

# ADRIFT IN THE PACIFIC

The Implications of Australia's Pacific Refugee Solution

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*"For those who've come across the seas  
We've boundless plains to share  
With courage let us all combine  
To advance Australia fair."*

*The National Anthem Advance Australia Fair*



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 **Oxfam**  
Community Aid Abroad

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# EXECUTIVE SUMMARY

At the beginning of the *Tampa* crisis in August 2001, the Australian government approached a number of neighbouring countries in the Pacific region to establish offshore detention centres – the so-called “Pacific Solution”.

Aotearoa/New Zealand, Nauru and Papua New Guinea agreed to take the *Tampa* refugees and others who arrived in Australian waters in subsequent weeks, and to establish detention camps to hold the asylum seekers while their applications for refugee status were processed. Other island countries including East Timor, Fiji, Palau and Kiribati were also approached to take asylum seekers, but have not done so.

There are over 1,550 people currently held in detention centres in the Pacific who were seeking refuge in Australia (1,118 asylum seekers are in detention on Nauru and a further 446 on Manus Island in Papua New Guinea as at 30 January 2002). A further 130 people have been declared as refugees, and have obtained residency in Aotearoa/New Zealand.

The costs of establishing and maintaining camps in Nauru and Papua New Guinea, and processing applications for refugee status are met by Australia. Application processing is being conducted by Australian officials in Papua New Guinea and by Australian officials and the United Nations High Commission on Refugees (UNHCR) in Nauru.

Independent visitors to the camp in Nauru have noted the harsh physical conditions, and the trauma and uncertainty faced by the asylum seekers – conditions that have sparked protests, riots and acts of self-harm in detention camps in Australia.

## What is the cost of Australia's refugee policy in the Pacific?

The full cost of sending asylum seekers to the Pacific has not been fully revealed, though media reports state that the Cabinet has been told it will cost up to \$500 million dollars<sup>1</sup> to send asylum seekers to other Pacific nations.

Official government figures estimate the cost of setting up and running the detention centres in the Pacific at \$96 million in 2001-02 (\$72 million for the camps in Nauru, and \$24 million for the detention centre in Papua New Guinea). The Royal Australian Navy has spent further millions on transporting the asylum seekers, and there are numerous other costs.

Nauru has been pledged a further \$30 million for taking the asylum seekers which is being spent on a range of development programs and Papua New Guinea another \$1 million. Some of these programs cannot be sustained (e.g. purchase of fuel and payment of hospital bills) and others (e.g. tertiary scholarships) will require funding beyond this year.

In the Australian aid budget for 2001-2, Nauru was scheduled to receive just \$3.4 million through the Australian Agency for International Development (AusAID). Therefore the pledge of \$30 million to Nauru is a major shift in policy for the Australian government – the amount is greater than all AusAID funds provided to Nauru between 1993-2001. It is also more than 18 per cent of the total AusAID budget for the Pacific Islands (excluding Papua New Guinea), which is budgeted at \$164.6 million in 2001-02.

## Will funds for Nauru be taken from other AusAID programs in the Pacific?

The financial inducements offered to Nauru have distorted Australian development assistance priorities in the South Pacific, which are supposed to focus on poverty alleviation and governance programs.

In its Mid-Year Economic and Fiscal Outlook Statement 2001-2002, the Australian government budgeted an extra \$16.4 million for AusAID to pay for fuel and hospital bills and other projects for Nauru in 2001-02. Combined with the existing AusAID budget of \$3.4 million for Nauru, this extra allocation is not sufficient to meet the amount of \$30 million promised to the Nauru government.

This raises questions about the sustainability of the so-called development initiatives in Nauru:

- Will the necessary funds to meet the \$30 million pledge be drawn from other AusAID budget lines, with other South Pacific bilateral and regional programs cut back to meet the Nauru commitments?



- What impact will this have on AusAID development priorities in the Pacific (including good governance and poverty alleviation)?
- Will funding for Nauru continue at this increased level in 2002-3, or will the country simply benefit from a one-off windfall, with no sustainability of programs?
- Will one-off payments for Nauru (e.g. payment of hospital bills in Australia) divert funds from AusAID's long-term development priorities such as primary health care and preventative health education?

### **Why place refugees in countries that have not signed the 1951 Refugee Convention?**

Nauru is not a signatory to the *1951 Convention on the Status of Refugees* and has no expertise in processing applications for asylum. Other Pacific countries cited as possible locations for detention camps, such as Palau (16,000 people) and Kiribati (70,000 people), have also not signed the Convention.

While Papua New Guinea has signed the *1951 Refugee Convention*, it has placed on it significant reservations, and does not accept Convention obligations covering: Wage-earning employment (Art.17); Housing (Art.21); Public education (Art.22); Freedom of movement (Art.26); Refugees unlawfully in the country of refuge (Art.31); Expulsion (Art.32); and Naturalisation (Art.34).

### **When will refugees leave the camps?**

The Memoranda of Understanding (MOU) between Australia, Papua New Guinea and Nauru state that all persons entering under this arrangement will have left after six months "or as short a time as is reasonably necessary".

As at January 2002, no country except Ireland has publicly pledged to take the refugees for resettlement (and Ireland has only offered to take 50 of the more than 1,550 people being processed in Nauru and Papua New Guinea). There will be difficulty meeting the May 2002 deadline for all asylum seekers to leave Nauru, especially as there are many refugees already waiting for resettlement in other countries.

The Australian government has successfully lobbied to extend the MOU for Manus Island, Papua New Guinea until October 2002, to avoid a crisis that would fall in the middle of an election campaign for the June 2002 Papua New Guinea national elections. There are serious questions about what will happen next, given that there are conflicting messages about the future of those assessed as refugees, as well as those who do not gain refugee status. All applications for the original 216 asylum seekers on Manus Island have been processed, but the refugees are still awaiting notification of countries willing to take them for resettlement. A further 230 refugees were relocated from Christmas Island to Manus Island in late January 2002.

### **Why export the policy of mandatory detention?**

The Australian government has said that its Pacific program for asylum seekers is developing the capacity of Pacific neighbours to address the refugee issue. But most developed countries do not have mandatory detention for asylum seekers (using a mix of short-term initial detention and release into the community while applications are processed). UNHCR guidelines state: "The detention of asylum-seekers is, in the view of UNHCR, inherently undesirable."

Australia's bi-partisan policy of mandatory detention is being exported to the region, distorting the policy and practice of countries like Nauru that have not even signed the *1951 Refugee Convention*. A policy of mandatory detention is inappropriate in Australia, and it should certainly not be exported to the region.

With security and other tasks sub-contracted to private corporations, there are concerns over accountability and transparency – a key issue in Australian governance programs in the Pacific islands. Most of the processing of refugee applications is being done in the Pacific by Australian immigration officials, but not under Australian law. Asylum seekers are disadvantaged, as neither Nauru nor Papua New Guinea have the full range of welfare and legal assistance required for asylum seekers.

### **Has the refugee policy damaged Australia's standing in the islands?**

Nauru was under Australian administration until 1968 and Papua New Guinea was an Australian colony until 1975, so there are strong links between Australia and these two Pacific nations.



While government leaders from these countries have supported Australia's refugee policy in the Pacific, and many people have expressed humanitarian support for the refugees and their plight, there has also been extensive regional criticism of the Australian policy – from Prime Ministers and Presidents, the Pacific Islands Forum Secretariat, church leaders and non-government organisations. As detailed in this report, 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. There has been significant political fallout, such as the sacking of the Papua New Guinea Foreign Minister.

The focus by the Australian government on the so-called “Pacific solution” is seen as overshadowing other key priorities in the region. The Australian government is actively promoting accountability, transparency, equity and sustainability as key principles for governance in the Pacific, so the lack of transparency and sustainability in the current program has sparked widespread anger. At a time when other Australian policies (e.g. on climate change) are stretching relations with island countries, the refugee crisis has further damaged Australia's image in the region.

### **Why was there no regional co-ordination?**

A major focus for Australia's development assistance program in the Pacific region is the strengthening of regional multilateral agencies. Through AusAID's Pacific regional program, the Australian government gives 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. Yet the placement of the asylum seekers in the Pacific in late 2001 was conducted in an ad hoc way, involving no co-ordination and planning with key regional institutions.

The Australian government has recognised that tangible progress on the intertwined issues of people smuggling, unauthorised migration and refugees can only be achieved through international cooperation. The capacity to assist asylum seekers and process their claims should be developed in a planned and orderly manner, but hundreds of millions of dollars are being spent by Australia for a relatively small number of refugees, without long term planning or co-ordination. There should be regional consultation on refugee policy. Pacific societies are willing to contribute what they can to address the global refugee issue. However they would like to do this in a considered way, and not as part of a policy driven by domestic political considerations in Australia.

### **What can be done?**

Oxfam Community Aid Abroad believes that the so-called “Pacific solution” is no solution to the issues raised by the *Tampa* crisis. It is important that Australia develop new policy on asylum seekers in the Pacific region, based on humane and sustainable alternatives:

- 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 and other countries;
- 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; and
- Review of resettlement policies, with Australia to increase the numbers of refugees accepted each year.

# PART ONE

## Detention of asylum seekers in the Pacific

### AUSTRALIAN GOVERNMENT POLICY

In August 2001, a political and humanitarian crisis erupted in the lead up to the Australian national elections. SAS troops were sent aboard the Norwegian vessel *MV Tampa* to stop the captain sailing to Christmas Island with 433 asylum seekers rescued from the Indonesian boat *Aceng*. Rather than land the asylum seekers on Australian territory, the government sought out countries in the Pacific willing to establish detention camps to hold the asylum seekers and process their applications for refugee status.

As detailed below, Aotearoa/New Zealand, Nauru and Papua New Guinea agreed to take the *Tampa* refugees and others who arrived in Australian waters in subsequent weeks. At 30 January 2002, over 1,550 asylum seekers are located in detention camps in Nauru and Papua New Guinea, while another 130 have been accepted as refugees in Aotearoa/New Zealand.

Other neighbouring island countries, including East Timor, Fiji, Palau and Kiribati, were also approached to take asylum seekers (for details, see Appendix One), but have not done so as of January 2002.

The Australian government has stressed that “the Government is firmly committed to ensuring the integrity of Australia’s borders and to the effective management and control of the movement of people to and from Australia...Underlying these commitments is the fact that Australia is a sovereign country which decides who can and who cannot enter and stay on its territory”.<sup>2</sup>

The Government has denied claims that it fuelled fears about asylum seekers to help win the November 2001 national election. Immigration Minister Phillip Ruddock states: “The facts in relation to *Tampa* were that people who were safe and secure in Indonesia and wanted to leave Indonesia to come to Australia for essentially a better outcome were rescued at sea”.<sup>3</sup> Minister Ruddock has also suggested that some refugees were not coming to Australia for reasons of political or racial persecution, but because they have made a “lifestyle choice”.<sup>4</sup>

On 28 August 2001, Minister Ruddock told Parliament that new legislation was necessary because “generous interpretations” of Australia’s obligations under the 1951 Convention on the Status of Refugees were “adding to perceptions that Australia is a soft touch”. The then Defence Minister, Peter Reith, also warned that unauthorised arrival of boats on Australian territory “can be a pipeline for terrorists to come in and use your country as a staging post for terrorist activities”.<sup>5</sup>

In September, the government introduced significant legislative changes to strengthen border control and the management of unauthorised arrivals.<sup>6</sup> Along with changes to Australian procedures and the excision of Ashmore, Carter, Cocos and Christmas Islands from Australia’s immigration boundaries (as “prescribed excised offshore places”), the new legislation also allows for people who arrive in an “excised offshore place” to be taken to a “declared country”.<sup>7</sup>

Thus, asylum seekers reaching Australian territory such as Ashmore Reef or Christmas Island can now be relocated to another “declared country”, to be held in an overseas detention camp while their application for refugee status is processed, rather than be sent to the Australian mainland. This is why over 1,550 asylum seekers are currently held in detention centres in Nauru and Papua New Guinea, even though they were seeking refuge in Australia.

The stated policy of the Australian government is to discourage further people smuggling, by relocating arriving asylum seekers to another country, rather than Australian territory. Another stated justification for the Australian policy is that it strengthens Pacific island capacity to process refugees and internally displaced people. Foreign Minister Alexander Downer has argued: “One of the reasons the Papua New Guinea Government was happy for us to set up this ... processing centre is they have their own problems with illegal migrants and they didn’t have anywhere to process them”.<sup>8</sup>

However, the new policy of relocating asylum seekers arriving by boat to Pacific island countries - the so-called “Pacific solution” - was developed in a rapid and ad hoc manner, without support from regional bodies such as the Pacific Islands Forum. As detailed below (Appendix Two), there has been widespread criticism of the policy



around the region, and significant political fallout (such as the sacking of the Papua New Guinea Foreign Minister and the suspension of the Presidential Counsel in Nauru, who both opposed aspects of the policy).

There is also concern that the financial inducements offered to Nauru have distorted Australian development assistance priorities in the South Pacific, which are supposed to focus on good governance and poverty alleviation.<sup>9</sup> As detailed below, nearly \$100 million has been allocated for the establishment and running of camps in Papua New Guinea and Nauru in 2001-2. A further allocation of \$30 million to Nauru for hosting the refugees is a major shift in policy, as the amount is greater than all AusAID funds provided to Nauru between 1993-2001. There are also significant costs for the Royal Australian Navy, which has been responsible for border patrol, even as Australian defence forces have been participating in conflicts in Afghanistan and the Gulf, and peacekeeping in Timor Lorosa'e (East Timor).

## a. Nauru

The placement of asylum seekers in Nauru is based on a Statement of Principles signed on 10 September 2001 by the President of Nauru, Rene Harris, and the then Minister for Defence of Australia, Peter Reith. The Nauru government saw the act "as a humanitarian gesture ... to provide a temporary processing site for those people who were rescued at sea by the *M.V. Tampa*", with the understanding that the refugees would be processed and out of the country by May 2002.

The first detention camp on Nauru was established on 19 September 2001. The costs of establishing and maintaining the camps in Nauru and processing applications are being met by Australia. Processing the applications to determine people's refugee status is being conducted by both UNHCR and Australian officials. The cost of setting up and running the camps in Nauru is estimated by the Australian government at \$72 million for 2001-02.<sup>10</sup>

The original agreement with Nauru in September 2001 to establish a detention camp to process up to 800 asylum seekers was accompanied by a pledge to Nauru of \$20 million for development activities. A subsequent Memorandum of Understanding, signed on 11 December, extended the number of asylum seekers to 1,200 people at any one time, and promised a further \$10 million.

As at January 2002, there were a total of 1,118 asylum seekers in detention on Nauru<sup>11</sup>, originally from Afghanistan (735), Iraq (335), Palestine (26), Iran (12), Sri Lanka (6) and Pakistan (4).

Nauru initially sought assistance from the United Nations High Commission for Refugees (UNHCR) and the International Organisation for Migration (IOM)<sup>12</sup> for the assessment of protection claims and the identification and sourcing of recipient countries for the refugees. Normally the local government does this processing, but Nauru is not a signatory to the *1951 Refugee Convention*, and has no expertise in processing applications for asylum.

The asylum seekers were originally to be housed in modern air-conditioned housing built for the games of the International Weightlifting Federation, but landowners refused to allow the property to be used, after requests for extra compensation were rejected. Two camps were then built: at the old sports ground and oval at Topside, and on the site of the old Presidential quarters. The Topside camp includes Afghan, Sri Lankan, Pakistani and Palestinian men, women and children disembarked from *HMAS Manoora*, while State House camp has Afghans, Iranians and Iraqis disembarked from *HMAS Tobruk*.

IOM has responsibility for the management and administration of the two sites where the asylum seekers are housed. The Topside site was originally a bleak environment lacking water, sanitation or electricity. The asylum seekers are now housed in 'blocks', with a corrugated iron roof, sides of plastic sheeting and green nylon mesh. An independent visitor to the camp has noted: "Conditions are harsh, with the heat and humidity consistently in the upper thirties and health facilities are basic."<sup>13</sup>

Catering is handled by a sub-contractor Eurest (a subsidiary of the Compass group of companies, based in Europe). Camp security is managed by another private company, Chubb Protection Services, based on a protocol signed by the Nauru Police Force, the IOM and the Australian Protective Service on 15 October 2001.

In addition to medical staff at the camp, the asylum seekers use Nauruan medical and dental facilities. Nauruan senior medical officer Dr. Kieran Keke notes: "Nauru is having to provide for the refugees in terms of health services which is stretching our limited health services... Simple things like supplying water to the camps means that Nauruan houses that have got water on order by truck isn't being delivered water because the water truck is going to the camps first."<sup>14</sup>

Nauru has a population of just 11,500 and a land area of only 21 square kilometres, much of which is uninhabitable due to phosphate mining, the major industry in the small island state.

The Nauru government is eager to source new funds because of cash flow problems due to declining revenues from the Nauru Phosphate Corporation, outstanding debts for Air Nauru and limits on mortgaging real estate investments overseas. As detailed below, Australia provides only a small amount of development aid to Nauru, and closed the Australian High Commission in Nauru in 1998.

Nauru relies on a monthly shipping service for food, fuel and other essentials, but in recent months has had delays because of non-payment of debts to the shipping company. Over the past year, Nauru has completely run out of essential commodities on several occasions including fresh fruit, flour, sugar, rice and the fuel and lubricating oil needed to operate the island's power generators and desalination plant - the only source of fresh water for Nauruans and the asylum seekers.

The placement of more than a thousand asylum seekers, plus security guards, UN and IOM staff and other personnel is placing extra strain on an already difficult situation. Some materials for the camp have been flown in from Brisbane at great expense, rather than shipped in on the normal service.

## **b. Papua New Guinea**

On 11 October 2001, Australia and Papua New Guinea signed a Memorandum of Understanding (MOU) to establish a processing centre on Manus Island (to the north of the mainland). All costs of establishing and maintaining the camp and processing refugee applications are to be met by Australia. IOM has the responsibility for the management and administration of the camp. The cost of establishing and maintaining the detention camp on Manus Island in 2001-02 was estimated at \$24 million for the first 216 asylum seekers, but this amount will increase as extra asylum seekers are relocated to the camp.<sup>15</sup>

The original agreement was to last for six months, and was for a limited numbers of refugees. However, the Australian government has sought to have the agreement extended to 12 months for up to 1,000 asylum seekers, leading to a political dispute and the sacking of the Papua New Guinea Foreign Minister (detailed below). After a delay of nearly three months, on 17 January 2002, the Papua New Guinea Cabinet agreed to increase the number to 1,000 asylum seekers at any one time on Manus Island. The Papua New Guinea Cabinet also approved an extension to the period of stay for the asylum seekers, from six to 12 months.<sup>16</sup>

The detention camp was established at Lombrum Naval Base on Manus Island on 21 October 2001. This camp initially received 223 mainly Iraqi asylum-seekers (including 54 children) rescued at sea by *HMAS Adelaide*, flown in from Christmas Island. A further 230 people were flown to Manus Island from Christmas Island in late January 2002. As at 30 January 2002, 446 asylum seekers remain housed in the camp.

As Papua New Guinea is a signatory to the *1951 Refugee Convention*, the appropriate authorities to undertake refugee status determination processing in Papua New Guinea are the local authorities. However, processing the refugees on Manus Island is being conducted by Australian officials, because the UNHCR has refused to contribute to the processing on Manus Island, after expressing serious reservations about the ongoing Australian policy of sending asylum seekers to overseas countries.

Accommodation at the camp includes demountable houses and old Nissen huts previously used by the Papua New Guinea Defence Force (PNGDF). Since last year, the camp has been expanded, with the relocation of 16 Papua New Guinea families to a new site and construction of facilities to cater for the married asylum seekers. This has freed up room for an additional 300 to 400 asylum seekers in the Nissen huts.

The Memorandum of Agreement between the Papua New Guinea and Australian governments includes the development of basic infrastructure including: the refurbishment of the Lombrum Base Hospital, with supply of X-ray machines and other medical equipment; grading and levelling of the road within Lombrum; a proper sanitation and sewerage system within the camp site; a water treatment plant; disposal of rubbish and waste; electric water pumps and purifiers; office space, transport and communication systems for the national liaison team, storage facilities; support back-up generators for a stable power supply; and settlement of outstanding water payments.<sup>17</sup>

Up to 60 casual staff have been hired on Manus Island, and a further 40 men and women from local villages work as security officers.<sup>18</sup>

The Manus Island Provincial government has arranged for sporting teams to visit the asylum seekers and for church groups to assist the detainees. Camp authorities have built a structure with a concrete floor, beams and a roof to serve as a mosque. As noted by Dr. Quentin Reilly, former Papua New Guinea Secretary of Health: "Manus Islanders are setting an example on how people escaping difficulties and persecution in their homeland should be treated...The people on Manus Island are not rich in monetary terms – the basic wage is equivalent to around 30 cents an hour. However their generosity in doing things to assist and spending their time with the

refugees seems to outstrip the compassion and kindness shown by much 'richer' people in the country that sent them there."<sup>19</sup>

Australia has provided \$1 million to a trust fund established to meet costs associated with the Papua New Guinea Government's role in setting up the processing centre. The fund "is jointly administered by the Australian High Commission and the Secretary for Foreign Affairs will be replenished by Australia as required and jointly determined".<sup>20</sup> As well as paying for the detention centre and processing costs, the Australian government also agreed to provide "technical and other assistance to assist them [Papua New Guinea] with their own illegal movement of people". Media reports state: "the Papua New Guinea package could involve expert advice and equipment to help detect document fraud and sharing of intelligence of illegal movement through the Torres Strait".<sup>21</sup>

Clause 9 of the MOU with Papua New Guinea also notes: "The site will be returned to the Government of Papua New Guinea, on conclusion of activities related to this MOU, in a condition that would enable similar use in the future, if required."

### **c. Aotearoa/New Zealand**

In September 2001, Aotearoa/New Zealand assisted Australia with the initial *Tampa* crisis by agreeing to take 150 of the 433 asylum seekers transferred from the *MV Tampa* to *HMAS Manoora*, with preference going to families. Eventually 131 asylum seekers, mainly Shiite Hazaris from Afghanistan, were flown to Auckland from Nauru, after being landed from the *Manoora*. Aotearoa/New Zealand agreed to take the asylum seekers for processing, and to resettle the refugees amongst them. In Aotearoa/New Zealand January 2002, all but one of the 131 people had been declared as refugees and had obtained residency in Aotearoa/New Zealand – the other application is still being processed.<sup>22</sup> Unlike Nauru and Papua New Guinea, Australia has not provided any financial assistance to Aotearoa/New Zealand.

# PART TWO

## Impact on Pacific development priorities

Immigration Minister Philip Ruddock has refused to reveal the full cost of the government's policy of processing asylum seekers in the Pacific, even though Cabinet was reportedly told it would cost up to \$500 million dollars to send asylum seekers to other Pacific nations. According to media reports in January 2002, Cabinet documents indicate that the Government has spent \$285 million on the so-called "Pacific solution", and is planning to budget \$200 million a year for five years for the program to continue (even though Nauru and Papua New Guinea have been told that the refugees will leave in 2002).<sup>23</sup>

Minister Ruddock has stated: "The cost of Pacific solution is an ongoing cost. If you are asking the question as to whether or not there are additional costs as time goes on associated with the management of the people who are detained of course there will be additional costs, but that doesn't mean there's been a blow out." Mr Ruddock added: "There are ongoing expenses associated with the Pacific solution, and it'd be naive to believe we're going to stop feeding people and we're going to stop appropriate provision."<sup>24</sup>

There are important questions about the impact of Australia's refugee policy on development priorities in the Pacific region, funded through the Australian Agency for International Development (AusAID).

The 2001 Australian budget estimated aid spending at \$164.6 million for the Pacific islands, focussing on support for "governance and economic reform, education and training, health, environment and natural resource management and private sector development".<sup>25</sup>

A further \$342.9 million is allocated especially for Papua New Guinea (made up of \$300.3 million in programmed activities, plus retirement benefits for Australian colonial administrators and other grants). The total budget for Papua New Guinea is allocated by sector, negotiated between the Papua New Guinea and Australian governments, focussing on "governance, education, health, infrastructure, renewable resources and assisting the peace process in Bougainville".<sup>26</sup>

Nauru is not a major recipient of Australian development assistance. Indeed, because of revenues derived from phosphate mining, Nauru had one of the highest per capita incomes in the world in past decades. However, the end of phosphate reserves and the proposed closure of the mines are raising serious development challenges for the country. Problems of economic management and poor investment policies have exacerbated a growing economic crisis.

In 1988, Nauru took Australia to the International Court of Justice, seeking a declaration that Australia was responsible for the environmental and social damage suffered while it administered the United Nations trusteeship over Nauru. Under the August 1993 Compact of Settlement which ended the case between Australia and Nauru, the Australian government provided a one-off payment of \$57 million.<sup>27</sup> It also agreed to pay a further \$2.5 million a year (indexed for inflation) under the Rehabilitation and Development Co-operation scheme. This money has been used to support waste management and land rehabilitation projects, and other projects such as building a primary school. Australia also provides about \$200,000 each year for up to three scholarships under the Hammer de Robert Scholarship scheme.<sup>28</sup>

In the aid budget for 2001-2, presented by Foreign Minister Alexander Downer in May 2001, Nauru was only scheduled to receive \$3.4 million. Nauru is listed under "Other island states" – the total budget allocation for bilateral programs under this heading, for eight small island nations, is only \$13.8 million.<sup>29</sup>

**Total AusAID flows to Nauru 1990 – 2001**

Year	90-91	91-92	92-93	93-94	94-95	95-96	96-97	97-98	98-99	99-00	00-01	01-02 (budget)	TOTAL
<b>\$ AUD million</b>	0.0	0.0	0.2	2.8	2.9	2.9	3.0	2.9	2.9	3.6	3.4	3.4	\$28 million

Source: Table 1 and South Pacific chapter in AusAID annual budget papers. [NOTE: In current prices – no account taken of inflation.]

The allocation of \$30 million to Nauru is therefore a major shift in policy for the Australian government – the amount is greater than all AusAID funds provided to Nauru between 1993-2001 (see table). It is also more than 18 per cent of the total aid spending for the Pacific Islands (excluding Papua New Guinea), which is budgeted at \$164.6 million in 2001-02.

The original amount of \$20 million to Nauru was based on pledges made by then Defence Minister Peter Reith during his visit to Nauru in September 2001. A detailed breakdown of this amount has not yet been made public by the Australian government, but as Senator Robert Hill has noted: “We are giving immediate help to overcome Nauru’s chronic power and water shortages through the provision of fuel and spare parts for generators. We are assisting it with its hospital debts. In the longer term we are looking to provide it with more scholarships.”<sup>30</sup> The funding package includes up to \$10 million for petrol and diesel fuel supplies for electricity generation on Nauru. Up to \$1 million of medical and hospital bills for Nauruans treated in Australia would be paid off as part of the package (out of an estimated \$3 million in outstanding debts).<sup>31</sup>

According to President Harris, other benefits in the \$20 million package include the construction of 26 prefabricated houses, assistance to the Bank of Nauru and Air Nauru, upgrading and rebuilding telecommunications, assistance with fisheries surveillance, police training, and more scholarships for Nauruan students to attend Australian universities and the University of the South Pacific.<sup>32</sup>

Senator Robert Hill stated in September 2001: “This aid, which has already started, is managed and administered by the Australian government’s own aid agency AusAID. AusAID is responsible for procuring and delivering all goods and services purchased as part of the aid package to Nauru.”<sup>33</sup>

Under another Memorandum of Understanding signed on 11 December by Foreign Minister Downer and President Rene Harris, an extra \$10 million was allocated for development programs, with Australia and Nauru “to develop a medium-term sustainable development strategy to assist the country in meeting its current economic and development challenges”.<sup>34</sup>

From this \$10 million grant, money will be allocated for programs in: health (\$4.5 million); education (\$3.45 million); waste management (\$1 million); water tank repairs (\$200,000); police training (\$150,000) and technical assistance (\$700,000).

As detailed in its Mid-Year Economic and Fiscal Outlook statement, the Australian government has budgeted an extra \$16.4 million for AusAID to pay power and hospital bills and other aid for Nauru in 2001-02.<sup>35</sup> Combined with existing AusAID allocations for Nauru, this will cover the \$20 million pledged in September 2001. However Nauru was pledged a further \$10 million in December 2001 thus this extra allocation is not sufficient to meet the amount promised to the Nauru government.

This raises questions about the sustainability of the so-called development initiatives in Nauru:

- Will the necessary funds to meet the \$30 million pledge be drawn from other AusAID budget lines, with other South Pacific bilateral and regional programs cut back to meet the Nauru commitments?
- What impact will this have on AusAID development priorities in the Pacific (including good governance and poverty alleviation)?
- Will funding for Nauru continue at this increased level in 2002-3, or will the country simply benefit from a one-off windfall, with no sustainability of programs?
- Will one-off payments for Nauru (e.g. payment of hospital bills in Australia) divert funds from AusAID’s long-term development priorities such as primary health care and preventative health education?



# PART THREE

## Issues arising from Australian program of detention in the Pacific

There are a number of humanitarian and political concerns arising from the ad hoc manner in which the asylum seekers have been relocated to the Pacific islands.

### a. Humanitarian impact on asylum seekers

The trauma and uncertainty for asylum seekers heading to Australia but ending up on isolated Pacific islands has already resulted in conflict. Some refugees initially refused to leave the *HMAS Manoora* to disembark at Nauru, and were eventually forced ashore. In Papua New Guinea, two days after arrival at the Lombrum Naval Base, refugees chased their interpreters from their fenced-off camp, smashed lights and threatened to scale the fence and tear down the gates. They tied placards to the fence demanding to be dealt with by the UNHCR, and not the International Organisation for Migration.<sup>36</sup>

If applicants are determined to be refugees, but are not resettled before the deadline for departure from their “temporary” camps, there is increased potential for further conflict or trauma – as shown by the frustration of long-term detainees at Woomera in the deserts of South Australia and elsewhere in Australia, who have rioted, gone on hunger strikes and sewn their lips together in protest.

One independent visitor to the Nauru camps has noted that the trauma and conditions facing the asylum seekers has many serious and adverse effects: “The asylum seekers are 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 [refugee screening determination] in such situations, when the symptoms of Post Traumatic Stress Disorder (PTSD) are evident and seriously affect the eligibility process...

“I am reliably informed that in the interviews, the following symptoms for PTSD were observed: nervousness, anxiety, aggressive attitude, muteness, distrust, withdrawal, lack of focus and concentration, often shivering of hands during interviews, outburst of crying.”<sup>37</sup>

### b. Placement of asylum seekers in countries that are not party to 1951 Refugee Convention

When Nauru was approached to take refugees from the *MV Tampa* in September 2001, Nauru's Solicitor General Kerry Smith proposed that they could be put to work on public projects: “The island lacks infrastructure and this is the perfect opportunity to build the island up.”<sup>38</sup> This idea was quickly shelved, with Nauru government officials acknowledging that the country's senior legal officer should have better knowledge of the rights of asylum seekers and refugees.

This incident highlights an obvious point. Why was the Australian government willing to transfer asylum seekers to Nauru, when the country has no infrastructure to deal with asylum seekers, and is not even a signatory to the 1951 Convention on the Status of Refugees?

In the Pacific islands region, Convention signatories include Aotearoa/New Zealand, Fiji, Samoa, the Solomon Islands, Tuvalu and Papua New Guinea. The signature of France, the United States and the United Kingdom cover their colonies in the region.

Other Pacific countries cited as possible locations for detention camps, such as Palau (pop.16,000) and Kiribati (pop.70,000), have not signed the Convention.

Even being a signatory does not guarantee the conditions that asylum seekers face while waiting for the application to be processed. For example, while Papua New Guinea signed the *1951 Refugee Convention* in 1986, it has placed on it significant reservations: “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.*”<sup>39</sup>

Thus the Papua New Guinea Government does not accept Convention obligations covering: Wage-earning employment (Art.17); Housing (Art.21); Public education (Art.22); Freedom of movement (Art.26); Refugees unlawfully in the country of refuge (Art.31); Expulsion (Art.32); and Naturalisation (Art.34).

The United Nations High Commission on Refugees (UNHCR) has expressed concern over the capacity of the small island states to process refugee applications, in comparison to Australia. In October 2001, UNHCR spokesperson Ellen Hansen noted: "On a number of occasions we've expressed reservations about these sorts of arrangements [in the Pacific] because we do believe that when asylum seekers come to Australia, then primarily it is a state responsibility for Australia to ensure that they receive a fair and thorough examination of their claim. Ultimately protection of refugees is a state responsibility and a country like Australia which has a very sophisticated and well-developed system of refugee status determination is, we believe, the most appropriate process to be made available to these people."<sup>40</sup>

### c. Resettlement of people to third countries after gaining refugee status

Senior government officials have raised concerns over the long-term sustainability of the Pacific process. Aotearoa/New Zealand Minister of State Services and Education Trevor Mallard, speaking in Geneva at the UN refugee conference in December 2001, stated: "From our perspective, it is a very expensive solution and at some stage there will be value-for-money questions about it. I think it was a pragmatic solution to an immediate problem, but I have doubts about its long term sustainability."<sup>41</sup>

Nauru officials have repeatedly stated that the camps are temporary and that they have been told that the refugees will be gone in four to six months. President Rene Harris has stated: "I have an arrangement with John Howard that there won't be anyone left behind."<sup>42</sup>

The initial Memorandum of Understanding (MOU) between Papua New Guinea and Australia states that "all persons entering Papua New Guinea under this arrangement will have left after six months of entering Papua New Guinea *or as short a time as is reasonably necessary*". According to the MOU: "In the event that the time period referred to needs to be extended beyond six months, the parties may jointly decide to do so through further written arrangements... Additional persons can be accommodated and processed by joint determination of both parties."<sup>43</sup>

Other Pacific government officials have confirmed that the basis of the initial approach involved the removal of all people from the camps after processing. For example, Fiji's Foreign Affairs Minister Kaliopate Tavola stated: "We're basically being asked to accommodate a processing centre, and at the end of it all, no refugee is going to stay in the country. That's the nature of the request and that's the way we understand it to be."<sup>44</sup>

As Papua New Guinea agreed to extend the stay of the asylum seekers until October 2002, Papua New Guinea Foreign Minister John Waiko noted: "We are ready to receive additional asylum seekers, provided that we have got a written guarantee from the Australian government that not one single asylum seeker will remain on the soil of Papua New Guinea after they have been processed."<sup>45</sup>

The extension of time for the refugees on Manus Island will avoid a major political problem for the Papua New Guinea government, as the first deadline to remove the refugees from Papua New Guinea territory - May 2002 - was unlikely to be met. All applications for the original 216 asylum seekers on Manus Island have been processed, but the refugees are still awaiting notification of countries willing to take them for resettlement. If no resettlement locations had been found by May, the resulting crisis would fall in the middle of an election campaign for the June 2002 Papua New Guinea national elections.

There will be some difficulty meeting the May 2002 deadline for Nauru, especially as there are many refugees already waiting in other countries (e.g. in Indonesia, the UNHCR has identified 535 Afghans, Iraqis and Iranians as refugees since January 2000, but only 65 have been found places for permanent resettlement in a third country.<sup>46</sup>) Given that it will be difficult to find places for over 1,550 refugees, the phrase "as short a time as is reasonably necessary" takes on greater significance.

There have been some confusing offhand statements by Australian government ministers, which have concerned Pacific communities about what will happen after six months. In November 2001, Foreign Minister Downer answered "yes" to a media query on whether the so-called Pacific solution would remain policy over the next three-year term of the government.<sup>47</sup> The same month, Prime Minister John Howard stated that some asylum seekers could remain in those countries that accepted them for processing.<sup>48</sup> When asked whether Australia had a moral responsibility to take any of the refugees currently in Nauru and Papua New Guinea, Phillip Ruddock stated: "Certainly not."<sup>49</sup>

As at January 2002, no country apart from Ireland has publicly pledged to take refugees for resettlement. In November 2001, Irish minister Liz O'Donnell said her government had "been approached by the UNHCR to



assist some Afghan refugees who have found themselves unwanted in the South Seas". The government of Ireland subsequently offered to take 50 refugees from those 1,550 being processed in Nauru and Papua New Guinea.<sup>50</sup>

There are serious questions about what will happen, given that there are conflicting messages about the future of those assessed as refugees, as well as those who do not gain refugee status. What happens if non-successful applicants refuse to leave the camps? Neither the UNHCR nor the International Organisation for Migration (IOM) will be involved in repatriating people to their homeland against their will, and past experience suggests that many will refuse to return voluntarily.

Noel Levi, Secretary General of the Pacific Island Forum Secretariat, has stated: "We may end up a region with unwanted people after the processing has taken place and the professionals and the qualified people have been taken by other countries. We will be left with the unwanted because so far I have not heard anything from the UNHCR as to whether they will be responsible for these people after the processing...From experiences that from other countries that have processed refugees in the past, we have learned from their experiences that these people, they are unwanted people and even the ones that were identified as genuine refugees have stayed longer than anticipated and UNHCR has not made any commitment at all as to whether they will look after the people who are not accepted to anywhere - or take them out from the Pacific island countries."<sup>51</sup>

#### **d. Introduction of mandatory detention programs into Pacific**

Most developed countries do not have mandatory detention for asylum seekers, instead using a mix of short-term initial detention and release into the community while applications are processed. Australia's bi-partisan policy of mandatory detention (introduced by an ALP government) is being exported to the region, as John Pace noted in his report to Amnesty International: "What we are witnessing in Nauru is the first experiment of exporting this practice to other Pacific countries which do not have the same resources or capacity of Australia's and where the mandatory detention may result in more tragic incidents and hardship for the asylum seekers."<sup>52</sup>

UNHCR guidelines state: "The detention of asylum-seekers is, in the view of UNHCR, inherently undesirable. This is even more so in the case of vulnerable groups such as single women, children, unaccompanied minors and those with special medical or psychological needs." The camps on Nauru and Manus Island appear to meet the UNHCR definition of detention centres: "confinement within a narrowly bounded or restricted location, including prisons, closed camps, detention facilities or airport transit zones, where freedom of movement is substantially curtailed, and where the only opportunity to leave this limited area is to leave the territory."<sup>53</sup>

In Australia, management of detention camps at Woomera, Villawood and other sites is contracted to private companies such as Australian Correctional Management, a subsidiary of the US corporation Wackenhut. Security for the detention camps in Nauru is also run by a private contractor, Chubb Protection Service.

The role of private corporations in the asylum process raises many concerns, especially over transparency, accountability and judicial review. Questions of sovereignty and legal jurisdiction are especially important if there are hunger strikes, riots or clashes between refugees and security personnel, as has occurred at detention camps in Australia.

There are serious questions as to the legality of mandatory detention under the Constitutions of Nauru and Papua New Guinea. For example, 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, covering the spread of disease, criminal offences, do not appear to cover the asylum seekers. The Nauru Constitution, in section 5 (2), also guarantees the right of legal representation "to consult in the place in which he is detained a legal representative of his own choice".<sup>54</sup> As one Nauruan lawyer asks: "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?"<sup>55</sup> 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 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 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.<sup>56</sup> The tribunal ruled in the union's favour, saying that the guards' conditions should be governed by Australian, not Nauruan law, as the contracts were made in Queensland.<sup>57</sup>



The processing being done in the Pacific by Australian immigration officials is being conducted in a foreign jurisdiction. Asylum seekers are disadvantaged, as neither Nauru or Papua New Guinea have the full range of assistance required, including:

- 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; and
- Provision of adequate trauma counselling and specialist medical services.

## e. Refugees and internally displaced people in the Pacific

Although refugee numbers within the Pacific region itself are not as large as in Asia and Africa, the status of refugees and internally displaced people has become an issue in recent decades. The allocation of hundreds of millions of dollars towards a relatively small numbers of asylum seekers from the Middle East and Central Asia also raises questions over the government's commitment to refugees in the Pacific region, at a time when there are tens of thousands of refugees and internally displaced people from crises in West Papua, Bougainville, Solomon Islands and Fiji.

### Bougainville

The conflict in Bougainville in 1988-1998 meant that thousands of Bougainvilleans were internally displaced by force, and many fled as refugees to the neighbouring Solomon Islands. Helen Hakena, of the Leitana Nehan Women's Development Agency in Bougainville reported: "Our people are being torn from their communities and homes by violence. Many people have either left their homes and communities to settle in peaceful areas or have been herded together like sheep and put in so-called 'care centres'. We are becoming migrants and refugees – people uprooted from their own backyards. The loss of human dignity is an overpowering consequence of displacement, regardless of clan or gender. Uprooted people experience multiple losses: of families, friends and community; of familiar spiritual, religious and cultural structures that nurture and define basic human identity; of social status; of property, employment and economic resources."<sup>58</sup>

### Solomon Islands

In Solomon Islands, the migration of people from outlying islands to Guadalcanal and the capital Honiara contributed to a major social crisis in 1998-2000, leading to armed conflict between rival militias. Clashes between the Isatabu Freedom Movement of Guadalcanal and the Malaita Eagle Force, the overthrow of the government and the collapse of policing led to more than 100 dead, this with tens of thousands left homeless, and many fleeing from the main island of Guadalcanal to their home islands. Armed clashes between rival militias led to this exodus from Guadalcanal, with an estimated 15-20,000 people evacuated in 1999 (mainly to Malaita), and at least 3,000 more hiding away from their villages by July 2000.<sup>59</sup>

### West Papua

There are thousands of West Papuan refugees in Papua New Guinea, who have fled Indonesian military operations against the independence movement *Organisasi Papua Merdeka* (OPM). West Papuans in Papua New Guinea often had difficulty in being recognised as refugees by the UN High Commission on Refugees and the Papua New Guinea Government (due in part to a tradition of border crossing for indigenous communities that have land on both sides of a frontier that is simply a line drawn on the map).

Some 12,000 West Papuan refugees crossed into Papua New Guinea in 1984 from Indonesian-ruled West Papua. Eighteen years later, there are still over 8,000 of these refugees living in both official and unofficial camps along the border, according to Bishop Gille Cote (Catholic Bishop for the Daru-Kiunga Diocese, which provides assistance to border crossers and refugees).<sup>60</sup> Nearly 3,000 live at lowara in the East Awin, while another 5000 or more live in 14 unofficial camps along the Papua New Guinea-Indonesian border.

A new wave of refugees and temporarily displaced people arrived in November 2000, as Indonesia increased military operations against the newly-mobilised West Papuan nationalist movement. Four hundred asylum seekers fled from West Papua to Vanimo, Western Province, but the Papua New Guinea Government regards them as border crossers rather than refugees. The Catholic Diocese of Vanimo, which spends K100,000 (equivalent to AUD \$50,900) a year to support refugees, has offered to assist the asylum seekers at the Vanimo camp, but only if the Papua New Guinea Government will allow processing of genuine refugee



applications.<sup>61</sup> However, when Papua New Guinea signed the *Refugee Convention* in 1986, it was worried about the numbers of refugees, and about offending the Suharto regime, and entered several significant reservations to articles in the Convention (refusing to accept Convention obligations on education and housing, and guarding its rights on expulsion and naturalisation).

Many of the West Papuans living at lowara have been given temporary residency status by the Papua New Guinean government, but are still residing there as they have nowhere else to settle. The people living in the unofficial camps are not recognised as refugees by the Papua New Guinean government. West Papuan refugees have sought rights to services, housing and education, after fleeing from West Papua in 1984 and being housed in camps along the border at Vanimo, lowara (East Awin) and other locations.<sup>62</sup>

Many Papuan New Guineans and West Papuans are asking why Australia is spending millions on the Manus Island camp when there are desperate humanitarian needs along the border with West Papua.<sup>63</sup>

## New Caledonia

The problem of “asylum seekers” is evident in the French colony of New Caledonia, after a group of 110 Chinese arrived in New Caledonia in November 1997 aboard two 40-metre wooden boats. The group was due to be sent back to China in March 1998, but the operation was cancelled after 48 hours of protests in Nouméa. Some 300 French New Caledonians gathered at the Noumea airport to protest the forced repatriation, and 60 of the asylum seekers staged a 48-hour rooftop protest at their detention centre, before being dispersed by police firing rubber bullets.<sup>64</sup>

Most of these refugees were issued with temporary identification cards. By September 2001, there were still 45 of the group awaiting final determination of their status (Of the initial 110, 11 went back to China after spending two years in New Caledonia. Thirty were finally granted political asylum. Twenty-four others, who had children born in New Caledonia, were simply provided with residence permits.) Secretary General Alain Marc of the French High Commission in Noumea has noted: “We are following very closely the developments of the Australian situation”, awaiting the outcome for the Tampa refugees before making a final decision on the 45 asylum seekers from China.<sup>65</sup> Although the French government recognised their rights of asylum, the local Government of New Caledonia is seeking control over immigration and border protection, and there is concern over the transparency of the decision making by the French authorities.

In recent years, AusAID has reallocated significant funds from long-term bilateral and regional programs towards emergency relief, rehabilitation and reconstruction programs in Bougainville, Timor Lorosa'e and Solomon Islands. Establishing programs of mandatory detention in Nauru and Papua New Guinea conflicts with Australia's humanitarian efforts in response to other regional crises.

While there is a need to develop a regional response to refugee issues, it cannot be done simply by bilateral arrangements, and without addressing regional concerns over refugees and internally displaced people (e.g. in West Papua and Bougainville).

## f. Political fallout damages Australia's image

During the *Tampa* crisis, many academic commentators and foreign affairs officers criticised the negative impact that the government's refugee policy was having on Australia's relations with Asia. Few however commented that the same impact was being felt in the Pacific islands. As noted by Pacific expert Greg Fry of the Australian National University, the policy “has serious political implications for a number of Pacific states. It has also 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 promoting responsible governance).”<sup>66</sup>

A major focus for Australia's development assistance program in the region is the strengthening of regional multilateral agencies. Through its Pacific regional program, the Australian government gives 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. Yet the placement of the asylum seekers in the Pacific in late 2001 was conducted in an ad hoc way, without co-ordination and planning with key regional institutions.

The focus by Prime Minister Howard and his government on the so-called “Pacific solution” is seen as overshadowing other key policies in the region.

At the beginning of the *Tampa* crisis, Foreign Minister Alexander Downer and then ALP Shadow Minister Laurie Brereton were scheduled to attend the signing of the Bougainville Peace Treaty. This agreement was an important step in ending the conflict that resulted in more than 12,000 deaths and dominated Australia's regional foreign policy for a decade. The presence of our Foreign Minister and Shadow Foreign Minister at the

signing of the Peace Accord could have been an important statement. But neither went to Bougainville, as they were busy with the *Tampa* crisis. Their sense of priorities has been widely noted in the region.

In Fiji, many people expressed concern about the symbolism and substance of Australia lifting sanctions (imposed on Suva following the May 2000 coup) just a few days before it was announced that Fiji was considering the proposal to host asylum seekers.<sup>67</sup>

There has been extensive criticism of the policy – from Prime Ministers and Presidents, church leaders and non-government organisations. As detailed in Appendix Two, 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.

Former high ranking foreign affairs officials John Piper and Greg Urwin, with long experience in the Pacific islands, have criticised the government's policy of neglect towards the Pacific, noting that attitudes and approaches need to be modified, such as:

- The predominance of domestic priorities in the development and articulation of policies;
- Impatience with dealing with the approach of regional countries deriving from the asymmetric relationships; and
- A lack of historic perspective or vision of Australia's long-term role in the region.<sup>68</sup>

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 the Prime Minister has only attended two heads of government Forum meetings since taking office in 1996, 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.

The Australian government has recognised that tangible progress on the intertwined issues of people smuggling, unauthorised migration and refugees can only be achieved through international cooperation. In coming months, there are a number of major meetings where Australia's refugee policy will be discussed, including: an international meeting on people smuggling (Indonesia, February 2002); the Commonwealth Heads of Government Meeting (Australia, March 2002); and the Pacific Islands Forum (Fiji, August 2002).

Oxfam Community Aid Abroad believes that the so-called “Pacific solution” is no solution to the issues raised by the Tampa crisis. It is important that Australia develop new policy on asylum seekers in the Pacific region, based on humane and sustainable alternatives:

- 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 and other countries);
- 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; and
- A review of resettlement policies, with Australia to increase the numbers of refugees accepted each year.<sup>69</sup>

# APPENDIX ONE

## Approaches to other Pacific countries

At the beginning of the Tampa crisis in August 2001, the Australian government approached a number of neighbouring countries to establish offshore detention centres. Aotearoa/New Zealand, Nauru and Papua New Guinea agreed to take asylum seekers, but other countries were also approached:

### Timor Lorosa'e

At the start of the Tampa crisis, the Australian government approached the UN Transitional Authority in East Timor (UNTAET), to see if the refugees on board the *MV Tampa* could be housed in a camp in Timor Lorosa'e. On August 30, Foreign Minister Downer reportedly telephoned UN Chief Administrator Sergio De Mello with the request, but after consultation with the UN Secretary General's office and the UN High Commissioner for Refugees in Geneva, the request was rejected.<sup>70</sup>

### Fiji

In Fiji, a taskforce led by Foreign Affairs Minister Kaliopate Tavola was set up to look into an Australian request for assistance. Outlining Australia's proposal after meeting High Commissioner Susan Boyd, Tavola said Fiji was asked to take between 700 and 1,000 asylum seekers, but this could increase depending on the number of passengers on board intercepted boats. Possible sites for a detention centre were floated, including the former leper colony on Makogai Island.

Tavola stressed the refugees would not resettle in Fiji, as the genuine applicants would be sent to Australia or Aotearoa/New Zealand and the others shipped back to their home country. He said Australia would fund the whole operation, including costs for services such as medical, water, food, homes, roads and electricity. The amount of \$20 million provided to Nauru was a "benchmark" to determine the amount for extra compensation. Tavola said the refugees would be isolated and the processing centre turned into a little township: "Fences will be built and security provided to ensure they are processed and not brought into the mainland. They will also be guarded well and high security will be provided."<sup>71</sup>

However following extensive public debate and criticism (detailed in Appendix Two), the Australian government withdrew its request for Fiji to host the asylum seekers.

### Kiribati

In September 2001, the possibility of Kiribati taking some asylum seekers was mooted. Like Nauru, the tiny atoll nation of 70,000 people has limited resources and is seeking new sources of development revenue. President Teburoro Tito stated: "When Australia was already asking Kiribati whether there was a possibility of our helping, it naturally occurred to me that if Nauru was in a position to provide some help to Australia with only one island, I thought Kiribati logically should be in a better position to provide some help. It was in response to what we considered to be a need, a genuine need of a good friend of Kiribati reaching out to a good friend in the Pacific." In October 2001 however he noted that: "There is some concern that has been expressed by people over the idea of Kiribati being involved with people who have connections with Afghanistan, people from that part of the world, particularly in view of what has happened in the last few weeks".<sup>72</sup>

In October 2001, a joint team of three Australian and two i-Kiribati officials travelled to Kanton Island in the Phoenix group (in the west of the country), to investigate if an abandoned US military base on the island could be used as a possible site for a detention camp. Kanton is truly a desert island, located 2,000 kilometres from the capital Tarawa and with no regular shipping or air services. Kanton was subsequently determined to be inappropriate, given the distance, cost and lack of infrastructure, and discussions with the Kiribati government appear to have lapsed.

## Palau

In October 2001, Australia's Ambassador to Palau, Timothy Cole, (based in Pohnpei, Federated States of Micronesia) approached Palau to build a facility there "to support processing of protection claims for 500 to 1,000 persons".<sup>73</sup>

At the time, the Palauan Minister of State, Temmy Shmull, confirmed "I have brought the request to the President, who has in turn consulted with our traditional leaders and the governors. Our initial reaction is Australia and Palau have a very strong relationship and we would consider cooperating." Mr. Shmull said Palau's involvement depended on whether Australia found any satisfactory potential sites and "if this is part of the international humanitarian efforts to take care of this situation".<sup>74</sup> However at January 2002, no refugees had been sent to Palau.

## Tuvalu

In November 2001, Secretary to Government Panapa Nelesone of Tuvalu stated his country has received a verbal request from Canberra to process asylum seekers, but as yet no official approach had been made.<sup>75</sup> There is some resistance in Tuvalu to the idea, especially as Tuvaluans are concerned over their own future. Australia's proposal came just months after the Australian government rebuffed an approach by Tuvalu to establish a special immigration program to help Tuvalu's people, as rising sea levels threaten its islands.

# APPENDIX TWO

## Regional opposition to Australian policy on asylum seekers in the Pacific

While some government leaders 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. As detailed below, 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 Australian government is actively promoting accountability, transparency, equity and sustainability as key principles for governance in the Pacific, so the lack of transparency in the current program has sparked anger over the hypocrisy evident in Australian refugee policy. At a time when other Australian policies (e.g. on climate change) are stretching relations with island countries, the refugee crisis has damaged Australia's image in the region.

### Vanuatu Prime Minister

Speaking at a Pacific Island Forum meeting in Vanuatu on 29 October 2001, the Vanuatu Prime Minister, Edward Natapei, spoke of the potential social environmental and economic risks of Australia's refugee policy. “I am concerned that the big brothers of the Pacific choose to see the smaller Pacific nations as their outlet for refugees.”<sup>76</sup> Natapei stated that his country would definitely reject any approach from Australia for it to accept asylum seekers for processing. He stated that land was a precious commodity in the Pacific Islands and, unlike in Australia, there was very little of it available in the Pacific Islands to be set aside for refugees. Natapei also said there was a major concern about how long the island countries would have to accommodate the asylum seekers.<sup>77</sup>

### Forum Secretariat

The Pacific Islands Forum is the main regional body linking Australia, Aotearoa/New Zealand and the independent island nations of the region. Noel Levi, Secretary General of the Forum Secretariat, has expressed serious reservations over the impact of the Australian government's refugee policy. On 31 October, he stated: “The emerging refugees market in the region where Forum Island Countries lease out their territories for quarantine and processing services carries unknown risks. Yet it is evolving rapidly without the necessary legal and policy framework to ensure its proper and equitable regulation. Such a substantial population influx places extreme pressure on our already very limited resources, exposing our small and vulnerable economies to further social and economic problems which we can ill afford.”<sup>78</sup>

Levi added: “That is how I see the evolution of this thing – you're basically trading people. Our fear also is that now that there are processing centres in Papua New Guinea and Nauru, the people or the criminals who are smuggling people out of their homeland and making big money out of it are going to target directly those processing centres, because obviously the ultimate target is Australia.”

### Fiji political, church and NGO leaders

While the Qarase government in Fiji established a task force under Foreign Minister Kaliopate Tavola to study the question, there was extensive public debate over whether to take asylum seekers. The Director of Fiji's Human Rights Commission, Dr. Shaista Shameem, argued that Fiji should contribute, as one of the wealthier Pacific countries and a signatory to the 1951 Refugee Convention. However hers was a minority voice.

Recognising the sensitivity for post-coup Fiji, President Ratu Sir Josefa Iloilo, the Tui Vuda, opposed taking any asylum seekers: “I am against the refugees coming to Fiji because we already have enough problems to deal with.”<sup>79</sup> Labour Party leader Mahendra Chaudhry said Fiji should not be used as a dumping ground for Australia's problems.<sup>80</sup> Ratu Epeli Ganilau, chair of the *Bose Levu Vakaturaga* (Great Council of Chiefs) said

the Council opposed refugees being sent to Fiji: "Why exacerbate the situation when we have a lot on our hands to settle and by bringing another potential problematic issue like the refugee problem?"<sup>81</sup>

The NGO Coalition on Human Rights, grouping women's, church and human rights organisations, said Australia's proposal was "reactionary and smacks of political expediency particularly as the country gears up for its November General Elections. The NGO Coalition on Human Rights condemns Australia's cynical and underhand dealings with the Fiji government in its lifting of sanctions in order to facilitate Fiji's acceptance as a processing centre for refugees seeking resettlement in Australia. The NGO Coalition on Human Rights however, urges the Fiji government to make provisions for a processing centre not because of the promise of further bilateral agreements with Australia but because first and foremost of its international obligations to the protection of refugees and asylum seekers."<sup>82</sup>

The NGO Coalition further noted: "that Australia should process these asylum seekers on its own territory and not seek to exploit its Pacific Islands neighbours like Fiji. Australia has been benefiting over the years from Fiji's brain drain of skilled and professionally qualified former Fiji citizens and this attempt to persuade Fiji to shoulder part of Australia's problem is unacceptable to most people in this country."

Bishop Jabez Bryce, Head of the Anglican Church for Polynesia, said Fiji had enough problems of its own to deal with: "The government should be considerate enough to seek the views of the people and not blindly give in to such an offer." Reverend Aisake Kunanitu Assemblies of God Secretary for Fiji, said although he was sympathetic towards the refugees on humanitarian grounds: "Australia is much better off catering for the refugees given its comparatively larger land mass and economic status."<sup>83</sup>

## Nauru

The refugee crisis has damaged Nauru's reputation, at a time when there has been criticism of the Nauru government over issues such as money laundering<sup>84</sup>; the sale of passports "used for smuggling criminals and prostitutes from country to country"<sup>85</sup> and economic mismanagement.<sup>86</sup>

Nauruan politicians have criticised President Harris' policy and actions. Independent MP Anthony Audoa likened the asylum-seeker deal with Australia to prostitution: "I don't know what is behind the mentality of the Australian leaders but I don't think it is right. A country that is desperate with its economy, and you try to dangle a carrot in front of them, of course, just like a prostitute...if you dangle money in front of her, you think she will not accept it. Of course she will, because she's desperate."<sup>87</sup>

When Nauru was approached to take a further 220 refugees from Christmas Island in September 2001 (who eventually went to Papua New Guinea), former Nauru President Kinza Clodumar stated: "You're joking. That's becoming a little less humanitarian. It's becoming a business."<sup>88</sup>

In September, Presidential Counsel David Adeang and Senior Medical Officer Kieren Keke - members of the opposition party Naoero Amo (Nauru First) - received letters of suspension without pay from their position as public servants, after they had criticised the refugee agreement through the newsletter *The Visionary*.<sup>89</sup>

In spite of the ongoing support for Australian policy by the Harris government, there have been many expressions of concern at community level. At the time the policy was announced in September, Nauru citizens were interviewed on the street:<sup>90</sup>

"We're scared and worried about the prospect of living in fear in our home may no longer be the same...How do we know if there are supporters of Bin Laden amongst them? We are even afraid to send our kids to school...What happens if there is a riot? How will we handle it? I don't think we are equipped or have the manpower. The population is not consulted in this. We do not think the government is giving us sufficient information on this." (Young family from Aiwo).

"My immediate family struggles to make ends meet and they [the government] expect me to welcome refugees with open arms as if everything is OK" (Mary, Unebide, aged 36)

"Can I go and eat with the refugees. I haven't been paid yet and I'm hungry. I hear the refugees will be getting free meals so I'll go and eat with them". (Father, Baitsi).

"I was very supportive of the initial idea of processing refugees in Nauru, but since the tragedy in the US I'm not sure whether it's a good idea....I'm not sure about the second load of Iraqi refugees who held the captain of the vessel hostage coming to Nauru. I was so distressed to read about the adverse publicity Nauru is receiving in the international media..." (Grandmother, Meneng).

On 15 October, 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".<sup>91</sup>

## Papua New Guinea Foreign Minister sacked

On accepting the Australian request to establish a detention centre, Papua New Guinea Prime Minister Sir Mekere Morauta stated: "We are a country of Christian people and we must give a helping hand to people who have been terrorised in their own country by their own regimes. The issue is also one of regional significance. Is it not fair when Papua New Guinea receives 500 million kina from Australia, to give a hand?"<sup>92</sup>

On 23 October, Australian High Commissioner Nick Warner sent a diplomatic note to Papua New Guinea Foreign Affairs Secretary Evoa Lalatute and Foreign Affairs Minister John Pundari asking Papua New Guinea to expand its capacity to hold an additional 1,000 asylum seekers on top of the 216 already on Manus Island. He also asked that the processing time of six months be extended to 12 months. Foreign Minister Pundari's reply refused the proposal for further refugees or an extension of the original agreement. After the reply was published in the Papua New Guinea media, Sir Mekere Morauta sacked Minister Pundari on 26 October for publicly leaking - and rejecting - Australia's request for Papua New Guinea to take more asylum seekers above the number already agreed.<sup>93</sup>

Prominent politicians such as Opposition leader and former Prime Minister Sir Michael Somare have criticised the deal, seeing it as an infringement of Papua New Guinea sovereignty. After his sacking, Foreign Minister Pundari criticised the arrangements as an election issue for Australia, and said that Sir Mekere Morauta "was helping John Howard and the Liberals to score politically".<sup>94</sup>

## Pacific Conference of Churches and Catholic Bishops Conference

A major statement from the Pacific Conference of Churches (PCC) and other regional NGO, church and theological organisations sharply condemned the Australian government actions as a "trade in human trafficking". A joint statement from the churches and NGOs in October 2001 stated: "We also 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."<sup>95</sup>

The same month, the Catholic Bishops Conference of Papua New Guinea and the Solomon Islands also criticised Australian policy: "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?"<sup>96</sup>

## 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 to the company 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).<sup>97</sup>



# ENDNOTES

- <sup>1</sup> All dollar (\$) amounts are in Australian dollars (AUD).
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- <sup>3</sup> 'Govt welcomes PNG's intake of asylum seekers' *ABC News Online* 18 January 2002.
- <sup>4</sup> 'Refugees plight a 'lifestyle choice'', *The Australian*, 8 January 2002.
- <sup>5</sup> Peter Mares in 'A Pacific solution: reflections on the Tampa affair and September 11', *Eureka Street*, October 2001.
- <sup>6</sup> For details, see 'Australia's border integrity strengthened by new legislation', Media release, Minister Immigration and Multicultural Affairs, 26 September 2001.
- <sup>7</sup> A "declared country" is a country that the Minister declares in writing under s198A of the *Migration Act 1958*.
- <sup>8</sup> 'Pacific detention policy on boat people will stay', *The Age*, 19 November 2001.
- <sup>9</sup> In a new initiative, the Australian Agency for International Development (AusAID) has announced that reducing poverty will be the "central integrating factor of Australia's aid program." For details, see AusAID: *Reducing poverty - the central integrating factor of Australia's aid program* (AusAID, Canberra, 2001).
- <sup>10</sup> 'Offshore Processing Arrangements' Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) Fact Sheet No.76, 2 January 2002.
- <sup>11</sup> *ibid.*
- <sup>12</sup> International Organisation on Migration (IOM) is the leading inter-governmental agency established in 1951 working on issues of refugees and migration. Australia is a member of the IOM, whilst Aotearoa/New Zealand and Papua New Guinea have observer status.
- <sup>13</sup> Former UN Human Rights Commission secretary John Pace visited the camps in Nauru on behalf of Amnesty International between 8-13 November 2001. Details of camp conditions are drawn from John Pace: 'Report of mission to the Republic of Nauru, 8 to 13 November 2001', photocopy.
- <sup>14</sup> 'Locals question benefits of adopting "Pacific Solution"' Asia Pacific program, ABC radio, November 2001
- <sup>15</sup> 'Offshore Processing Arrangements' Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) Fact Sheet No.76, 2 January 2002.
- <sup>16</sup> 'PNG to take 800 more asylum seekers', *The Age*, 18 January 2002.
- <sup>17</sup> 'PNG Government sidelined on boat people' *The National*, 15 November 2001.
- <sup>18</sup> 'More asylum seekers coming to Manus', *Post Courier*, 17 January 2002.
- <sup>19</sup> Letter, *The Australian*, 9 November 2001.
- <sup>20</sup> 'Government agrees to take in another 784 "refugees"' *The National*, 18 January 2002.
- <sup>21</sup> 'Deal with PNG to take boatpeople', *The Australian*, 12 October 2001.
- <sup>22</sup> For personal stories from the refugees in Aotearoa/New Zealand, see 'There was nothing left for us, except to die', *The Age*, 14 January 2002.
- <sup>23</sup> 'Pacific solution cost double Costello's vow', *Sydney Morning Herald*, 24 January 2002; "'Pacific solution" saved taxpayer from heftier bill for detainees: Ruddock', *Sydney Morning Herald*, 25 January 2002
- <sup>24</sup> *ibid.*, and 'Australian government refuses to reveal cost of Pacific Solution' *Radio Australia*, 24 January 2002
- <sup>25</sup> *Australia's Overseas Aid Program 2001-02* – Statement by the Hon. Alexander Downer, Minister for Foreign Affairs, 22 May 2001, p21.
- <sup>26</sup> *ibid.*, p15. For details of the PNG program, see AusAID: *Australia and Papua New Guinea – development cooperation program 2000-2003* (AusAID, Canberra, 2000).
- <sup>27</sup> 'Australia to pay Nauru \$107m in compensation', *Australian Financial Review*, 10 August 1993.
- <sup>28</sup> AusAID: *Pacific Program Profiles 2000-01* (AusAID, Canberra, 2001) p25.
- <sup>29</sup> *Australia's Overseas Aid Program 2001-02* – Statement by the Hon. Alexander Downer, Minister for Foreign Affairs, 22 May 2001, p27 and p66.
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- <sup>32</sup> *The Visionary*, No.11-01, 9 November 2001, p22.
- <sup>33</sup> 'Nauru' Senator Robert Hill, Reply to question by Senator Bourne, *Senate Hansard*, 24 September 2001.
- <sup>34</sup> 'MOU on Asylum Seekers signed with Nauru', Media Release, Minister for Foreign Affairs Alexander Downer, 11 December 2001.
- <sup>35</sup> *Mid-Year Fiscal and Economic Outlook 2001-2002*, Appendix E, Table 13: Expense measures since the 2001-02 Budget.

- <sup>36</sup> 'Asylum seekers rebel at Manus Island, Papua New Guinea camp', *Post-Courier*, 24 October 2001.
- <sup>37</sup> Former UN Human Rights Commission secretary John Pace: 'Report of mission to the Republic of Nauru, 8 to 13 November 2001', photocopy.
- <sup>38</sup> 'Nauru law officer tells of work plan', *The Age*, 5 September 2001.
- <sup>39</sup> UN Treaties Database: *UN Convention on the Status of Refugees: Papua New Guinea*, p3 [emphasis added].
- <sup>40</sup> 'PNG: No one to process angry asylum-seekers', Asia Pacific program, *ABC Radio*, 25 October 2001.
- <sup>41</sup> 'Commonwealth colleagues attack asylum seekers plan', *The Weekend Australian*, 15-16 December 2001.
- <sup>42</sup> 'Going it alone – how the UN rebuffed John Howard', *The Age*, November 2001.
- <sup>43</sup> 'Manus - NO to more refugees', *Post Courier*, 13 November 2001; 'Australia assures PNG, Nauru it will honour refugees pact' *Post Courier*, 15 November 2001 [emphasis added].
- <sup>44</sup> Asia Pacific program, *ABC Radio*, 25 October 2001.
- <sup>45</sup> 'Government agrees to take in another 784 "refugees"', *The National*, 18 January 2002.
- <sup>46</sup> Peter Mares: 'If not the Pacific solution, then what?' *Financial Review*, 21 December 2001. See also 'A Pacific solution: reflections on the Tampa affair and September 11' *Eureka Street*, October 2001.
- <sup>47</sup> 'Pacific detention policy on boat people will stay' *The Age*, 19 November 2001.
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- <sup>49</sup> 'Asylum seekers and the UNHCR', AM program, *ABC Radio* 8 January 2002.
- <sup>50</sup> PINA News, 14 November 2001.
- <sup>51</sup> 'Refugee "Pacific Solution" creates friction for island nations', PM program, *ABC Radio*, 29 October 2001.
- <sup>52</sup> Former UN Human Rights Commission secretary John Pace: 'Report of mission to the Republic of Nauru, 8 to 13 November 2001', Photocopy
- <sup>53</sup> UNHCR *Guidelines on the Detention of Asylum Seekers*, 26 February 1999.
- <sup>54</sup> Details of the Nauruan Constitution and relevant legislation can be found on the USP Law School website at [http://www.vanuatu.usp.ac.fj/paclawmat/Nauru\\_legislation/Nauru\\_Constitution.html](http://www.vanuatu.usp.ac.fj/paclawmat/Nauru_legislation/Nauru_Constitution.html)
- <sup>55</sup> *The Visionary*, No.11-01, 9 November 2001.
- <sup>56</sup> 'Union slams conditions for guards on Nauru', PM, *ABC Radio*, 12 October 2001.
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- <sup>58</sup> Helen Hakena: 'War leads to human rights abuses', *Pacific Women Against Violence* newsletter, Vol.4. No.4, April 1999.
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- <sup>63</sup> See for example, the October 2001 statement of the Catholic Bishops Conference of Papua New Guinea and the Solomon Islands (Appendix Two)
- <sup>64</sup> 'Chinese boat people languish as New Caledonia debates future', *Agence France-Presse*, 30 October 1998
- <sup>65</sup> *Les Nouvelles Calédonniennes*, 18 September 2001.
- <sup>66</sup> See for example, former Ambassador to Cambodia Tony Kevin: 'How John Howard hurts us overseas' *The Age*, 28 November 2001; former Ambassador to Indonesia Richard Woolcott: 'Leadership? Not Howard', *The Age* 5 November 2001; 'Time Canberra listened to its best friend in Jakarta', *The Weekend Australian*, 3-4 November 2001; 'The stain of shame spreads – cynical scare-mongering offends more and more eminent Australians' *The Australian*, 8 November 2001.
- <sup>67</sup> Asia Pacific program, *ABC Radio*, 25 October 2001.
- <sup>68</sup> Greg Urwin and John Piper: 'Australian policy towards Papua New Guinea and the South Pacific – critique and response', seminar presented at the Centre for Contemporary Pacific, Australian National University, 29 October 2001. Greg Urwin is a former First Assistant Secretary for the South Pacific in the Department of Foreign Affairs and trade and a former ambassador to Fiji and other Pacific nations.
- <sup>69</sup> Alternatives to current policy are suggested in 'The Refugee Convention – Where to from here?' Report of a conference sponsored by The Centre for Refugee Research, UNSW, 6-9 December 2001; or Peter Mares: 'A Humane Alternative', *The Age*, 14 November 2001.
- <sup>70</sup> 'Going it alone – how the UN rebuffed John Howard', *The Age*, November 2001.
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- <sup>72</sup> 'Asylum seekers face confinement on bleak central Pacific Kanton atoll, Kiribati', *Agence France-Presse*, 24 October 2001.
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- <sup>75</sup> 'Tuvalu approach doesn't mean we're desperate: Australia', PINA Nius Online, 14 November 2001.
- <sup>76</sup> 'Refugee "Pacific Solution" creates friction for island nations', PM program, *ABC Radio*, 29 October 2001.
- <sup>77</sup> *Pacnews*, 31 October 2001.
- <sup>78</sup> 'Misadventures in paradise', *The Australian*, 2 November 2001.
- <sup>79</sup> *Fiji Times*, 31 October 2001. See also 'No Boatpeople here, Fijian leader warns', *The Australian*, 1 November 2001.
- <sup>80</sup> 'Australia accused of human trafficking', *Agence France Presse (AFP)*, November 2001.
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- <sup>82</sup> Media release, 25 October 2001.
- <sup>83</sup> *Fiji Times*, 30 October 2001.
- <sup>84</sup> 'Nauru yields on money laundering', *The Australian* 29 August 2001.
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