesian authorities. A 1965 External Affairs memorandum pointed out that "The government is willing to consider on their merits applications from genuine political refugees... but this is more easily done quietly and without publicity." The Department of External Affairs advised all diplomatic posts: "These grounds should not be quoted, any questions being met with the reply that the man concerned was regarded as having a genuine case for admission."

In 1969, at the request of Indonesia, Australian officials stopped two pro-independence West Papuan leaders from travelling to the United Nations, just weeks before the so-called Act of Free Choice. The two political leaders from West Papua, Clemens Runawery and Wilhelm Zongganao, were sent to New York from Jayapura carrying testimonies from West Papuan leaders calling for independence and petitions imploring the United Nations secretary general to halt the UN-supervised vote on Dutch New Guinea's political status. Arriving in the Australian administered territory of New Guinea en route to the United States, the two West Papuan leaders were halted, questioned by ASIO officers, and then held in detention on Manus Island. As the United Nations stood back and allowed the sham consultation to proceed, their voice could not be heard in New York.

Will Manus play a similar role as a new generation of West Papuans seek international
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Photo: Refugee children in Blackwara settlement, East Awin. UNHCR/ J. Siffointe

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