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Joanne Wallis & Steffen Dalsgaard

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Money, Manipulation and Misunderstanding on Manus Island

JOANNE WALLIS AND STEFFEN DALSGAARD

ABSTRACT

The treatment of asylum seekers at the Manus Island Regional Processing Centre in Papua New Guinea (PNG) has attracted much international attention, but there has been little analysis of its local and transnational impact. This article investigates the repercussions for the communities on Manus Island, on domestic affairs in PNG, and on the relationship between PNG and Australia. Overall, it concludes that the costs arising from the money, manipulation and misunderstanding generated by the centre seem likely to outweigh the purported benefits, particularly for Manusians and other ordinary Papua New Guineans.

Key words: Australia, Papua New Guinea, Manus Province, asylum seekers, refugees, international relations, Pacific Solution

The Manus Island Regional Processing Centre has attracted international attention for its impact on detainees, but there has been little analysis of its domestic effect or its implications for the relationship between Papua New Guinea (PNG) and Australia, which initiated the scheme. Known informally as the ‘Pacific Solution’, offshore centres to process asylum seekers who seek to arrive in Australia by boat had been established in 2001 by the Australian Howard Coalition government in Manus Province in PNG and in Nauru to detain arrivals while their asylum claims were processed. The Rudd Labor government ended the Pacific Solution in 2008, but the

Joanne Wallis – Strategic and Defence Studies Centre, ANU College of Asia and the Pacific.
joanne.wallis@anu.edu.au

Steffen Dalsgaard – Technologies in Practice, IT University of Copenhagen. sdal@itu.dk

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subsequent Gillard Labor government announced on 13 August 2012 that it would reopen the centre after negotiations with the PNG government led by Peter O'Neill.

The Gillard Labor government reintroduced the policy in response to a rising number of boat arrivals, fatalities at sea and the failure of proposals to place asylum seekers in Malaysia and Timor-Leste. Kevin Rudd returned to the prime ministership on 27 June 2013, and on 19 July 2013 signed the *Regional Resettlement Arrangement between Australia and Papua New Guinea* (RRA)¹ with O'Neill. Under the RRA, any 'unauthorised maritime arrival entering Australian water' will be transferred to the centre for 'processing and resettlement' in PNG 'and in any other participating regional, including Pacific Island, states'. PNG will undertake refugee status determination and manage and administer the centre and 'Australia will bear the full cost [...] for the life of the Arrangement'. Australia will also 'provide support, through a service provider, to any refugees who are resettled'.² The United Nations High Commissioner for Refugees (UNHCR) regards Australia as responsible for ensuring that the treatment of asylum seekers accords with its international human rights obligations.³ However, the Australian government claims that 'once individuals are transferred from Australia to PNG under the RRA, the RSD [refugee status determination] processes and the outcomes of these processes are solely the responsibility of the PNG Government'.⁴

The RRA has been lauded by both the PNG and Australian governments for the benefits that it purportedly delivers. PNG government ministers have repeatedly said the arrangement was made in order to help Australia with a major problem.⁵ For PNG, the primary benefit is said to be the funds that have flowed into the country as development assistance and spending associated with the centre.⁶ These benefits are

¹ *Regional Resettlement Arrangement between Australia and Papua New Guinea* (2013). Available online at: <http://dfat.gov.au/geo/papua-new-guinea/Pages/regional-resettlement-arrangement-between-australia-and-papua-new-guinea.aspx> (accessed 3 May 2016). A memorandum of understanding had previously been agreed on 8 Sept. 2012, which was superseded by the more detailed memorandum of understanding on 6 Aug. 2013. Available online at: <http://dfat.gov.au/geo/papua-new-guinea/Pages/memorandum-of-understanding-between-the-government-of-the-independent-state-of-papua-new-guinea-and-the-government-of-australia.aspx> (accessed 3 May 2016).

² *Ibid.*

³ UNHCR, *Submission by the Office of the United Nations High Commissioner for Refugees: inquiry into the incident at the Manus Island Detention Centre from 16 February to 18 February 2014* (2014), 3. Available online at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Manus_Island/Submissions (accessed 19 Aug. 2016).

⁴ Senate Legal and Constitutional Affairs Committee (hereinafter Senate LCAC), *Report: Incident at the Manus Island Detention Centre from 16 February to 18 February 2014* (2014) 57–58. Available online at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Manus_Island/Report (accessed 19 Aug. 2016).

⁵ See, for example, *Transcript of Joint Press Conference with PNG Prime Minister Peter O'Neill: Brisbane: 19 July 2013: Regional Resettlement Arrangement*, 19 July 2013. Available online at: <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2F2611766%22> (accessed 19 Aug. 2016).

⁶ See, e.g. Business Advantage PNG, 'Will Manus Island deal benefit businesses in Papua New Guinea?', 25 July 2013. Available online at: <http://www.businessadvantagepng.com/will-manus->

in stark contrast to the costs: the rapid influx of wealth threatens to destabilise social and economic circumstances for people in Manus (a theme that recurs in the history of Manus), the RRA has been intertwined with the undermining of democratic processes and the rule of law in PNG, and the challenges arising from resettling refugees appear to be little understood. In order to evaluate these costs and benefits, we consider the impact of the centre at four levels: on the Manus population; on the PNG population; on the PNG government; and on PNG's relationship with Australia. A consideration of the specific impact on asylum seekers is beyond the scope of this article.

THE RRA

The first Australian personnel arrived at the centre on 6 October 2012 and the first asylum seekers on 21 November 2012. The centre was 'intended to be temporary' and had the capacity to accommodate approximately 500 people; by February 2014 the number of detainees had reached 1,338.⁷ Nine hundred and twenty-two adult males were detained in the centre as of 30 December 2015.⁸ The initial rapid increase in the number of detainees strained the facilities, which have been described as 'harsh, inadequate and inhumane'.⁹

PNG's Immigration and Citizenship Service Authority is responsible for the centre. The PNG chief migration officer, based in Port Moresby, is the designated administrator. The operational manager is an officer of the authority and controls day-to-day operations, supported by contracted service providers. The manager is supported by a coordinator appointed by the Australian government, who assists with administering service provider contracts. Other PNG officials do not play a regular role. Australian officers from the Department of Immigration and Border Protection play a 'central role in overseeing the management and operation' of the centre.¹⁰

Major contractors at the centre have included the PNG branch of the British firm G4S, which until the end of March 2014 provided 'garrison support services', including security; receiving, inducting and discharging transferees; managing assets; cleaning; environmental management; catering; logistics; transport and

[island-deal-benefit-business-in-papua-new-guinea/](#) (accessed 19 Aug. 2016), or the newsletter published by the Australian High Commission, in Port Moresby, PNG, *Manus i go het!* Iss. 1 (May 2014).

⁷ Senate LCAC, *Report*, 37.

⁸ Department of Immigration and Border Protection, *Immigration Detention and Community Statistics Summary*, 30 Dec. 2015. Available online at: <http://www.border.gov.au/about/reports-publications/research-statistics/statistics/live-in-australia/immigration-detention> (accessed 19 Aug. 2016).

⁹ UNHCR, *Submission*, 4.

¹⁰ Senate LCAC, *Report*, 26. This is also described in a review commissioned by the Australian Department of Immigration and Border Protection: Robert Cornall, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre* (23 May 2014). Available online at: <https://www.border.gov.au/ReportsandPublications/Documents/reviews-and-inquiries/review-robert-cornall.pdf> (accessed 16 May 2016).

escorting transferees; and providing access to communication services for transferees.¹¹ Until February 2014, the Australian Salvation Army provided ‘welfare services’, including various programmes and activities for transferees.¹² International Health and Medical Services provides ‘healthcare services’.¹³ In March 2014, Transfield Services, which later changed its name to Broadspectrum, took over the delivery of garrison and welfare services. Its contract ends in February 2017. Following a riot in the centre (see below), since February 2014 the responsible security subcontractor to Transfield/Broadspectrum has been Wilson Security.¹⁴

G4S’s contract required that 50% of security staff and 75% of cleaning and gardening staff must be residents of Manus Province or from a business based in the Manus Province. Transfield/Broadspectrum is required to hire 45% of its security staff from Manus. At an Australian senate inquiry into ‘incidents’ in February 2014, numerous witnesses criticised the quality and quantity of training provided to local and international staff, most of whom had no prior experience, particularly in providing security services; one described training as ‘woefully inadequate’.¹⁵

Law and order at the centre is the responsibility of the Royal PNG Constabulary (RPNGC). The Australian government funds the RPNGC for their operations relating to the centre, although the RPNGC determines what force is deployed. A RPNGC mobile squad was deployed in 2012, apparently in response to unrest from local landowners demanding greater economic benefits from the centre. Although these claims were resolved within two weeks, the mobile squad has remained.

IMPACT ON MANUS PROVINCE

Manus Province is the smallest of PNG’s 22 provinces, with a land area of approximately 2,100 square kilometres. Its population of some 60,000 people constitutes less than 1% of PNG’s total population.¹⁶ The province consists of the Admiralty

¹¹ G4S, *Submission by G4S Australia Pty Ltd for the Senate Committee Inquiry into the Events of 16 to 18 February 2014 at the Manus Island Regional Processing Centre* (14 May 2014), 10. Available online at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Manus_Island/Submissions (accessed 19 Aug. 2016).

¹² Senate LCAC, *Report*, 22.

¹³ Senate LCAC, *Report*, 23.

¹⁴ Wilson Security, *Nauru and Manus Island Fact Sheet*. Available online at: <https://www.wilsonsecurity.com.au/ourexpérience/Documents/Nauru%20and%20Manus%20Island%20Fact%20Sheet.pdf> (accessed 20 May 2016).

¹⁵ Steven Kilburn, *Submission to the Senate Inquiry into the Incident at Manus Island Detention Centre from 16 to 18 February 2014* (2014) 1–2. Available online at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Manus_Island/Submissions (accessed 19 Aug. 2016).

¹⁶ 60,485 according to the 2011 census. National Statistical Office, *Final Figures: Papua New Guinea: National Population & Housing Census 2011*, table 1. Available online at: <http://www.nso.gov.pg/> (accessed 19 Aug. 2016).

Islands archipelago and some smaller islands and atolls to the west (Wuvulu, Aua, the Ninigo and the Hermit Islands). The largest island is Manus Island, which is approximately 96 kilometres long and 24 kilometres wide. The provincial capital, Lorengau, with a population of almost 9,000,¹⁷ is located at the island's north-eastern end. The centre is not far away, within the PNG's Lombrum naval base on the adjacent island of Los Negros, connected by bridge to Manus Island.

Economic development in Manus Province is focused on arable land, logging and marine resources; as yet mineral resources are negligible despite ongoing exploration. Before the centre opened, the population was 'largely reliant on subsistence agriculture and fishing, grants from the National Government to support service delivery, principally in health, education and infrastructure, and inflows of financial remittances from Manusians working elsewhere in PNG' or abroad.¹⁸ Manus should not, however, be regarded as a stable and unchanging community 'undisturbed' prior to the arrival of the centre. From early colonisation, the population has taken part in global political and economic ups-and-downs and has experienced periods of rapid change, such as those documented by the anthropologist Margaret Mead after World War II.¹⁹

As noted, the primary purported benefit of the RRA is the Australian money supposed to flow into Manus Province and PNG more generally. The centre's presence was to bring Australian investments for local infrastructure, including AU \$42 million to (re)build classrooms, health facilities and roads.²⁰ By comparison, the total budget of the Manus Provincial Government was approximately K34 million (AU\$15.2 million) prior to the centre's establishment.²¹ Australian-funded projects have included a new market complex, renovations to the Harbourside Hotel, accommodation modules for a domestic violence shelter, new staff housing and other improvements to the Lorengau hospital, 20 schoolroom kits, rebuilding of the police station and reconstruction of the road between Lorengau and the airport at Momote.²²

¹⁷ 8,882 according to the 2011 census. National Statistical Office, *Final Figures: Papua New Guinea: National Population & Housing Census 2011*, 32. Available online at: <http://www.nso.gov.pg/> (accessed 19 Aug. 2016).

¹⁸ Murray Edwards, Adam Smith International, *The Manus Economy*, 8 Sept. 2014. Available online at: http://png.embassy.gov.au/files/pmsb/Manus%20Economy%20Report_8%20September.pdf (accessed 19 Aug. 2016); Steffen Dalsgaard, 'The politics of remittance and the role of returning migrants', in Fiona McCormack and Kate Barclay (eds), *Engaging with Capitalism: cases from Oceania* (Bingley 2013), 277–302.

¹⁹ Margaret Mead, *New Lives for Old* (New York 1956).

²⁰ Department of Foreign Affairs and Trade (hereinafter DFAT), *Economic and Development Benefits to PNG of the Regional Resettlement Arrangement as at 8 September 2015*. Available online at: http://www.png.embassy.gov.au/files/pmsb/Manus%20Factsheet%20as%20at%20September%202015_Final.pdf (accessed 19 Aug. 2016).

²¹ Edwards, *The Manus Economy*, 6.

²² DFAT, *Economic and Development Benefits*, 7.

But the vast majority of the AU\$420 million extra funding under the RRA is spent elsewhere in PNG. Indeed, the governor of Manus Province, Charlie Benjamin MP, has argued, 'Both [the Australian and PNG governments] have failed us in that when they had their agreement, they mentioned there would be a package for Manus, but so far there is no package as I understand it'.²³ Also, evidence suggests that the increase in people and traffic from the centre's reopening has incurred local costs: the roads have been damaged by vehicles involved in building the centre or transporting centre workers, and locals have reported that waste from the centre has been dumped on ground used for food gardens.²⁴ Apparently conscious of growing resentment amongst Manusians, in May 2014 the Australian government launched a newsletter, *Manus i go het!*, which includes stories about the funding and programmes provided by the Australian government, but local community groups were still airing grievances over the centre's impacts in early 2016.²⁵

Some Manusians have from the beginning expressed concerns as to whether benefits of the centre will flow on to them.²⁶ In September 2012, a group of landowners from Lombrum demanded AU\$45 million of compensation, and in October 2012 one landowner threatened that access to the airport or the centre's power supply might be disrupted.²⁷ Eventually, in November 2012, some Manusians blockaded the airport and road leading to the centre.²⁸

²³ Stefan Armbruster, 'Manus "failed" by detention centre benefits', *SBS News*, 23 Sept. 2015. Available online at: <http://www.sbs.com.au/news/article/2015/09/23/manus-failed-detention-centre-economic-benefits> (accessed 19 Aug. 2016).

²⁴ Jo Chandler, 'Manus in the balance: life outside the detention centres on Manus Island', *The Monthly* (Feb. 2015). Available online at: <https://www.themonthly.com.au/issue/2015/february/1422709200/jo-chandler/manus-balance> (accessed 19 Aug. 2016); Edwards, *The Manus Economy*; Liam Fox, 'Manus Island processing plans raise concerns from locals', *ABC*, 29 July 2013. Available online at: <http://www.abc.net.au/7.30/content/2013/s3813689.htm> (accessed 19 Aug. 2016); Senate LCAC, *Report*, 54.

²⁵ Australian High Commission, Port Moresby, *Manus I go het!* Iss. 1 (May 2014); Helen Davidson, 'Manus Island residents air grievances about hosting Australian detention centre', *The Guardian*, 22 Jan. 2016. Available online at: <http://www.theguardian.com/australia-news/2016/jan/22/manus-island-residents-air-grievances-about-hosting-australian-detention-centre> (accessed 19 Aug. 2016).

²⁶ Liam Fox, 'Labor faces billion-dollar offshore processing costs', *ABC Lateline*, 23 Aug. 2012. Available online at: <http://www.abc.net.au/lateline/content/2012/s3574816.htm> (accessed 19 Aug. 2016).

²⁷ Liam Fox, 'Landowners want \$45 m for Manus Island processing centre', *ABC Radio Australia*, 21 Sept. 2012. Available online at: <http://www.radioaustralia.net.au/international/radio/program/pacific-beat/landowners-want-45m-for-manus-detention-centre/1018732> (accessed 19 Aug. 2016); Liam Fox, 'Manus locals threaten detention camp sabotage', *ABC AM*, 20 Oct. 2012. Available online at: <http://www.abc.net.au/am/content/2012/s3614893.htm?> (accessed 19 Aug. 2016).

²⁸ Liam Fox, 'Angry landowners sabotage Manus Island processing centre', *ABC PM*, 13 Nov. 2012. Available online at: <http://www.abc.net.au/pm/content/2012/s3631930.htm> (accessed 19 Aug. 2016).

Indeed, the centre's economic benefit for the majority of Manusians is questionable. In August 2015, 627 Manusians were employed at the centre, as well as 209 other Papua New Guineans. Approximately 68% of contract staff at the centre are PNG citizens.²⁹ Before the centre opened, about 1,430 formal sector jobs were estimated to be in Manus Province: 1,130 in the public sector (including around 800 teachers) and 300 in the private sector. While many Manusians are happy to take jobs at the centre, their average wage is approximately K280 (AU\$125) per week, significantly less than their Australian counterparts.³⁰ Nonetheless, this still adds up to approximately K9 m/year in gross salaries for Manus people, who are likely to spend a big part of those earnings locally on store-bought food for kin, school fees, house-building or investments in either various technologies from mobile phones to fishing gear or outboard motors, or in traditional ritual exchanges known as *kastam* (custom).³¹

The introduction of more money into Manus Province has led to investments in guesthouses, hotels, hardware stores, car rental companies and grocery stores. The centre has engaged in local procurement, which is estimated to total approximately K2.7 million (AU\$1 million) per month and which has generated a further 70–80 jobs in the private sector.³² Most new business investment has been in motor vehicles, particularly hire cars, trucks and some earthmoving and construction equipment towards the centre's construction and related road infrastructure. While 18 PNG companies, including five Manus companies, were providing goods and services to the centre in 2014, local business owners have been disappointed how little local procurement has occurred.³³ There is an effort to source some of the centre's food locally, with the purchase of local fish organised through a cooperative sponsored by the Manus provincial government. Local landowner businesses also supply fruit and vegetables, but these benefits primarily flow to the population located near the centre.³⁴

While the centre tries to limit its demands for local food to the capacity of local supply, some food prices have more than tripled; for example, bananas used to cost 15t each, but now cost K1, and sweet potato used to cost 30t each and now cost K1. However, the cost of other staple foods, such as sago, taro and fish appears to have remained stable.³⁵ Despite this, local diets have been negatively affected. A visiting journalist quoted a local teacher as stating:

²⁹ DFAT, *Economic and Development Benefits*, 2.

³⁰ Edwards, *The Manus Economy*, 8; Armbruster, 'Manus "failed" by detention centre benefits'.

³¹ For wide-ranging discussion, see James G. Carrier and Achsah H. Carrier, *Wage, Trade and Exchange in Melanesia* (Berkeley 1989); Ton Otto, *The Politics of Tradition* (Canberra 1991); Dalsgaard, 'The Politics of Remittance'; Anders Emil Rasmussen, *In the Absence of the Gift* (London 2015).

³² Edwards, *The Manus Economy*, 9, 10.

³³ Senate LCAC, *Report*.

³⁴ Edwards, *The Manus Economy*, 12, 13.

³⁵ Edwards, *The Manus Economy*, 14. The report does not mention the amounts of the foods in question, only the changes in price per that amount.

Lifestyle diseases have gone up. The normal diet, garden food, has gone up. With 10 Kina (less than A\$5) you can't feed a family. The cheapest they can find is a packet of rice, a can of fish or two packets of noodles, that they can make a meal out of, and that becomes our staple food every day.³⁶

When the centre became operational, food security was already potentially challenged by rapid population growth³⁷ and climate change, which is accused of affecting the timing and quantity of crops. A recent El Niño period has not helped. In addition, rising sea levels have caused increasingly large waves pushing inland, and Asian loggers are said to be illegally felling forests, often paying only a fraction of the value of the timber to landowners.³⁸ These developments were already straining the population economically before the centre was built, but have accentuated since.

The introduction of significant sums of money may have changed local income expectations, with concerns about how people will respond when the centre inevitably closes.³⁹ This money is also said to have exacerbated social problems, including prostitution and alcohol abuse.⁴⁰ Following an alleged rape in 2015 (see below), then Provincial Police Commander Alex N'Drasal 'blamed rising crime [...] on locals working for centre-operator Transfield consuming home-brew alcohol and drugs'.⁴¹ It is, however, hard to assess the validity of such claims, which frequently emerge at times of large inflows of money, such as during national elections.

There are also concerns about negative portrayals in the Australian press of PNG, and Manus Island more specifically as, for example, a 'malarial hell-hole'.⁴² These may have irretrievably damaged any chance of a tourism industry that the

³⁶ Quoted in Armbruster, 'Manus "failed" by detention centre benefits'.

³⁷ The population of Manus Province rose from 43,387 in 2000 to 60,485 in 2011. National Statistical Office, *Final Figures: Papua New Guinea: National Population & Housing Census 2011*, table 2. Available online at: <http://www.nso.gov.pg/> (accessed 19 Aug. 2016).

³⁸ Chandler, 'Manus in the balance'.

³⁹ Chandler, 'Manus in the balance'; Jo Chandler, 'Welcome to Manus, the island that has been changed forever by Australian asylum seeker policy', *The Guardian*, 16 Dec. 2014. Available online at: <https://www.theguardian.com/australia-news/2014/dec/16/-sp-welcome-to-manus-island-changed-forever-australian-asylum-seeker-policy> (accessed 19 Aug. 2016).

⁴⁰ Chandler, 'Manus in the balance'; Jo Chandler, 'Manus detention centre bears blame for PNG pair's deaths, families say', *The Guardian*, 15 Dec. 2014. Available online at: <https://jochandler.com.au/2014/12/15/the-guardian-manus-detention-centre-blamed-for-png-deaths/> (accessed 19 Aug. 2016).

⁴¹ Stefan Armbruster, 'PNG PM orders Manus staff drug crackdown', *SBS News*, 5 Aug. 2015. Available online at: <http://www.sbs.com.au/news/article/2015/08/05/png-pm-orders-manus-staff-drug-crackdown> (accessed on 19 Aug. 2016).

⁴² Mark Kenny, 'Rudd needs PNG solution to work quickly for a win', *The Sydney Morning Herald*, 27 July 2013. Available online at: <http://www.smh.com.au/federal-politics/political-opinion/rudd-needs-png-solution-to-work-quickly-for-a-win-20130726-2qppa.html> (accessed 19 Aug. 2016).

island had, and discouraged investment in PNG more broadly.⁴³ Yet Australia's policy relies on such negative portrayals in order to discourage asylum seekers from travelling by boat to Australia and risking detention on Manus.⁴⁴

Another cost of the RRA for Manus is the negative impact on local security. Journalist-researcher Jo Chandler reports that the presence of the RPNGC mobile squad has generated resentment. A mobile squad vehicle, allegedly with a drunk driver, ran over and killed a school boy, Kisawen Pokas, 17; moreover, Raymond Sipaun, 21, died after he was beaten by police officers.⁴⁵ The mobile squad is also said to be 'used to shut down local activism against Australian operations'.⁴⁶ G4S expressed concerns about the mobile squad's 'propensity to use disproportionate force'.⁴⁷ The mobile squad's presence has also caused tensions with some of the 120 PNG Defence Force personnel at the naval base. Drunken Defence Force personnel have clashed with the RPNGC and threatened people at the centre.⁴⁸

Security incidents involving asylum seekers have attracted the most publicity. They include attacks on the centre by Manusians, including reports by former Salvation Army employees that men armed with machetes had attempted invasion of the centre, and that on 18 October 2013, firearms had been discharged.⁴⁹ Most notably, between 16 and 18 February 2014, a series of major riots occurred. The Australian senate committee found 'animosity' between asylum seekers and Manusians, suggesting that 'cultural and religious differences', 'exacerbated by misinformation and misunderstanding on both sides' were responsible.⁵⁰ Indeed, some asylum seekers are claimed to have racially vilified Manusians.⁵¹ A review commissioned

⁴³ Chandler, 'Welcome to Manus'; Rowan Callick, 'Making a foe of a friend', *The Australian*, 24 Feb. 2014. Available online at: <http://www.theaustralian.com.au/news/inquirer/making-a-foe-of-a-friend/story-e6frg6z6-1226835346942> (accessed 19 Aug. 2016); Stephen Howes, 'There's a price to pay for our indebtedness to PNG', *The Australian*, 21 Mar. 2014. Available online at: <http://www.theaustralian.com.au/opinion/theres-a-price-to-pay-for-our-indebtedness-to-png/story-e6frg6zo-1226860567235> (accessed 19 Aug. 2016).

⁴⁴ Grant Walton, 'Asylum seekers, negative nationalism and the PNG solution', *DevPolicy blog*, 2 Aug. 2013. Available online at: <http://devpolicy.org/asylum-seekers-negative-nationalism-and-the-png-solution-20130802-02/> (accessed 19 Aug. 2016). For the same reason Australia has recently rejected an offer from New Zealand to accept some of the refugees. Helen Davidson, 'Turnbull rejects New Zealand offer to take 150 refugees from detention', *The Guardian*, 29 Apr. 2016. Available online at: <http://www.theguardian.com/australia-news/2016/apr/29/turnbull-rejects-new-zealand-offer-to-take-150-refugees-from-detention> (accessed on 19 Aug. 2016).

⁴⁵ Chandler, 'Manus detention centre bears blame'.

⁴⁶ Chandler, 'Manus in the balance'.

⁴⁷ G4S, *Submission*, 6.

⁴⁸ Anon., 'Manus Island asylum seeker stand-off resolved without serious injury after negotiations, PNG official says', *ABC News*, 20 Jan. 2015. Available online at: <http://www.abc.net.au/news/2015-01-19/manus-island-standoff-resolved/6025994> (accessed 19 Aug. 2016).

⁴⁹ Senate LCAC, *Report*, 52.

⁵⁰ Senate LCAC, *Report*, 51.

⁵¹ Sean Dorney, 'Pacific correspondent says Manus staff subject to racial vilification', *ABC Radio Australia*, 20 Feb. 2014. Available online at: <http://www.radioaustralia.net.au/international/>

by the Australian Department of Immigration and Border Protection found that some detainees acted in a 'disrespectful and racist manner' towards Papua New Guineans at the centre, by using 'expressions such as *swinging from trees* and *cannibals*'.⁵² These asylum seekers were said to regard PNG 'as a developing country with a lesser standard of living and lower economic opportunities than the country they had left'.⁵³ In response, some Papua New Guinean employees were said to have been 'making throat slitting gestures towards them and threatening that they would be attacked'.⁵⁴ One Australian contractor reported that the local community's 'significant anger towards the centre, its staff and asylum seekers' catalysed the riots, posing 'a direct threat to the centre's overall safety from outside, not from the inside'.⁵⁵ Another reported, 'The threat posed by the PNG nationals was very real and was often the source of intimidation used by G4S against asylum seekers'.⁵⁶ However, some Manusians have noted that accusations of tensions between them and the asylum seekers have been exaggerated; some guards report feeling sorry for the majority of detainees, who are diverse.⁵⁷

In the lead-up to the February 2014 riots, asylum seekers had peacefully protested against the slowness of their refugee status determination. On 5 February, asylum seekers met with officials from the Australian Department of Immigration and Border Protection and asked a series of questions. On 16 February, Australian and PNG immigration officials responded. That evening, 35 asylum seekers escaped from the centre, but were recaptured. Violent rioting then broke out, to which Papua New Guinean G4S guards and other locals responded, resulting in fighting. Approximately 25 asylum seekers and five G4S staff were injured. In the afternoon of 17 Feb., the violent clashes restarted, now involving PNG police officers and local Manusians against the rioting asylum seekers. Firearms were discharged, and at least 69 asylum seekers were injured. One, Reza Barati, died.⁵⁸ The RPNGC has investigated Barati's death and two PNG nationals have been convicted of murder, although their partially suspended sentences have caused resentment amongst asylum seekers at the centre.⁵⁹ The Cornall Review, commissioned by the

radio/program/pacific-beat/pacific-correspondent-says-manus-staff-subject-to-racial-vilification/1267908 (accessed 19 Aug. 2016).

⁵² Cornall, *Review into the Events of 16–18 February 2014*, 9, 29.

⁵³ *Ibid.*, 28.

⁵⁴ *Ibid.*, 30.

⁵⁵ *Committee Hansard* (12 June 2014), 31, cited in Senate LCAC, *Report*, 51–52.

⁵⁶ *Committee Hansard* (12 June 2014) 33, cited in Senate LCAC, *Report*, 52.

⁵⁷ Liam Cochrane, 'Refugee released from Manus Island detention centre, Reza Mollaghipour, says he is happy to settle in PNG', *ABC News*, 27 Jan. 2015. Available online at: <http://www.abc.net.au/news/2015-01-27/first-refugee-released-from-detention-explores-manus-island/6046602> (accessed 19 Aug. 2016).

⁵⁸ Senate LCAC, *Report*, 77–81; Cornall, *Review into the Events of 16–18 February 2014*, 8.

⁵⁹ Eric Tlozek, 'Reza Barati death: detainees angry over sentencing of Manus Island asylum seeker murderers', *ABC News*, 20 Apr. 2016. Available online at: <http://www.abc.net.au/news/2016-04-20/manus-island-detainees-angry-reza-barati-murder-sentences/7340182> (accessed 16 May 2016).

Australian government, stated that PNG nationals and a few expatriates participated with the mobile squad in violent acts against the asylum seekers, but no arrests or charges in relation to other assaults during the violence have occurred.⁶⁰

Between January and July 2015, 40 asylum seekers determined to be refugees were transferred to the newly constructed East Lorengau Transit Facility.⁶¹ At the cost of AU\$137 m, this facility is meant to house up to 290 refugees.⁶² There they are to learn the PNG lingua franca Tok Pisin and prepare to live in PNG.⁶³ They are allowed to move around the local community during the daytime, but were for a long period also reported to be unable to leave Manus Island, to work or study. While living at the facility, refugees are given an allowance of K100 (AU\$45) per week, which can be increased to a maximum of K150 (AU\$67) by earning, for example, K3 (AU\$1.30) per class or excursion. In 2015, only eight refugees had been issued with PNG identity certificates that permitted them to work in PNG. The first refugee who wanted to leave Manus Island to pursue employment in Port Moresby was prevented from doing so by PNG immigration officials. Several refugees then sought paid or volunteer opportunities on Manus Island, but PNG immigration officials denied their requests.⁶⁴

Despite obstacles, a handful of men was finally resettled outside Manus, mainly in the city of Lae. But according to journalist Ben Doherty, reporting in April 2016, this resettlement had been ‘an unmitigated disaster’: many of the resettled refugees ‘report having been assaulted, robbed, left homeless, arrested or forced to sell what little they own to survive’.⁶⁵ Doherty stated that at least six refugees had returned to Manus for safety. Yet, at approximately the same time, ABC news stated that eight refugees had agreed to be resettled in PNG and had left Manus Island for Lae, where half had secured jobs. The other half had been unable to sustain a living and became victims of robberies or threats. One was hospitalised while the other three returned to Manus.⁶⁶

⁶⁰ Cornall, *Review into the Events of 16–18 February 2014*, 7, 64; Senate LCAC, *Report*, 149.

⁶¹ Human Rights Watch, *Australia/Papua New Guinea: the Pacific Non-Solution*, 15 July 2015. Available online at: <https://www.hrw.org/news/2015/07/15/australia/papua-new-guinea-pacific-non-solution> (accessed 19 Aug. 2016).

⁶² Ben Doherty, ‘The order to end Manus detention was predictable. The next step is not’, *The Guardian*, 27 Apr. 2016. Available online at: <http://www.theguardian.com/australia-news/2016/apr/27/the-order-to-end-manus-detention-was-predictable-the-next-step-is-not> (accessed 19 Aug. 2016).

⁶³ Chandler, ‘Manus in the balance’.

⁶⁴ Human Rights Watch, *Australia/Papua New Guinea: the Pacific Non-Solution*.

⁶⁵ Doherty, ‘The order to end Manus detention was predictable’.

⁶⁶ Eric Tlozek, ‘Manus Island: asylum seekers and refugees no longer in detention, PNG authorities say’, *ABC News*, 12 May 2016. Available online at: <http://www.abc.net.au/news/2016-05-12/png-authorities-say-manus-refugees-no-longer-in-detention/7407826> (accessed 19 Aug. 2016); Eric Tlozek, ‘Manus Island detainees say PNG authorities preparing to clear out detention centre’, *ABC News*, 30 Mar. 2016. Available online at: <http://www.abc.net.au/news/2016-03-29/png-authorities-preparing-to-clear-out-manus-island/7282710> (accessed 19 Aug. 2016). The city of Lae has long had a reputation for high levels of crime. Their misfortune thus need not be

The risk of confrontations between asylum seekers, refugees and Manusians is likely amplified by the Supreme Court's decision on 26 April 2016 that the detention of asylum seekers is unconstitutional (see below). Following the decision, the centre has opened its gates, allowing the remaining 900-odd asylum seekers and refugees to exit during daytime. They are bussed from the centre into Lorengau daily and refugees are encouraged to relocate to the transit facility. While stories of those living at the transit facility largely bear witness to positive and peaceful interaction, Manus Island MP Ron Knight has nonetheless expressed concern about their release. Referring to them as 'pretty aggressive people', Knight stated that when 'young guys [are] locked up for so long, they get involved in consuming home brew, womanising and [...] marijuana offences'.⁶⁷ Knight claimed that asylum seekers have been 'assaulting and chasing women', while local men responded 'with bush knives, machetes, iron bars'.⁶⁸ For example, a refugee was reportedly assaulted by the father of a local woman he was seeing.⁶⁹ Earlier, some asylum seekers expressed fears that they could be persecuted or killed if they entered local communities.⁷⁰

The events and fears described above speak to a more general risk that violence perpetrated within and around the centre, along with the centre itself, being a largely masculine setting, could have exacerbated 'widely accepted and recognised problems of gender-based violence in PNG'.⁷¹ Between 24 March 2014 and 29 September 2015, the centre 'recorded 14 sexual assaults, 213 physical assaults and 798 occurrences of abusive and/or aggressive behaviour'.⁷² While no increase specifically of gendered violence in the neighbouring Manus communities has been

related to the victims' refugee status per se, but more so to a general lack of security in PNG as a host country for refugees.

⁶⁷ Quoted in Nicole Hasham, 'Lucky they are not "chopped up": fears of rising violence on Manus Island as asylum seekers are released', *The Sydney Morning Herald*, 13 May 2016. Available online at: <http://www.smh.com.au/federal-politics/political-news/lucky-they-are-not-chopped-up-fears-of-rising-violence-on-manus-island-as-asylum-seekers-are-released-20160512-got9cx.html> (accessed 19 Aug. 2016).

⁶⁸ Quoted in *ibid.*

⁶⁹ Helen Davidson, 'Manus Island asylum seekers protest continuing detention', *The Guardian*, 16 May 2016. Available online at: <https://www.theguardian.com/world/2016/may/16/manus-island-asylum-seekers-protest-continuing-detention> (accessed 19 Aug. 2016).

⁷⁰ Ben Doherty, 'Manus refugees fear being killed as they are forced into PNG community', *The Guardian*, 6 Jan. 2016. Available online at: <http://www.theguardian.com/australia-news/2015/jan/06/manus-detainees-recognised-as-refugees-will-be-forced-into-png-community> (accessed on 19 Aug. 2016); Tlozek, 'Manus Island detainees'.

⁷¹ Michelle Nayahamui Rooney, 'Reflections on how the Manus Island detention centre promotes gender-based violence', *DevPolicy blog*, 9 May 2014. Available online at: <http://devpolicy.org/reflections-on-how-the-manus-island-detention-centre-promotes-gender-based-violence-20140509/> (accessed 19 Aug. 2016).

⁷² Stephanie Anderson and Bruce Hill, 'Papua New Guinea Prime Minister calls for Australia to eventually close Manus Island centre', *ABC News*, 3 Mar. 2016. Available online at: <http://www.abc.net.au/news/2016-03-03/png-pm-calls-for-manus-island-centre-eventual-closure/7217774> (accessed 19 Aug. 2016).

reported, Michelle Nayahamui Rooney, a scholar with Manus ancestry, has argued that Manusians, particularly young men, ‘are a vulnerable population easily prone to influence and manipulation [...] The detention centre has a direct bearing on their behaviour by promoting a culture of violence’.⁷³ While the exact impact the centre may have on this existing problem is difficult to ascertain,⁷⁴ the centre would be unlikely to alleviate it.

IMPACT ON PAPUA NEW GUINEANS

Attempts to resettle refugees in PNG may have significant costs for Papua New Guineans, and several issues have been raised by media, scholars, politicians and others from the day the RRA was announced. Under the RRA, Australia has committed to fully fund the resettlement of refugees in PNG, but questions concerning how the refugees will fit into the PNG community remain.⁷⁵ They may be viewed by Papua New Guineans as economically advantaged, having received considerable Australian assistance, which in theory should afford them higher standards of living than most locals in a country ranked 158 out of 188 in the 2015 UNDP *Human Development Index*.⁷⁶ Indeed, Oro governor Gary Juffa warned in 2014,

When they [refugees] are settled here they are going to be cashed up, they are going to be given money. How is that going to sit with the Papua New Guineans who are already significantly marginalised and who don’t feel that they are able to participate meaningfully in their own economy?⁷⁷

The UNHCR has observed that ‘sustainable integration of non-Melanesian refugees in the socio-economic and cultural life of PNG will raise formidable challenges and protection questions’.⁷⁸ This impression was also gained by PNG journalist and blogger Martyn Namorang from discussions on PNG social media when the RRA

⁷³ Rooney, ‘Reflections on how the Manus Island detention centre promotes gender-based violence’.

⁷⁴ For an overview see Margaret Jolly, Christine Stewart and Carolyn Brewer (eds), *Engendering Violence in Papua New Guinea* (Canberra 2012).

⁷⁵ Anon., ‘Asylum seekers to receive hostile reception in PNG: local governor’, *ABC News*, 22 July 2013. Available online at: <http://www.abc.net.au/news/2013-07-22/locals-warn-asylum-seeker-plan-will-add-to-png27s-problems/4834718> (accessed 19 Aug. 2016).

⁷⁶ UNDP, *Human Development Report 2015: work for human development* (New York 2015). Available online at: http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf (accessed 20 Aug. 2016).

⁷⁷ Anon., ‘PNG provincial governor Gary Juffa slams Australia’s “neo-colonialist” asylum seeker deal’, *ABC News*, 19 Dec. 2014. Available online at: <http://www.abc.net.au/news/2014-12-18/governor-slams-neo-colonialist-png-asylum-seek-deal/5977560> (accessed 20 Aug. 2016).

⁷⁸ UNHCR, *Submission*, 7–8.

was first announced.⁷⁹ Nonetheless, the experiences of the few refugees mentioned above who accepted resettlement show that they have been anything but advantaged.

There have also been concerns about how refugees will integrate religiously with the PNG community, which largely adheres to Christian denominations. Many detainees are from Pakistan, Iran, Afghanistan and Burma and predominantly identify as Muslim. As one PNG writer, Bernard Yegiora, pondered, ‘In a self-proclaimed Christian nation like PNG, what kind of treatment will refugees who are non-Christians get?’⁸⁰ The UNHCR is also concerned about the likelihood of ‘little community understanding of Islam’ and the availability of few places of worship.⁸¹ Parliament debated banning non-Christian faiths in 2013,⁸² and the PNG government’s *National Refugee Policy* specifies that refugees ‘must respect [...] our cultures and traditions, and respect our Christian heritage’.⁸³ On a separate issue, the UNHCR has also expressed concern about refugees who are lesbian, gay, bisexual or intersex, as the PNG *Criminal Code Act 1974* criminalises homosexuality.⁸⁴ Two doctoral students at Monash Law School have commented:

Same-sex attracted asylum seekers sent to PNG for processing are caught in a catch-22 situation. Those who [...] make a claim for refugee status on the basis of their sexual orientation need to disclose it. However they face the possibility of discrimination and persecution under PNG’s laws if they do so.⁸⁵

Moreover, the protracted and seemingly indefinite nature of their detention has negatively impacted on the mental health of asylum seekers.⁸⁶ There are questions about whether support will or can be provided to people suffering mental health problems if

⁷⁹ Speaking in ‘Papua New Guineans “opposed” to asylum deal’, *ABC Radio National*, 22 July 2013. Available online at: <http://www.abc.net.au/radionational/programs/breakfast/papua-new-guineans-opposed-to-asylum-deal/4834188> (accessed 16 May 2016).

⁸⁰ Bernard Yegiora, ‘Australia underestimates impacts of Manus refugee settlement’, *PNG Attitude*, 4 June 2014. Available online at: http://asopa.typepad.com/asopa_people/2014/06/australia-underestimates-impacts-of-manus-refugee-settlement.html (accessed 20 Aug. 2016).

⁸¹ UNHCR, *UNHCR Monitoring Visit to Manus Island, Papua New Guinea 23 to 25 October 2013* (November 2013), 25–26. Available online at: http://unhcr.org.au/wp-content/uploads/2015/05/23Oct2013_ManusMonitoringVisit.pdf (accessed 20 Aug. 2016).

⁸² Michelle Nayahamui Rooney, ‘Negotiating asylum and settlement in PNG: who has snookered whom?’, *DevPolicy blog*, 29 July 2013. Available online at: <http://devpolicy.org/negotiating-asylum-and-settlement-in-png-who-has-snookered-whom-20130729/> (accessed 20 Aug. 2016).

⁸³ Government of Papua New Guinea, *National Refugee Policy* (June 2015), 10. Available online at: http://www.immigration.gov.pg/images/PNG_National_Refugee_Policy_FINAL_ENDORSED_BY_CABINET.pdf (accessed 20 Aug. 2016).

⁸⁴ UNHCR, *Submission*, 7–8.

⁸⁵ Evan Ritli and David Sandbach, ‘Australia’s cruel treatment of gay asylum-seekers’, *openDemocracy*, 31 July 2015. Available online at: <https://www.opendemocracy.net/evan-ritli-and-david-sandbach/asylum-seekers-in-australia-cruel-policies-and-processes> (accessed 20 Aug. 2016).

⁸⁶ Human Rights Watch, *Australia/Papua New Guinea: the Pacific Non-Solution*.

they are resettled in PNG. Yet because little to no mental health services are available to Papua New Guineans, providing these services to refugees gives rise to questions of equity for Papua New Guineans. These lead to the broader question about how already stretched or inadequate public services, such as in health and education, will accommodate resettled refugees, or again, if Australia provides these services, whether this arrangement is equitable for Papua New Guineans and will be accepted. Exactly such questions were among the reactions when the asylum centre deal was announced.⁸⁷

The overall answer seems to have been that once refugees accept resettlement in PNG they must fend for themselves – in some cases with dire and predictable consequences, as demonstrated by those refugees who returned to Manus. How resettled refugees will find employment remains an important issue. While refugees with professional qualifications may be sought-after, those without qualifications may struggle to find employment, particularly as PNG is still primarily a subsistence economy. Connected to this issue is the question of where resettled refugees will live. Most land in PNG is held under so-called customary land tenure by kin-groups, with access to land usually dependent on group membership or on alliances built with groups through marriage or other forms of exchange. As refugees have no access to customary land, they will therefore either have to strike bargains with landowners or pay often very expensive rent for state land in urban areas, unless they are left to sleep on the street, as was apparently one refugee ‘resettled’ in Lae.⁸⁸ Thus, the UNHCR expressed concern that ‘the PNG “wantok” system of kinship [...] is not likely to provide any real measure of security for non-Melanesian refugees from outside the region’.⁸⁹

Yet the resettlement of refugees from the centre throws harsh light on how West Papuan refugees have been treated in PNG.⁹⁰ More than 9,000 West Papuan refugees live in the country, who have until recently been unable to get citizenship,⁹¹

⁸⁷ Fr John Glynn, ‘How can we accommodate settlers in PNG when we cannot accommodate our own people? Housing, education, healthcare, jobs!’ quoted in Jo Chandler, ‘For those who’ve come across the seas’, *Global Mail*, 23 July 2013. Available online at: <http://hotcopper.com.au/threads/png-reaction-to-asylum-deal.2050822/#.V7e-abtf2Uk> (accessed 20 Aug. 2016).

⁸⁸ Eric Tlozek, ‘Manus Island detainees’.

⁸⁹ UNHCR, *UNHCR Monitoring visit*, 25–26.

⁹⁰ Diana Glazebrook, ‘Papua New Guinea’s refugee track record and its obligations under the 2013 Regional Resettlement Arrangement with Australia’, *SSGM Discussion Paper 2014/3*, Canberra, ANU, 2014. Available online at: <http://bellschool.anu.edu.au/experts-publications/publications/1268/papua-new-guinea-s-refugee-track-record-and-its-obligations> (accessed 20 Aug. 2016).

⁹¹ In December 2015, Deputy Chief Migration Officer Esther Gaegamin announced that approximately 3,000 West Papua refugees who are in camps in Western Province have been registered and most who are qualified for citizenship will go through a process of naturalisation. Anon., ‘3,000 Papuans to get PNG citizenship’, *Radio New Zealand*, 14 Dec. 2015. Available online at: <http://www.radionz.co.nz/international/pacific-news/292038/3,000-papuans-to-get-png-citizenship> (accessed 20 Aug. 2016).

work legally or access basic services. A couple of hundred West Papuans live in Lorengau, and as one journalist visiting Manus has argued, the ‘notion that under Australia’s deal a new intake of foreigners will get better treatment than their long-suffering Melanesian brothers and sisters offends many Papua New Guineans’.⁹²

IMPACT ON THE PNG GOVERNMENT

The RRA has also cost the PNG government. The greatest costs concern the manipulation of democratic processes and the rule of law.

The RRA was agreed by Prime Minister Peter O’Neill after consultation with his coalition partners, but without substantive debate in parliament.⁹³ Indeed, O’Neill may have deliberately avoided parliamentary scrutiny. O’Neill and Australian Prime Minister Kevin Rudd signed the RRA on 19 July 2013, in Brisbane, four days after Rudd had visited PNG. That date was also the last day of two continuous parliamentary sitting weeks in PNG and the last day before parliament was adjourned until September. Opposition MP Tobias Kulang has argued that O’Neill’s failure to consult elected representatives ‘is a vote of no confidence against the country by its very own chief executive’.⁹⁴ Democratic accountability has also been undermined by restrictions on journalists visiting the centre. Whether the PNG government properly understood the RRA’s terms has also been doubted. Foreign Minister Rimbink Pato, for instance, claimed on 18 July 2013 that refugees would be resettled in third countries, not PNG.⁹⁵ A similar understanding was voiced by Manus Governor Charlie Benjamin, who ‘believed the deal between Australia and PNG was for a temporary home for the refugees’ and that he ‘agreed for Manus to process asylum seekers, but [...] never agreed for them to settle here’.⁹⁶

The RRA may further strain already under-equipped and under-staffed PNG government institutions. PNG is responsible for conducting refugee status

⁹² Chandler, ‘Welcome to Manus’.

⁹³ Deni ToKunai, ‘Asylum deal a nightmare for PNG and Australia’, *The Interpreter*, 24 July 2013. Available online at: <http://www.lowyinterpreter.org/post/2013/07/24/Asylum-deal-a-nightmare-for-PNG-and-Australia.aspx> (accessed 20 Aug. 2016); Dennis Uramani, ‘The Pacific Solution and PNG’s sovereignty and security’, *PNG Attitude*, 14 Aug. 2014. Available online at: http://asopa.typepad.com/asopa_people/2014/08/the-pacific-solution-and-pngs-sovereignty-security.html (accessed 4 Sept. 2014).

⁹⁴ Anon, ‘Kulang tells PNG PM to resign over Manus’, *The National/PACNEWS*, 23 Aug. 2013. Available online at: <http://www.pina.com.fj/?p=pacnews&m=read&o=10532913865216e598710cd5e03bb4> (accessed 20 Aug. 2016).

⁹⁵ Anon., ‘PNG focussing on upgrading the Manus Island facility’, *ABC Radio Australia*, 18 July 2013. Available online at: <http://117.53.167.71/pacific/radio/program/pacific-beat/png-focussing-on-upgrading-the-manus-island-facility/1162972> (accessed 16 May 2016).

⁹⁶ Stefan Armbruster, ‘Trapped in paradise: Manus refugees “denied work, travel rights”’, *SBS News*, 13 Oct. 2015. Available online at: <http://www.sbs.com.au/news/article/2015/10/12/trapped-paradise-manus-refugees-denied-work-travel-rights> (accessed 20 Aug. 2016).

determination, with support from Australia. In 2012, the UNHCR wrote to then Australian Minister for Immigration and Citizenship Chris Bowen and advised, ‘There are currently no immigration officers with the experience, skill or expertise to undertake Refugee Status Determination under the Refugee Convention’.⁹⁷ Indeed, Australian contractors claim that an Australian official from the Department of Immigration and Border Protection usually conducts interviews, while their PNG counterpart listens.⁹⁸

Nevertheless, as of 30 June 2015, PNG immigration had completed 635 first instance assessments for refugee status. Of these, 368 (58%) were positive and 267 (42%) were negative. As of July 2015, 129 refugees had been given a positive final determination. Asylum seekers can seek merit reviews of first instance refusals, although whether they will have access to legal advice and judicial review is unclear.⁹⁹ If they do, this will additionally burden PNG’s already stretched legal system.

PNG belatedly adopted a national refugee policy in October 2015.¹⁰⁰ The policy outlines five key guiding principles. While these include commitments to observing the 1951 refugee convention¹⁰¹ and protecting and resettling refugees, they are also somewhat contradictory. Principle 4 notes that ‘local unemployment remains high’, yet requires refugees to ‘become able to support themselves’, presumably via difficult-to-find employment. It also states that PNG has no comprehensive social security system, yet in order to be accepted in PNG refugees ‘must not be perceived to be provided with special treatment or distinct advantages over local people’.¹⁰² These paradoxes raise questions of what refugees are supposed to rely on in order to survive and what support Australia has committed to assist resettled refugees, while suggesting that the PNG government may have little or no commitment to resettle refugees. Thus, the difficulties of resettlement act as a disincentive for future asylum seekers. Indeed, in March 2016 O’Neill stated, ‘Certainly the PNG government does not have the resources to resettle the refugees’ and his government was therefore ‘reassessing the numbers who are supposed to be resettled’.¹⁰³

⁹⁷ UNHCR, Letter to The Hon. Chris Bowen MP, Minister for Immigration and Citizenship of Australia from Antonio Guterres, the United Nations High Commissioner for Refugees, 9 Oct. 2012. Available online at: <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fjrnart%2F3100812%22> (accessed 20 Aug. 2016).

⁹⁸ Senate LCAC, *Report*, 66.

⁹⁹ Human Rights Watch, *Australia/Papua New Guinea: the Pacific Non-Solution*.

¹⁰⁰ Rimbink Pato, *Media Release: Government Approves the National Refugee Policy*, Ministry of Foreign Affairs and Immigration, 20 Oct. 2015. Available online at: http://www.immigration.gov.pg/images/Media_Release_-_Government_Approves_the_National_Refugee_Policy.pdf (accessed 20 Aug. 2016).

¹⁰¹ UNHCR, *Convention and Protocol Relating to the Status of Refugees*. Available online at: <http://www.unhcr.org/1951-refugee-convention.html> (accessed 18 Aug. 2016).

¹⁰² Government of Papua New Guinea, *National Refugee Policy*.

¹⁰³ Quoted in Shalailah Medhora, ‘Papua New Guinea lacks resources to resettle all Manus Island refugees, warns PM’, *The Guardian*, 3 Mar. 2016. Available online at: <https://www.theguardian.com>

There are also questions over the RRA's impact on the rule of law. The constitutionality of the RRA was challenged in the Supreme Court in September 2013 by the then opposition leader, Belden Namah, on the grounds that it violates the guarantee of personal liberty in section 42(1) of the constitution.¹⁰⁴ Prime Minister O'Neill accordingly amended section 42(1) in early 2014, adding the provision that a foreign national can be deprived of his or her liberty under arrangements made between PNG and a foreign country.¹⁰⁵ On 26 April 2016, the Supreme Court found this amendment unconstitutional and therefore that the continued detention of asylum seekers at the centre was illegal.¹⁰⁶ Subsequently, O'Neill announced that he 'welcome[d]' the finding, that the centre will close and that the PNG government will ask the Australian government 'to make alternative arrangements for the asylum seekers'. He also stressed that refugees would only be invited to settle in PNG if 'they want to be part of our country and make a contribution to our community'.¹⁰⁷

In a separate case, in 2015 a group of 25 asylum seekers represented by Manus-born lawyer Ben Lomai challenged in the PNG Supreme Court the constitutionality of their detention, arguing that the amendment to section 42 could not apply retrospectively, and therefore their detention breached section 42.¹⁰⁸ That case now has 598 parties, with the applicants seeking an order for them to be returned to Australia and to be compensated K2 billion for illegal detention.¹⁰⁹

[com/australia-news/2016/mar/03/papua-new-guinea-lacks-resources-to-resettle-all-manus-island-refugees-warns-pm](http://www.abc.net.au/news/2016-mar/03/papua-new-guinea-lacks-resources-to-resettle-all-manus-island-refugees-warns-pm) (accessed 20 Aug. 2016).

¹⁰⁴ Anon., 'PNG MP threatens legal challenge over Manus', *ABC News*, 15 Aug. 2012. Available online at: <http://www.abc.net.au/news/2012-08-14/an-asylum-update-7pm-tues-png-court-threat/4198406> (accessed 20 Aug. 2016); ToKunai, 'Asylum deal a nightmare'; Anon., 'PNG opposition mounts legal challenge as first asylum seekers land', *The Sydney Morning Herald*, 1 Aug. 2013. Available online at: <http://www.smh.com.au/federal-politics/federal-election-2013/png-opposition-mounts-legal-challenge-as-first-asylum-seekers-land-20130801-2r1p9.html> (accessed 20 Aug. 2016).

¹⁰⁵ Bal Kama, 'The Supreme Court's "vote of no confidence" decision: game on in Waigani', *Dev-Policy blog*, 12 Oct. 2015. Available online at: <http://devpolicy.org/the-supreme-courts-vote-of-no-confidence-decision-game-on-in-waigani-20151012/> (accessed 20 Aug. 2016).

¹⁰⁶ *Belden Norman Namah, MP Leader of the Opposition v. Hon. Rimbink Pato, Minister for Foreign Affairs and Immigrations, National Executive Council and The Independent State of Papua New Guinea* SCA. No. 84 (2013) 26 Apr. 2016. Available online at: <http://www.rilc.org.au/Policy-and-Law-Reform/ManusJudgment.pdf> (accessed 20 Aug. 2016).

¹⁰⁷ *PM O'Neill: Manus Regional Processing Centre will Close*, news release, Office of the Prime Minister, 27 Apr. 2016. Available online at: <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2F4538801%22> (accessed 5 Sept. 2016).

¹⁰⁸ Liam Cochrane, 'Manus Island asylum seekers mount fresh challenge against detention in PNG's Supreme Court', 12 Mar. 2015, *ABC News*. Available online at: <http://www.abc.net.au/news/2015-03-12/manus-island-asylum-seekers-fresh-challenge-against-detention/6308364> (accessed 20 Aug. 2016).

¹⁰⁹ Anon., 'Court to rule on rights of detainees', *Papua New Guinea Post Courier*, 28 April 2016; Anon., 'Asylum seekers looking for K2b compo', *The National*, 5 May 2016.

Another challenge to the rule of law has come from allegations that instances of rape by contractors at the centre have been covered up. In July 2015, a Manus woman claimed that she had been drugged by three Australian personnel, who then attempted rape. The men were sent back to Australia before the RPNGC could investigate; Provincial Police Commander N'Drasal argued that 'we have literally not much say what goes on within the camp [...] We are a sovereign nation. We have a police force that is competent to do the investigations and it must be given that responsibility'.¹¹⁰ The Australian government claimed that 'no allegation of a criminal nature' was made and that 'the three service provider staff were stood down and returned to Australia as part of standard procedures with the full knowledge and concurrence of the PNG police', although Commander N'Drasal denied this.¹¹¹ More recently, in January 2016 an Australian contractor was returned to Australia after he allegedly robbed a bar and crashed his car.¹¹² However, according to the 2005 decision of the PNG Supreme Court regarding Australia's Enhanced Cooperation Program,¹¹³ Australians – and all other foreign nationals – living and working in PNG should be subject to PNG laws, except those granted diplomatic immunity. In March 2016, O'Neill declared that Australians accused of crimes at the centre 'must be investigated and prosecuted according to PNG law [...] Some have been taken out of the country without the knowledge of the authorities on the ground'.¹¹⁴

Damage caused by the RRA to the rule of law may also have implications for efforts to combat corruption. The 2015 Transparency International Corruption Perceptions Index ranked PNG 139 out of 168 countries.¹¹⁵ Corruption issues on Manus

¹¹⁰ Quoted in Liam Cochrane, 'Australian Manus Island guards found naked with local woman sent home before drug investigation, PNG police say', *ABC News*, 29 July 2015. Available online at: <http://www.abc.net.au/news/2015-07-27/manus-island-guards-sent-home-before-drug-investigation/6651710> (accessed 20 Aug. 2016).

¹¹¹ Quoted in Liam Cochrane and Wesley Manuai, 'PNG police confirm Manus Island attempted rape allegations, demand return of accused Australians', *ABC News*, 30 July 2015. Available online at: <http://www.abc.net.au/news/2015-07-29/police-confirm-manus-island-attempted-rape-allegations/6656876> (accessed 20 Aug. 2016).

¹¹² Helen Davidson, 'Manus detention centre bosses accused of flying out employee who allegedly robbed bar', *The Guardian*, 8 Jan. 2016. Available online at: <https://www.theguardian.com/australia-news/2016/jan/08/manus-detention-centre-bosses-accused-flying-out-employee-who-allegedly-robbed-bar> (accessed 20 Aug. 2016).

¹¹³ *Special Reference Pursuant to Constitution Section 19; Special Reference by the Morobe Provincial Executive* [2005] PGSC 32; SC785 (13 May 2005); Bal Kama, 'Rape allegations at Manus Island challenge Australia's commitment to the rule of law', *DevPolicy blog*, 31 July 2015. Available online at: <http://devpolicy.org/rape-allegations-at-manus-island-challenge-australias-commitment-to-rule-of-law-20150731/> (accessed 20 Aug. 2016).

¹¹⁴ Quoted in Medhora, 'Papua New Guinea lacks resources'.

¹¹⁵ Transparency International, *Corruption Perceptions Index 2015*. Available online at: <https://www.transparency.org/cpi2015#results-table> (accessed 20 Aug. 2016). See also: Grant W. Walton, 'Is all corruption dysfunctional? Perceptions of corruption and its consequences in Papua New Guinea', *Public Administration and Development*, 33:3 (2012) 175–190.

have been raised in respect of the RPNGC mobile force; for example, when officers moved from the Harbourside to the Seadler Bay Hotel, owned by the brother of a former police commissioner, the mobile force asked Australia to pay the higher bill.¹¹⁶ Sam Koim, chairman of (now disbanded)¹¹⁷ Taskforce Sweep, created by O'Neill to investigate government corruption, has noted the view that 'Australia is held over a barrel with the asylum seeker deal and is willingly turning a blind eye to the corruption and rule of law problems'.¹¹⁸ Indeed, Australia's attempts to build a close relationship with O'Neill arguably frustrate moves to investigate allegations of corruption against him.¹¹⁹

Damage to the rule of law caused by the RRA has also affected PNG's international standing. Both Human Rights Watch and Amnesty International have released reports highly critical of human rights at the centre.¹²⁰ PNG's recent Universal Periodic Review by the United Nations Human Rights Council recommended that PNG do more to protect the human rights of asylum seekers.¹²¹

Finally, the RRA may also have damaged the PNG government's relationships in the Melanesian and Pacific Islands regions. The RRA 'shares its name with the broader region', yet PNG did not consult other Pacific leaders before agreeing to it.¹²² Following the 2001 precedent, in 2013 Australia approached other Pacific Island states to take refugees, and, as before, was rebuffed. Pacific leaders were frustrated by PNG's lack of diplomatic courtesy and by the implications that the RRA may have for regional multilateral initiatives, such as the Melanesian Spearhead Group (MSG). Fiji's Minister for Foreign Affairs, Ratu Inoke Kubuabola, stated,

¹¹⁶ Liam Cochrane, 'Police unit guarding Manus Island detention centre, moves to more expensive hotel owned by ex-police commissioner's brother', *ABC News*, 13 Feb. 2015. Available online at: <http://www.abc.net.au/news/2015-02-13/australia-refuses-to-pay-for-png-riot-squads-hotel-change-fee/6090000> (accessed 20 Aug. 2016).

¹¹⁷ Liam Cochrane, 'The rapid unravelling of Papua New Guinea's political stability', *ABC Radio Australia*, 23 June 2014. Available online at: <http://www.radioaustralia.net.au/international/2014-06-21/the-rapid-unravelling-of-papua-new-guineas-political-stability/1331046> (accessed 20 Aug. 2016).

¹¹⁸ Sam Koim, 'Australia's stance on corruption – will all roads lead to Nauru (and Manus)?', *Dev-Policy blog*, 15 June 2015. Available online at: <http://devpolicy.org/australias-stance-on-corruption-will-all-roads-lead-to-nauru-and-manus-20150614/> (accessed 20 Aug. 2016).

¹¹⁹ Rooney, 'Negotiating asylum and settlement in PNG'.

¹²⁰ Human Rights Watch, *Australia/Papua New Guinea: the Pacific Non-Solution*; Amnesty International, *This is Breaking People: human rights violations at Australia's asylum seeker processing centre on Manus Island, Papua New Guinea*, Dec. 2013. Available online at: http://www.amnesty.org.au/images/uploads/about/Amnesty_International_Manus_Island_report.pdf (accessed 20 Aug. 2016).

¹²¹ *Draft Report of the Working Group on the Universal Periodic Review: Papua New Guinea*, United Nations General Assembly Human Rights Council, UN Doc. A/HRC/WG.6/25/L.7, 10 May 2016. Copy in authors' possession.

¹²² Alden Warbrooke, 'Australia's "Pacific Solution": issues for the Pacific Islands', *Asia and the Pacific Policy Studies*, 1:2 (2014) 339.

We are striving for more cohesion, more integration in the MSG, including the formation of a Melanesian Common Market with a free flow of goods, services and labour. This deal – as those mooted with Solomon Islands and Vanuatu – clearly threatens our interest by altering the fundamental social fabric of any member country that accepts a deal with Australia.¹²³

Then Solomon Islands Prime Minister Gordon Darcy Lilo argued that since the RRA may ‘flood’ the Pacific Islands with asylum seekers it should have been discussed at the Pacific Islands Forum.¹²⁴

IMPACT ON PNG’S RELATIONSHIP WITH AUSTRALIA

Oro Governor Gary Juffa has stated that the RRA means that ‘we are basically allowing ourselves to grovel at the feet of Australian neo-colonialism’.¹²⁵ Yet, the RRA may have benefited the PNG government by significantly enhancing its influence in its relationship with Australia.¹²⁶ This influence is indicated by the very different terms on which the RRA is based compared to the original Pacific Solution. In 2001, Australia made no additional development assistance payments to PNG in exchange for PNG hosting the centre on Manus Island. However, Australia’s 2012 request was made at the same meeting where both governments discussed AU \$20 million of Australian assistance for reform of the PNG Defence Force, which may have influenced PNG’s decision to accede to Australia’s request.

In 2012, in exchange for signing the RRA, O’Neill also successfully demanded that Australia’s aid programme be realigned to support his government’s priorities.¹²⁷ Accordingly, Australia’s aid was directed away from Australia’s governance and public sector management priorities towards the PNG government’s preferred infrastructure projects (although some of the programme remained focused on Australia’s interests in health, education and policing). The Australian government had strong domestic political motivations for meeting PNG’s demand in order to be seen to be acting on the purported threat of asylum seekers arriving in Australia by boat. However, the fact that PNG felt empowered to make the demand, and that

¹²³ Quoted in Anon., ‘Fiji demands region consulted’, *Fiji Sun*, 30 July 2013. Available online at: <http://www.fijisun.com.fj/2013/07/30/fiji-demands-region-consulted/> (accessed 20 Aug. 2016).

¹²⁴ Quoted in Anon., ‘Solomon Islands rejects Australian asylum seeker request’, *ABC Radio Australia*, 6 Aug. 2013. Available online at: <http://www.radioaustralia.net.au/international/radio/program/pacific-beat/solomon-islands-rejects-australian-asylum-seeker-request/1172042> (accessed 20 Aug. 2016).

¹²⁵ Anon., ‘PNG provincial governor Gary Juffa slams Australia’s “neo-colonialist” asylum seeker deal’.

¹²⁶ Joanne Wallis, ‘Papua New Guinea: new opportunities and declining Australian influence?’, *Security Challenges*, 10:2 (2014) 115–135.

¹²⁷ Anon., ‘PNG PM calls for re-alignment of Australian aid’, *Radio Australia*, 30 Nov. 2012. Available online at: <http://www.radioaustralia.net.au/international/radio/program/pacific-beat/png-pm-calls-for-realignment-of-australian-aid/1054468> (accessed 20 Aug. 2016).

Australia agreed to it, suggests that PNG feels increasing confidence in its dealings with Australia, a sense enhanced by a decade of economic growth.

In accordance with O'Neill's demand, on the same day of the RRA's signing, the two countries also agreed to a joint understanding on further bilateral cooperation on health, education and law and order. Under the joint understanding, Australia committed an extra AU\$420 million of aid to PNG.¹²⁸ This was in addition to the AU\$507.2 million in aid budgeted for PNG in 2013–14, which included funds for rebuilding the ANGAU Memorial Hospital in Lae, partly rehabilitating the University of Papua New Guinea, and deploying Australian experts within the judiciary and police force.¹²⁹ Australia's capacity to exercise significant influence over how these projects are conducted has been questioned.¹³⁰ For example, Australia had pledged AU\$207 million towards the Lae hospital on the understanding that the PNG government would contribute up to AU\$150 million. However, reflecting the PNG government's budgetary crisis, PNG funding is not forthcoming and the project has stalled, with the PNG government hinting that Australia should cover the shortfall.¹³¹

The Australian media and PNG blogs have portrayed the RRA as an imposition on PNG. However, it has also been claimed that O'Neill actually approached Rudd with the proposal,¹³² although who initiated the scheme is unclear. PNG government officials have claimed that their agreement to assist Australia by hosting the centre was motivated by a desire to be a responsible neighbour and to fulfil its international obligations to refugees.¹³³ PNG's Minister for Foreign Affairs and Immigration Rimbink Pato observed, 'Australia is our long-time friend and partner who has always assisted PNG in our times of need and struggle – this time we have given a big helping hand to people and the Government of Australia'.¹³⁴ PNG's 2013 national security policy also identifies the uncontrolled migration of asylum seekers to Australia as a threat to PNG's national security, and 'people smuggling' as a

¹²⁸ Chris Bowen and Penny Wong, *Economic Statement August 2013*. Available online at: <http://ministers.treasury.gov.au/DisplayDocs.aspx?doc=pressreleases/2013/016.htm&min=cebb&Doc Type> (accessed 20 Aug. 2016).

¹²⁹ Bob Carr, 'Australia's International Development Assistance Program 2013–14, Effective aid: helping the world's poor', Statement by Senator the Hon Bob Carr, Minister for Foreign Affairs, 14 May 2013. Available online at: <http://dfat.gov.au/about-us/publications/aid/australias-international-development-assistance-program-2013-14/Pages/australia-s-international-development-assistance-program-2013-14.aspx> (accessed 20 Aug. 2016).

¹³⁰ Howes, 'There's a price to pay'.

¹³¹ Daniel Flitton, 'Doubts over \$400 million centrepiece of Australia's Pacific Solution', *The Sydney Morning Herald*, 18 Apr. 2016. Available online at: <http://www.smh.com.au/federal-politics/political-news/doubts-over-400-million-centrepiece-of-australias-pacific-solution-20160418-go8p5i.html> (accessed 20 Aug. 2016).

¹³² ToKunai, 'Asylum deal a nightmare'.

¹³³ *Transcript of Joint Press Conference* (see fn. 5).

¹³⁴ Rimbink Pato, *Regional Resettlement Arrangement (RRA) for Asylum Seekers Transferred to Papua New Guinea: statement to parliament*, 18 Sept. 2013. Available online at: http://www.immigration.gov.pg/images/documents/Statement_to_Parliament_status_update_on_Manus.pdf (accessed 20 Aug. 2016).

‘major transnational crime’ with implications for PNG’s national security and the welfare of asylum seekers.¹³⁵

PNG’s increased assertiveness in its relationship with Australia has also been evident in its approach to resettling refugees. When the RRA was agreed in July 2013, Rudd made several announcements indicating his understanding that most people found to be refugees would be resettled in PNG.¹³⁶ This belief was shared by subsequent Australian Prime Minister Abbott, who declared in February 2014 that the plan to resettle refugees in PNG was ‘still very much available’.¹³⁷ Yet in March 2014, O’Neill contradicted both Rudd and Abbott by announcing his belief that a ‘good majority’ of people processed at the centre were not ‘genuine refugees’ and that PNG would only resettle ‘some’ of those whose claims were recognised, as other countries in the region should ‘carry the same burden as we do’.¹³⁸ O’Neill recanted in April 2014, and agreed that PNG would resettle all asylum seekers found to be refugees.¹³⁹ While this reversal might indicate that Australia retained some influence over PNG, the fact that O’Neil initially felt empowered to openly contradict two Australian prime ministers suggests a growing degree of confidence. It may suggest too that O’Neill had begun to resent the RRA and perhaps, as other commentators have speculated, did not initially understand what ‘resettlement’ would imply in the long term.¹⁴⁰ The recent Supreme Court ruling could thus be seen as providing O’Neill with an opportunity to both get rid of the asylum-seeker scheme and demonstrate that his government respects the rule of law.

As Australia’s influence over PNG has declined, Australia appears to have gradually realised the need to recalibrate its approach. Rudd’s 2008 Port Moresby declaration first signalled this recalibration. Recent moves include the *Joint Declaration for a New Papua New Guinea–Australia Partnership* signed on 10 May 2013, which builds on

¹³⁵ Government of Papua New Guinea, *National Security Policy* (2013), 27. Available online at: <http://www.aspistrategist.org.au/wp-content/uploads/2014/08/2013-PNG-National-Security-Policy.pdf> (accessed 20 Aug. 2016).

¹³⁶ Bianca Hall and Jonathan Swan, ‘Kevin Rudd to send asylum seekers who arrive by boat to Papua New Guinea’, *The Sydney Morning Herald*, 19 July 2013. Available online at: <http://www.smh.com.au/federal-politics/federal-election-2013/kevin-rudd-to-send-asylum-seekers-who-arrive-by-boat-to-papua-new-guinea-20130719-2q9fa.html> (accessed 20 Aug. 2016).

¹³⁷ Quoted in Michelle Grattan, ‘PNG “mateship” on asylum seekers no substitute for rigorous policy and decent conditions’, *The Conversation*, 23 Mar. 2014. Available online at: <http://theconversation.com/png-mateship-on-asylum-seekers-no-substitute-for-rigorous-policy-and-decent-conditions-24701> (accessed 26 Mar. 2014).

¹³⁸ Quoted in Michael Gordon, ‘Future of Manus Island asylum seekers unclear as Peter O’Neill says most are not “genuine refugees”’, *The Sydney Morning Herald*, 21 Mar. 2014. Available online at: <http://www.smh.com.au/federal-politics/political-news/future-of-manus-island-asylum-seekers-unclear-as-peter-oneill-says-most-are-not-genuine-refugees-20140321-35896.html> (accessed 20 Aug. 2016).

¹³⁹ Sarah Whyte, ‘About-turn as PNG will resettle refugees and AFP offers help’, *The Sydney Morning Herald*, 4 Apr. 2014. Available online at: <http://www.smh.com.au/federal-politics/aboutturn-as-png-will-resettle-refugees-and-afp-offers-help-20140403-zqqc.html> (accessed 20 Aug. 2016).

¹⁴⁰ For example, Bill Standish quoted in Chandler, ‘Manus in the balance’.

the 1987 *Joint Declaration of Principles*. According to the joint declaration, the two states commit to their relationship ‘as equals to each other as among our most important partners’.¹⁴¹ Australia has further sought to deepen its economic partnership with PNG. At the 2012 PNG–Australia Ministerial Forum, the two governments agreed on the text of an *Australia–Papua New Guinea Economic Cooperation Treaty*, which dealt with trade, investment and labour mobility. The treaty was later signed during Australian Prime Minister Abbott’s visit to PNG in March 2014. During that visit, annual meetings between each state’s leaders were announced too. Australia and PNG also held the first defence ministers’ meeting on 10 December 2013, at which they agreed to establish an annual security dialogue between the two countries and to expand Australia’s Defence Cooperation Program with PNG, which – while not very large – is already Australia’s largest with any country.¹⁴²

Reflecting PNG’s increased assertiveness, in July 2015, O’Neill announced that foreign advisors (mostly Australian) working for the PNG government would be banned from 1 January 2016. O’Neill claimed that foreign advisors were ‘making our own people quite lazy. They’re not able to take over civil decisions, they are over-dependent on consultants and advisers and sometimes many of those decisions are not [...] in the best interests of our nation’.¹⁴³ From 2016, any foreign experts are to be ‘recruited by the PNG government as an employee of the PNG government’.¹⁴⁴ In November 2015, regulations to implement the ban were passed, with John Kali, secretary of the department of personnel management, explaining that,

what we are trying to do is protect the sovereignty and security of our country by making sure that all those people now sign contracts, performance agreements with the state of PNG and their recruiting agencies, to ensure they now work to protect the interest of our country.¹⁴⁵

However, police, defence, correctional services, judiciaries, universities and state-owned entities are exempt from the ban.¹⁴⁶ Consequently, on 31 December 2015,

¹⁴¹ *Joint Declaration for a Papua New Guinea–Australia Partnership* (2013). Available online at: <http://dfat.gov.au/geo/papua-new-guinea/Pages/joint-declaration-for-a-new-papua-new-guinea-australia-partnership.aspx> (accessed 20 Aug. 2016).

¹⁴² Julie Bishop, ‘The 22nd Papua New Guinea–Australia Ministerial Forum: communique’ (Canberra: Parliament House, 11 Dec. 2013). Available online at: http://foreignminister.gov.au/releases/Pages/2013/jb_mr_131211b.aspx?ministerid=4 (accessed 20 Aug. 2016).

¹⁴³ Quoted in Liam Cochrane, ‘Papua New Guinea to ban foreign advisers claiming they could be spying, make local staff lazy’, *ABC News*, 31 July 2015. Available online at: <http://www.abc.net.au/news/2015-07-31/png-prime-minister-bans-foreign-advisors/6661946> (accessed 20 Aug. 2016).

¹⁴⁴ Quoted in Cochrane, ‘Papua New Guinea to ban foreign advisers’.

¹⁴⁵ Quoted in Eric Tlozek, ‘Papua New Guinea bans foreign advisers working within government departments’, *ABC News*, 16 Nov. 2015. Available online at: <http://www.abc.net.au/news/2015-11-16/png-bans-foreign-government-advisors/6944554> (accessed 20 Aug. 2016).

¹⁴⁶ Tlozek, ‘Papua New Guinea bans foreign advisers’.

the PNG government ended the contracts of 15 of the 33 Australian public servants seconded to government departments under Australia's Strongim Gavman programme. These advisers will be replaced by new liaison officer roles, which are intended to maintain relationships between Australian and PNG departments, but which will not embed Australian staff to the extent they had previously been.¹⁴⁷

Finally, the RRA appears to have undermined Papua New Guinean's perceptions of Australia, reflected in the significant criticism on blogs and social media.¹⁴⁸ For example, after the RRA's announcement, Deni ToKunai, a PNG lawyer, tweeted, 'Australia, you're beginning to annoy a number of friends in your backyard by dragging us into your domestic political squawking'.¹⁴⁹ Martyn Namorang commented, 'Rudd is now seen as a neo-colonial master, whereas before we viewed him as a friend of PNG'.¹⁵⁰ The debate raged in the well-known Facebook forum 'Sharp Talk', but comments about the RRA, or about the specific doings of asylum seekers and centre-related events, frequently appear in Facebook forums for Manus people too.¹⁵¹ So far, reactions on social media to the Supreme Court ruling have not been reported, but one could speculate that while 'the court decision is not technically binding on Australia [...] it is important as a regional leadership issue for Australia to display respect for the jurisprudence of the PNG Supreme Court'.¹⁵²

More generally, in response to the Supreme Court ruling, the two governments initially assumed 'contradictory positions'.¹⁵³ Australian immigration minister, Peter Dutton, suggested that the centre could 'remain open in an altered form' since 'the supreme court in PNG didn't order for the regional processing centre to be

¹⁴⁷ Shane Wright, "'Spies" get PNG marching orders', *The West Australian*, 2 Jan. 2016. Available online at: <https://au.news.yahoo.com/thewest/a/30475386/png-to-expel-15-australian-public-servants/#page1> (accessed 20 Aug. 2016). There are several other recent incidents that could be read as indicators of increased PNG confidence vis-a-vis Australia: Stefan Armbruster, 'PNG attacks Australia at Pacific free trade talks', *SBS News*, 2 Mar. 2016. Available online at: <http://www.sbs.com.au/news/article/2016/03/01/png-attacks-australia-pacific-free-trade-talks> (accessed 20 Aug. 2016); Stefan Armbruster, 'PNG lifts Aust visa ban, ends diplomatic spat', *SBS News*, 1 June 2015. Available online at: <http://www.sbs.com.au/news/article/2015/06/01/png-lifts-aust-visa-ban-ends-diplomatic-spat> (accessed 20 Aug. 2016).

¹⁴⁸ e.g. Mark Evenhuis, 'Australia's dwindling moral authority in PNG', *Asylum Insight*, 3 Apr. 2015. Available online at: <http://www.asyluminsight.com/c-mark-evenhuis#.Vzrdb2NWcdc> (accessed 20 Aug. 2016).

¹⁴⁹ Quoted in Chandler, 'For those who've come across the seas'.

¹⁵⁰ Speaking in Anon., 'Papua New Guineans "opposed" to asylum deal', *ABC Radio National*, 22 July 2013. Available online at: <http://www.abc.net.au/radionational/programs/breakfast/papua-new-guineans-opposed-to-asylum-deal/4834188> (accessed 16 May 2016).

¹⁵¹ Steffen Dalsgaard, 'The ethnographic use of Facebook in everyday life', *Anthropological Forum*, 26:1 (2016) 96–114.

¹⁵² Maria O'Sullivan, 'Manoeuvring on Manus', *The Interpreter*, 16 May 2016. Available online at: <http://www.lowyinterpreter.org/post/2016/05/16/Manoeuvring-on-Manus.aspx> (accessed 20 Aug. 2016).

¹⁵³ O'Sullivan, 'Manoeuvring on Manus'.

closed'. Australian authorities thus maintain that the asylum seekers are the responsibility of PNG.¹⁵⁴ O'Neill, in contrast, stated that he would 'immediately ask the Australian Government to make alternative arrangements for the asylum seekers'.¹⁵⁵ O'Neill's response accords with PNG's growing assertiveness and with what he hinted prior to the ruling.¹⁵⁶ The Australian reaction must be understood in the context of the lead-up to the recent Australian Federal election, which brought the Australian government into 'caretaker mode'.¹⁵⁷ Any solution was unlikely to be worked out until the new government had taken office.

CONCLUSION

Jo Chandler, who visited Manus in 2014, concluded that as money had flooded into the province, 'attention to crops, ceremony and community has disintegrated'.¹⁵⁸ Claims about the attenuation of culture should be taken with some caution, though, even if these appear to apply to villages neighbouring the centre, where many people have become wage-earners overnight. The assessment nonetheless touches on our conclusions about social change in Manus from a long-term perspective. Chandler's main inspiration, Margaret Mead, thought on her return to Manus in 1953 that the culture of the people she had studied 25 years prior had changed irrevocably.¹⁵⁹ Upon her last visit in 1975, Mead likewise referred to a 'tremendous leap ahead' for Manus people.¹⁶⁰ The reforms demanded by the Paliau Movement, initiated just prior to Mead's 1953 visit, certainly helped kick-start high overall levels of education on Manus and the high representation of Manusians among the ranks of PNG's well-educated, an effect that lingers today.

Yet the abandonment of old ways and the destruction of traditional material culture that followed attempts to attain the modernity displayed during World War II, especially by visiting American troops, did not herald as profound a set of changes as Mead had imagined. Theodore Schwartz, Mead's student, found, for instance, that beliefs in ancestral spirits and attempts to contact them via mediums remained strong, though some of these activities were practised clandestinely in order to keep

¹⁵⁴ Ben Doherty and Helen Davidson, 'Papua New Guinea and Australia at loggerheads over 905 Manus detainees', *The Guardian*, 29 Apr. 2016. Available online at: <http://www.theguardian.com/australia-news/2016/apr/29/papua-new-guinea-australia-loggerheads-905-manus-detainees-remain-in-limbo> (accessed 20 Aug. 2016).

¹⁵⁵ O'Sullivan, 'Manoeuvring on Manus'.

¹⁵⁶ Anderson and Hill, 'Papua New Guinea Prime Minister calls for Australia'.

¹⁵⁷ Emily Bourke, 'Few resolutions to Manus Island standoff with Australian Government in caretaker mode', *ABC PM*, 2 May 2016. Available online at: <http://www.abc.net.au/pm/content/2016/s4454281.htm> (accessed 20 Aug. 2016).

¹⁵⁸ Chandler, 'Manus in the Balance'.

¹⁵⁹ Mead, *New Lives for Old*.

¹⁶⁰ Chandler, 'Manus in the balance'.

outward appearances of being modern.¹⁶¹ Later, many discarded ceremonies and objects were reinvented or reproduced, gradually to gain new meanings as heritage in relation to both tourism and a celebration of local identities.¹⁶²

The lesson that perhaps can be learnt from the past is that while, as documented by Chandler and others, economic activities and circumstances in Manus may be transforming as a result of the RRA, it is difficult to generalise about the way these engender change of deeper communal and relational structures – or about the speed of such deep changes.¹⁶³ For example, the political dynamics related to land and access to resources appear unchanged given the reports about landowners near Lombrum claiming compensation. The wish-list that Manus has seen fulfilled with Australian funding covers the same wants and needs that successive Manus governments have stressed for decades: health, education and reliable infrastructure. While social and environmental changes appear obvious when one travels around Lorengau and Los Negros, the centre's effects remain uncertain for more distant parts of Manus, where, for instance, commercial logging has already made significant and lasting impact. As hinted at by Chandler, the international attention provided the centre has yet to significantly spill over into other areas where potential dispossession of land or environmental destruction may be taking place. In fact, it may even detract from the focus on how Manusians face more clandestine and long-term processes of change pre-dating the reopening of the centre. And once the centre is gone, associated business opportunities will depart too. How Manus will ultimately see the effects of the centre is something we have yet to find out.

We will also have to find out many of the effects for the broader Papua New Guinea population, because the most challenging aspect of the RRA, the successful resettlement of refugees in PNG, has not yet occurred in great numbers, and may not continue. However, the questions we have raised regarding how primarily Muslim refugees would be accepted into PNG's predominantly Christian society, how refugees would find employment and access land, and whether support provided to refugees by Australia would generate resentment amongst Papua New Guineans, suggest the PNG and Australian governments have failed to understand these difficulties and that the RRA is likely to generate significant costs.

The situation for the PNG government is mixed. On the one hand, funding that has accompanied the RRA has delivered benefits, as has the re-balancing that has occurred in PNG's relationship with Australia. On the other hand, the RRA has also inextricably involved a manipulation of the democratic process and the rule of law. For the most part, these costs are – and will continue to be – borne by ordinary Papua New Guineans, who already face myriad challenges exercising their democratic rights and receiving the protection of the law.

Overall, costs arising from the money, manipulation and misunderstanding generated by the RRA seem likely to outweigh the benefits, particularly for Manusians

¹⁶¹ Theodore Schwartz, *The Paliau Movement in the Admiralty Islands 1946–1954* (New York 1962).

¹⁶² Steffen Dalsgaard and Ton Otto, 'From *kastam* to *kalsa*: leadership, cultural heritage and modernization in Manus Province, Papua New Guinea', in Edvard Hviding and Knut Rio (eds), *Made in Oceania* (Wantage 2011), 141–160.

¹⁶³ Rasmussen, *In the Absence of the Gift*.

and other ordinary Papua New Guineans. The PNG government bears some responsibility. It has both failed to live up to democratic processes in agreeing to host the centre, and to legally as well as practically ensure the rights and security of those affected by it. However, the bulk of responsibility lies with Australia, a wealthy country that has outsourced its legal and moral obligations concerning asylum seekers and refugees. While the revived Pacific Solution might have generated some short-term political capital for successive Australian governments, time may reveal that damage caused to PNG, Australia's nearest neighbour, whose stability has been long-acknowledged as of crucial strategic import,¹⁶⁴ is likely to be much costlier.

POSTSCRIPT

Just prior to this issue going to press, the Australian and PNG governments confirmed that the Manus centre will close.¹⁶⁵ It is still unclear what will happen to the remaining 800-some refugees and asylum seekers who live there; the Australian government has emphatically ruled out that they will be brought to Australia and it is doubtful that they will be resettled in another country (such as New Zealand, which has offered to take some)¹⁶⁶ or in PNG. The first option would undermine the Australian government's policy on preventing asylum seekers 'jumping the queue'. The second option is politically difficult for the Australian government, as it has struggled to convince third countries in the Asia-Pacific region to accept resettled refugees, and it views New Zealand's offer unfavourably as it is perceived to offer an attractive substitute to Australia and therefore as rewarding those 'jumping the queue'.¹⁶⁷ The last option – resettling the asylum seekers in PNG – is the most likely, given that the Australian government maintains that the people living at the centre are PNG's responsibility. But, this will be problematic for the reasons we have outlined and because there now appears to be little political will within the O'Neill government to resettle refugees.

When it comes to the lives of Manusians, the effects of the short-lived boost to the local economy brought by the centre may slowly fade like that of previous

¹⁶⁴ See, most recently, Department of Defence, *2016 Defence White Paper* (Canberra 2016). Available online at: <http://www.defence.gov.au/whitepaper/Docs/2016-Defence-White-Paper.pdf> (accessed 20 Aug. 2016).

¹⁶⁵ Ben Doherty, 'Australia confirms Manus Island immigration detention centre will close', *The Guardian*, 17 Aug. 2016. Available online at: <https://www.theguardian.com/australia-news/2016/aug/17/manus-island-detention-centre-to-close-australia-and-papua-new-guinea-agree> (accessed 26 Aug. 2016).

¹⁶⁶ Anon., 'Questions over future of PNG detainees once Manus Centre closes', *SBS World News Radio*, 18 Aug. 2016. Available online at: <http://www.sbs.com.au/news/article/2016/08/18/questions-over-future-png-detainees-once-manus-centre-closes> (accessed 26 Aug. 2016).

¹⁶⁷ Anon., 'No third country option for Manus refugees', *SBS News*, 18 Aug. 2016. Available online at: <http://www.sbs.com.au/news/article/2016/08/18/no-third-country-option-manus-refugees> (accessed 26 Aug. 2016).

dramatic events, although if refugees are settled in the province, Manusians may have to negotiate living with a notable new population segment from Asia and the Middle East on a more permanent basis. The effect on PNG of closing the centre will depend on the willingness of those granted refugee status to be resettled somewhere in PNG, and on the resources that go with them. When it comes to the relationship between Australia and PNG, both governments can now claim to be respectful of the law (as enforced by the PNG Supreme Court), although this respect only became evident days before the court was scheduled to meet in order to consider orders about the closure of the centre.¹⁶⁸

¹⁶⁸ Anon., 'Questions over future of PNG detainees once Manus Centre closes'.