

PAPUA NEW GUINEA

While Papua New Guinea is a signatory to the Refugee Convention, it has placed significant reservations on its signature and does not accept the obligations contained in the Convention with regard to provision of education and housing for refugees, or expulsion and naturalization.¹ It is not a party to the ICCPR or its First Optional Protocol. It has not established a formal refugee protection framework.

Papua New Guinea (PNG) hosted nearly 5,400 refugees and asylum seekers at the end of 2001.² Of those, 5,154 were Indonesian refugees from Irian Jaya, an Indonesian province that shares the island of New Guinea with Papua New Guinea.³ The other 216 were primarily Iraqi asylum seekers who had attempted to land on Australian territory by boat.⁴ Australia transferred them to Papua New Guinea in October as part of Australia's "Pacific Solution" for unauthorized boat arrivals" (see chapter on Australia above).

Contrary to UNHCR's practice in other countries that have signed the UN Refugee Convention but have no system for assessing refugee claims, the refugee agency has refused to process the claims of asylum seekers in Papua New Guinea.⁵ Therefore, the asylum claims of those held in Papua New Guinea as part of Australia's Pacific Solution are currently being processed by Australian immigration officials hired in their personal capacities for that purpose by the International Organization on Migration (IOM).⁶

The Australian government paid for the construction of a detention center for asylum seekers on Manus Island in Papua New Guinea, which opened in October 2001.⁷

¹ E-mail from Nehal Bhuta, Mallesons Stephen Jacques, to Jaya Ramji, Debevoise & Plimpton, (Mar. 20, 2002) (on file with Debevoise & Plimpton) [hereinafter Mallesons Stephen Jacques Correspondence].

² U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2002 at 114, *available at* <http://www.refugees.org/WRS2002>. (Immigration and Refugee Services of America 2002) [hereinafter USCR WORLD REFUGEE SURVEY 2002].

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Notes of Conversation with Dr. Sev Ozdowski, Human Rights Commissioner of Australia, at the Lawyers' Committee for Human Rights by Suzanne Spears (New York, May 10, 2002)(on file with Debevoise & Plimpton) (Dr. Ozdowski notes that the Minister's guardianship responsibilities conflict with his power to grant visas) [Hereinafter HRCA Conversation].

⁷ Nic Maclellan, *Border crossers or refugees?* ABC Asia Pacific, *available at* http://abcasiapacific.com/journeys/opinion_maclellan.htm (last accessed Aug. 29, 2002).

Currently there is no UNHCR office in Papua New Guinea, which is covered by the office in Canberra, Australia; although the organization is planning to reopen its office in Port Moresby, Papua New Guinea, in 2002. In the meantime, there is no ongoing independent monitoring of asylum seekers held in Papua New Guinea, asylum seekers there reportedly have no habeas corpus or other rights with which to challenge their potentially indefinite detentions, and asylum seekers have no access to legal representation.⁸ Groups such as Amnesty International have called the Pacific Solution in Papua New Guinea unsustainable.⁹

Papua New Guinea is a party to the United Nations Convention on the Rights of the Child. In May 2002, there were 125 children detained on Manus Island in Papua New Guinea.¹⁰

⁸ Malleons Stephen Jaques Correspondence, *supra* note 1.

⁹ USCR WORLD REFUGEE SURVEY 2002, *supra* note 2 at 115.

¹⁰ Human Rights and Equal Opportunity Commission, Internal e-mail communication containing numbers gathered from DIMIA forwarded to Suzanne Spears, Debevoise & Plimpton (May 2, 2002) (on file with Debevoise & Plimpton) [hereinafter HREOC II Correspondence].