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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2013]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Adequate housing of West Papuan refugees in Papua New Guinea**

The Society of Threatened Peoples is deeply concerned about the current housing situation of West Papuan refugees in Papua New Guinea (PNG). At the time of its accession, PNG raised concerns regarding seven articles of the 1951 Geneva Refugee Convention, including Article 21, effectively restricting refugees' access to housing. PNG faces a serious housing shortage due to a severe lack of land availability and a lack of housing programmes, especially in urban areas. Furthermore, only citizens of PNG can acquire ownership of land, refugees are not allowed to. The only officially designated area for West Papuan refugees to settle is East Awin where they are required to build their own houses using bush materials. However, the traditional roof material has to be purchased from landowners. Since very few people earn cash income in East Awin, most house roofs in East Awin either consist of short-lasting alternatives or deteriorating plastic distributed by UNHCR many years ago. Additionally, housing conditions in border areas vary significantly depending on the extent to which local residents allow refugees the use of bush materials for housing purposes. In urban areas, West Papuan refugees often live in make-shift accommodation.

PNG currently hosts more than 9,300 West Papuan refugees, many of whom have been living in the country for over three decades and without any rights. As early as the 1960s, after Indonesia gained control of West Papua, Melanesians began suffering from human rights abuses and started fleeing to PNG in order to escape reprisal. The majority of West Papuans arrived in the mid 1980s. Today, almost half of them remain along the border area between PNG and Indonesia, while 2,435 reside in urban areas and 2,290 in East Awin. Due to the remote jungle location of the refugee settlement, its inaccessibility and its low quality land, most refugees prefer to stay close to the Indonesian border, their families on the other side and their traditional homeland. This, however, leads to more problems. As mentioned before, PNG raised concerns regarding seven articles of the 1951 Geneva Refugee Convention. Next to housing, this also encompassed employment, public education, freedom of movement, the unlawful presence of refugees, expulsion, and naturalization. Only those who resettle in East Awin for at least six months are eligible for Permissive Residency Permits which grant them certain rights and also qualify them for citizenship after eight years of residency in PNG and the payment of a lodgement fee. These permits are not issued to West Papuans living in border areas. To date, the PNG government still lacks a national refugee policy that realistically deals with refugees who refuse to move to East Awin.

Throughout PNG, tenure insecurity among refugees manifests itself in many forms. West Papuans suffer from inadequate housing situations because of evictions, natural disasters, and the consequences of the economical exploitation of their land. Their situation is further aggravated by the fact that refugees are not recognized as such, are subject to legal discrimination, and can therefore not hope for any compensation from the PNG government.

In the context of the PNG military operation Sunset Merona in January 2011, refugees near Vanimo (Sandaun Province) were attacked, their houses burnt down and their crops destroyed. Operations like this are often executed on the basis of unwarranted statements such as "anyone found not to be a citizen of PNG will be considered an activist of the separatist Free Papua Movement (OPM) activist."

West Papuan refugees living in squatter settlements just outside of the capital Port Moresby lead a harsh life for several reasons. They have to face unemployment, live in rudimentary shelters constructed from scrap wood, plastic and whatever else is on hand, they lack basic services, such as a regular water supply, electricity, sewerage and primary education, and

their lives are dominated by substance abuse, violence and petty crime. Yet in addition to their daily struggle to survive, they live in the constant fear of being evicted.

The first eviction notice was issued in 2006. In September 2007 the police of Port Moresby used force to remove refugees from the homes they had lived in for almost 20 years. They even cut down valuable food sources in the settlement as a way to coerce the refugees into leaving. This “incident” was followed by four more evictions in the subsequent nine-month period. The past years did not bring improvement. Landowners, in an effort to develop their land, often utilize bulldozers as tools for land clearance, a process in which crop is destroyed and settlers are expelled.

In May 2012 heavy rainfall caused the flooding of the Fly river in the Western Province of PNG. The Fly is the largest river system in PNG and supports many communities. Various homes in Kiunga were affected, but remote villages along the river suffered the most. Within these, three West Papuan refugee villages received the most serious damage. Although the PNG government offered to relocate most villages to higher ground, this offer did not apply to the refugee villages. Rejecting the offer of relocation to East Awin, a refugee camp located in deep forest and far from their traditional land, the refugees chose to stay in their flood vulnerable villages over returning to Indonesia.

Another problem is the displacement of settlers due to environmental damage caused by copper and gold mining in Papua New Guinea. Each year, the OK Tedi mine produces almost 100 million tonnes of waste which spreads down the OK Tedi and Fly rivers, causing flooding, sediment accumulation, forest damage, and a serious decline in the area’s biodiversity. As a consequence, fish stock has been significantly reduced, agricultural land damaged and communities have been displaced from their homes and farmland.

While Ok Tedi has paid out nearly US\$ 980 million to affected communities, West Papuan refugees do not qualify for a reimbursement because they are living outside the area designated for them under amendments made to the 1987 Migration Act which restricts refugees to the East Awin camp. Similarly, relocation plans are under way for local communities, but refugees living alongside those communities are not included.

The humanitarian news and analysis service IRIN reported in October 2012 that at least 1,500 West Papuan refugees residing along the Fly River have been affected by mine-induced flood damage. The regional UNHCR spokesman Ben Farrell also noted that refugees who decline relocation to East Awin have to bear the consequences of flooding without any assistance. This results in West Papuans lacking adequate water and sanitation facilities, their living in run-down dwellings with the constant fear of forceful eviction as well as a lack of security of land tenure.

Society for Threatened Peoples calls on the Human Rights Council to urge the Government of Papua New Guinea to:

- Withdraw its reservation to Article 21 of the 1951 Geneva Refugee Convention and to undertake efforts to implement housing programmes. Needs of refugees should be reflected in newly developed housing policies. Furthermore, access to government housing schemes by foreigners should be extended to refugees. A policy submission for the removal of the seven reservations made to the 1951 Geneva Refugee Convention (Articles 17 (1), 21, 22 (1), 26, 31, 32, and 34) still awaits the review by the National Executive Council of PNG;
- Either waive or reduce the current lodgement fee (i.e. 10,000 Kina) for grant of citizenship in order to prevent forced evictions and ensure equal treatment of residents and refugees in relation to reimbursements or emergency funds. Changes to the current fee were already pledged by the PNG Government at the UNHCR inter-ministerial meeting in December 2011;

- Change the current policy framework which creates three groups of refugees with different status and treatment. This is to guarantee that both West Papuan refugees residing in East Awin and those living elsewhere in PNG, mostly in border areas, will benefit from potential changes to housing policies. The inadequacy of the current framework has been acknowledged at the inter-agency consultations convened by the Papua New Guinean Department of Foreign Affairs on 17th and 18th July 2012;
  - Make sure permissive residency is automatically prolonged after three years;
  - Grant citizenship to children who were born in PNG and who would otherwise be stateless;
  - Work on an unambiguous legal process to determine refugee status.
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