

Standoff over deployment of Australian police to Papua New Guinea

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A standoff is continuing between the Australian and Papua New Guinean (PNG) governments over a key aspect of Canberra's \$800 million Enhanced Cooperation Program (ECP): the granting of full legal immunity to 230 Australian police being sent to PNG. The program, which involves the dispatch of officials to take up top posts in the PNG police force, courts, financial and planning agencies, customs and civil aviation, is part of Canberra's aggressive re-assertion of Australian interests throughout the Pacific.

From the outset, the PNG government objected to the entire plan. Prime Minister Michael Somare declared last year that PNG was a sovereign country that did not need Australian officers to "run the show for us." After branding the plan as "neo-colonial," he finally relented after the Howard government made clear that Australia would not continue to provide foreign aid unless the proposals were accepted in full.

The first Australian police officers began to arrive last December. Canberra demanded, however, that its police and officials be given the same type of legal immunity that was granted by the Solomon Islands government to the Australian-led intervention force dispatched to that country last August. This would mean that Australian police and public servants operating under the ECP could not be tried within PNG for any offence they might commit.

Initially, it appeared that PNG would grant legal immunity to Australian police. Legal processes were set in train in January to draw up the necessary legislation. But as behind-the-scenes discussions wore on, opposition began to emerge within PNG ruling circles.

On March 1, provincial governor Luther Wenge urged people to remove Australians from Morobe province, declaring: "I challenge all of you to visit all government offices in Lae and check on Australian officers that would be employed here. If you find them, chase them away or

otherwise you come to my office and I will personally make sure they go away... Australians invited themselves here. It is an Australian agenda. It is not a PNG agenda."

In response, PNG Police Minister Bire Kimisopa, a supporter of the ECP, warned that the longer negotiations dragged on, the more difficult would the situation become. The *National* newspaper reported on March 10 that talks between PNG and Australian representatives had reached an impasse.

In comments to the newspaper, a senior PNG official denounced Canberra's brash attitude toward its former colony: "We are furious and very concerned about the arrogance of the Australians on this important sovereignty issue for not recognising the laws and sovereign jurisdiction of PNG. We have taken offence to the attitudes of the Australian officials."

The Australian High Commission in Port Moresby released a statement the same day indicating that legal immunity for its officials was "a fundamental, core issue for the Australian government". In explaining why the issue was "crucial," the statement declared that Australian personnel had to be "protected from unwarranted and vexatious claims"—one indication that Canberra is concerned that the intervention will produce a hostile reaction among Papua New Guineans.

Both sides threatened to break off negotiations over immunity, threatening to unravel the whole ECP package. As far as Somare is concerned there are several considerations. The first is a matter of pure political expediency related to the fragile position of his government: if he recalls parliament to pass legislation granting legal immunity, the government itself is likely to be ousted through a vote of no-confidence.

In recent months, Somare has been desperate to gain the necessary two-thirds parliamentary majority to change the constitution to obtain three years' grace from no-confidence votes—twice the current period of 18 months.

The prime minister has tried and failed on two occasions—the last being in January—despite the fact that his coalition of 12 parties has a large parliamentary majority. With the existing period of grace about to expire, Somare, without even consulting other coalition members, proposed and obtained the adjournment of parliament from January 21 to June 29.

More fundamentally, the resistance to Australian demands for immunity is a continuation of the opposition to the ECP that emerged last year. The PNG government threatened at the time to seek other sources of foreign aid, or as Somare declared, to formulate an “Australian Aid Exit Strategy.” Australian aid is worth \$A330 million annually and amounts to 20 percent of PNG government revenue.

While Somare was forced to submit to the ECP last September, his government has accelerated its search for financial assistance and investment from elsewhere. His press secretary and daughter, Betha, commented last October: “Australia, through your Foreign Minister, has been raising at every opportunity that PNG is dependent on Australia. So I guess what PNG is looking at is getting away from that dependence on aid. One of the ways we can get away from that is through investment from outside of Australia.”

After receiving trade delegations from Malaysia and China in the second half of 2003, PNG announced in February that the China Metallurgical Construction Corporation (CMCC) would spend \$US650 million to buy about 70 percent of the long-delayed Ramu nickel and cobalt project. The annual output of 33,000 tonnes of nickel and 3,000 tonnes of cobalt would be presold to Chinese steel and iron mills for up to 40 years.

The Chinese deal was the first major investment in PNG’s mining sector for years, fuelling hopes in Port Moresby that the country might become less reliant on Australian capital. The project will certainly have provoked concerns in the Howard government, which has been seeking to consolidate a dominant economic role for Australia in the South Pacific. PNG, which has by far the largest population in the region, has significant mineral reserves.

Even though it managed to gain additional investment from China and Malaysia, the PNG government still faces chronic financial problems. Malaysia stressed last year that it was not rich enough to offer PNG a formal aid program and China has granted a mere 24 million kina [\$US6 million]—a small fraction of Australian aid. Somare cannot therefore simply thumb his nose at Canberra.

Attempts to work out a compromise are under way. For a time it seemed likely that Australian police could be covered by the current Status of Forces Agreement between the PNG and Australian defence forces. Under this arrangement, police deployed in PNG would face Australian courts for offences committed in the line of duty, but PNG courts for any other illegal activity. But the Australian Federal Police is continuing to insist on full legal immunity. An AFP spokeswoman told the *Age* newspaper that anything less would “expose them to a high degree of risk in potentially volatile situations.”

The impasse has been further complicated by the uncertain political situation in PNG. The country’s Supreme Court handed down a decision on March 31 declaring the election of Governor-General Sir Pato Kakaraya “null and void.” The court found the process defective on two counts: a politician had not dated a nomination form at the time of signing and the parliamentary speaker had used his casting vote incorrectly. It has ordered the reconvening of parliament on April 20 to elect a new governor-general.

It is highly likely, however, that Somare will face a vote of no confidence as soon as the parliamentary session opens up. While opposition leader Mekere Morauta has only 10 MPs at present, the PNG parliament is notoriously unstable. Since independence in 1975, virtually every government has fallen in a no-confidence motion.

Morauta, who is preferred by Canberra, implemented a sweeping program of economic restructuring after coming to power in 1999. In the past, Morauta might have been able to count on MPs switching sides, but Somare may be calculating that popular resentment to Canberra’s heavy-handed approach to PNG over the past six months may enable his government to survive.



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