Politically pesky Papuans

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When Australia decided to grant protection visas to 42 Papuans, it was always going to upset Indonesia. While Australia reaffirms their support for Indonesia's sovereignty in West Papua, Indonesia is still furious about the decision. This difficult decision was co-ordinated at the highest levels of government. It could also be just the first in a series of shocks, if reports are true that hundreds more Papuans are trying to get to Australia.

Transcript

Hermann Wanggai: In West Papua land no free to talking about our human right. I see my friends shoot by gun of Indonesia. In my eyes, I witness! How I can explain to international community. So that's why I would thank you for your government of Australia when first time we come. We just need protection.

Di Martin: An emotional Hermann Wanggai speaking to the media after arriving in Melbourne this week. He's one of 42 Papuans awarded temporary protection visas by the Australian government.

Today Background Briefing goes behind the asylum decision to reveal just how remarkable it really is, the product of deliberations in highly sensitive areas of domestic and foreign government policy.

I'm Di Martin, welcome to the program.

***PM* presenter:** Indonesia has withdrawn its Ambassador from Canberra for consultations in protest at Australia's decision to grant protection visas to 42 asylum seekers from Indonesia's Papua province ...

***AM* presenter:** At 11pm the carefully worded press release expressing surprise, disappointment and deeply deploring Australia's actions, was finally released. Indonesia has summoned the Australian ... [Bahasa speech]

Di Martin: This is Indonesia's President, Susilo Bambang Yudhoyono telling his nation that Australia's asylum decision is inappropriate and unrealistic. He says all co-operation with Australia should be reviewed, and has called on foreigners to butt out of Indonesia's internal affairs.

Indonesia is furious and things just don't seem to be settling down. Apart from recalling its Ambassador, Jakarta has shelved bilateral agreements, cancelled official visits, and declined Australian invitations.

The asylum decision is having far reaching consequences for Australia. It's cementing the Indonesian province of Papua, or West Papua, as the barb at the very heart of Canberra's relations with Jakarta. And it reveals that ties are far more fragile than publicly portrayed.

Prime Minister John Howard is trying to put a brave face on things.

John Howard: This incident has put a strain on the relationship. I think expressions such as 'crisis', 'massive problem' are exaggeration, but it has put a strain, because there is a sensitivity in Indonesia about her sovereignty over West Papua.

Di Martin: But this story is not only about foreign policy. It's also about Australia's domestic politics. Like the Department of Immigration's attempts to rescue its tattered reputation after years of hardline and unpopular treatment of refugees, and hundreds of cases of wrongful detention.

***PM* presenter:** A 200-page report prepared by the former Federal Police Commissioner, Mick Palmer, castigates Amanda Vanstone's department, saying it has a 'serious cultural problem' and 'urgent reform is necessary'.

Di Martin: The Papuan asylum case is a high profile test of the Department's reforms.

By all accounts the Department has made an independent assessment of the Papuans' claims. That is, a decision made on the merits of the case, rather than what Indonesia wants, or what might be best for foreign relations.
But that doesn't mean this asylum decision is free of politics. On the contrary, Background Briefing can reveal that shortly after the Papuans arrived, government agencies agreed to unprecedented consultations for such an asylum case. An inter-departmental committee was set up, including officials from the Office of Prime Minister and Cabinet, the Department of Defence, the Department of Foreign Affairs and Trade, and of course, the Department of Immigration. A well-placed source says the meetings were regular and close.

One of the meeting's conclusions was that given the nature of the Papuans' arrival and the strength of their testimony, the government had no choice but to put aside foreign affairs and let Immigration assess the claims according to law. But the sheer anger emanating from Jakarta has led Prime Minister John Howard to announce a review of Australia's asylum procedures. And future assessments may not be so independent if more boats actually reach Australia's shores. With talk of naval interdiction of boats at sea, the government is already revealing a more hardline response to future Papuan asylum seekers.

Denny Yomaki from the Indonesian human rights group, ELSHAM, says another 200 Papuans, who wanted to accompany Herman Wanggai's initial group of 43, may still be trying to make that journey.

Denny Yomaki: In fact that we also found out that it's not only 43 people, but almost 200 people who planned to come over to Australia together with them.

Di Martin: So almost 200 people had planned to accompany Hermann Wanggai's group?

Denny Yomaki: Yes. It's possible they're going to try to come, but their identity is still hidden, because we don't want to endanger their position as people trying to look for asylum in Australia.

Di Martin: And of the 200, do you know if they actually have left the Highlands, they are now around the south coast looking to try and cross that strait?

Denny Yomaki: Yes, yeah.

Di Martin: That's Denny Yomaki speaking during a recent trip to Melbourne.
Even before Australia granted the Papuans asylum, former Department of Foreign Affairs official, Alan Dupont, voiced a fear long held by Australian governments.

Alan Dupont: If you were to grant all these Papuans asylum status in Australia, or protection visas, it could open the floodgates to all kinds of ... large numbers of others who might want to come to Australia for other reasons, reasons of economic opportunity and so on. So that's the worry, you know, in Australia that it will be the tip of the iceberg.

Di Martin: It's exactly this fear now pervading many Australian government offices. As a former Australian Ambassador to Indonesia explains, this diplomatic row is the most recent example of difficult, and at times fraught relations between Canberra and Jakarta.

This is Dick Woolcott.

Dick Woolcott: I think we have to realise that this has always been, and probably always will be a fragile relationship between two very different societies and cultures. There are always going to be conflicting interests. I mean on the one hand you have the human rights interest, and of course you have the other issues related to the wider relationship. I think an important bilateral relationship is really like a rope: it's made up of many strands. Now human rights has one strand, trade is another, security is another, it's not always easy to balance conflicting interests in a relationship with a country like Indonesia, or China for that matter.

Di Martin: It's not easy for Indonesia's leaders either. Indonesia's politically moderate President has to steer an unwieldy, diverse and in part anti-Australian parliament.

Canberra says it doesn't want Indonesian hardliners in power. But by giving asylum to Papuan separatists, Australia has made it more difficult for Western-friendly politicians in Jakarta to keep the upper hand.

Anger isn't the only emotion at play in Jakarta. President Susilo Bambang Yudhoyono must have been amazed when he heard the Papuan asylum news. [Singing/clapping]

Di Martin: Like chaos theory and butterfly wings, this storm began many months ago on the north coast of the Indonesian province of Papua, when an outrigger canoe slipped into the water to begin a long journey.[Outboard motor]

Di Martin: Six weeks later, 43 parched, hungry and exhausted Papuans arrived in Australia.

Newsreader: The Immigration Department has confirmed that a boat fitting the description of one missing since leaving the Indonesian province of Papua last Friday has been found ashore at Cape York. Refugees ...

Di Martin: There's little that stirs up Jakarta more than separatists talking about human rights abuses. Citing years of democratic reforms, Indonesia rejects claims by Papuans there's genocide, or even systematic human rights abuses in the province.

Sydney University's John Wing is the principal author of a report on human rights in Papua, a report considered by Immigration in the asylum claims. He says widespread abuses continue.

John Wing: We've seen a number of things. We've seen cases of poisoning of outspoken independence leaders; commonly people disappear. If you're a Papuan who protests in some way, a peaceful protest, even if it's the raising of the Papuan flag, the Morning Star flag, you will be imprisoned. Currently there are two Papuans serving jail terms of 15 years and 10 years for taking part in the raising of the Morning Star flag in December of 2004. And the killings, just the day to day killings of people for no good reason.

Di Martin: Indonesian officials say that military abuses are only occasional, they are not systematic. What have you found?

John Wing: Well our research found that in the years from 2003-2005, the military operations in the Highlands of Papua caused the displacement of over 11,000 Papuans. There were 371 traditional homes destroyed through arson; churches, clinics, schools, were all destroyed by the TNI, in these operations.

Di Martin: Indonesian military?

John Wing: Yes. Yes.

Di Martin: John Wing says Jakarta can't effectively control security forces on the ground in Papua.
On the face of it, this group of Papuans fear persecution at home, and the Australian government has met its international obligations by offering them protection.
But to understand just how remarkable an asylum decision this really is, we need to look back at how Indonesian nationals seeking refuge have been treated by Australia in the past, and how Canberra views that most distant, and difficult of Indonesian territories, the province of Papua. [Singing]

Di Martin: If you look at a map, the vast Melanesian island of New Guinea straddles much of Australia's north. The island was part of a colonial carve-up like much of the region. The eastern half, now Papua New Guinea, eventually won its independence. The western half of the island did not. The western half was part of the Dutch East Indies. When Indonesia won its independence from Holland back in 1949, Papua was not part of the post-colonial prize. The Dutch refused to let go of the distinctly Christian Melanesian territory, and set about preparing the Papuan people for independence.

The Prime Minister, John Howard, recently made this observation on Australian policy on Papua.

John Howard: There is a sensitivity in Indonesia about her sovereignty over West Papua, a sovereignty which Australia has never disputed, and a sovereignty which Australia fully respects and fully supports.

Di Martin: But Australia certainly has disputed that sovereignty in the past, under the leadership of John Howard's political role model, Bob Menzies.

In Melbourne's inner west, Dr Richard Chauvel has studied documents from the time.

Richard Chauvel: Come on Neddy. Now what are you going to do, old son? [Dog snuffles]

Di Martin: After trying to settle the canine patriarch of the house, Richard Chauvel explains the Menzies government policy.

Richard Chauvel: In the period from the 1950s to the beginning of '62, Australia supported the Dutch argument that Papua was not properly part of Indonesia. They went along with the arguments about ethnic, cultural, religious difference, the Menzies government argued that West Papua had much more in common culturally, ethnically, with the other half of the island in New Guinea than it had with the rest of Indonesia.

Di Martin: Was the Australian government also trying to avoid a land border within Indonesia?

Richard Chauvel: Most definitely. I think the crude description of Australian policy from late 1949 through to '62 was to keep the Indonesians out.

Di Martin: But chairs on the international stage were being reshuffled. The advent of the Cold War scuttled Papua's independence plan. In 1962 Australia followed America's lead in supporting Indonesia's claim to the territory. The policy switch was part of a larger Western strategy to keep the left-leaning Indonesian regime out of communist hands. Richard Chauvel says Canberra was also considering the implications of an independent Papua.

Richard Chauvel: The arguments that were advanced by Garfield Barwick, then External Affairs Minister, were essentially that it was not in Australia's strategic interests that it support the emergence of small, unviable, indefensible states in the eastern archipelago.

Di Martin: That sounds reasonably familiar today.

Richard Chauvel: It is indeed, and I would argue that it was essentially that reasoning and that strategic assessment which informed the Whitlam and Fraser governments over a decade later.

Di Martin: In an attempt to build stable relations with Jakarta, successive Australian governments have tried to thwart Indonesian separatists. At the request of Indonesia's Foreign Minister, Australia detained two Papuans trying to reach the United Nations back in the late '60s. The Papuans were trying to drum up opposition to Indonesia's claim on the territory.

Richard Chauvel spells out why Jakarta will never let Papua be independent.

Richard Chauvel: Papua is an extraordinarily important region of the country for most of the Indonesian elite, for several reasons. Most obviously the economic reasons. It is one of the most resource-rich provinces in the country. The second set of reasons is really nationalist, ideological ones.

Di Martin: Richard Chauvel says Indonesia claims Papua because of its difference.

Richard Chauvel: Papuans argue themselves, that for ethnic, cultural, religions reasons it is not really part of Indonesia. The Indonesian argument was quite contrary to that. It was important to include Papua nearly precisely because of those differences. It was in order to demonstrate that Indonesia is a political idea, a national unity formed by a common experience of Dutch colonialism, a common struggle against the Dutch for independence, and was not based on any notion of a common cultural religious or ethnic heritage that was shared by all Indonesians.

Di Martin: Yet to realise that political ideal, Indonesia needed repression. The authoritarian regime of President Suharto wouldn't tolerate the slightest whiff of separatism, including in the province of Papua.
In Indonesia, the National Human Rights Commission, or KomnasHAM is responsible for monitoring and investigating human rights abuses.

A former commissioner is Asmara Nababan.

Asmara Nababan: The treatment of the Jakarta towards Papua, which especially during the Suharto time, using repressions to curb the protest or oppositions from the Papua regarding to their rights, so it's not only the right to self determinations, but other rights, which are not acknowledged or respected. Any opposition from the peoples will be crushed, and harshly of course, Jakarta committed with many gross human rights violations for many decades.

Di Martin: The '80s saw a particularly brutal period, when an uprising of Papuan independence guerrillas sparked a massive crackdown. It's estimated 10,000 Papuan refugees poured across the border into Papua New Guinea.

***PM* presenter:** There have been recent reports that the Papua New Guinea government wants Australia to resettle several hundred of the Irianese who've crossed the border into Papua New Guinea.

Di Martin: Fleeing the repression, Benni Jonnehman decided not to go to PNG. He travelled down through the Torres Strait, becoming on of the first Papuans to ask for asylum on Australian soil.

Benni Jonnehman: A boat come from across the river to bring a gun to ...

Di Martin: Here's Benni in Cairns recently, telling his story with the help of a Papuan friend.

Benni Jonnehman: Yes, that time, '84, a big fight between West Papua rebel, and Indonesian soldier. People hit them and a lot of people the Indonesia kill, the solider, the Indonesian soldiers, thousands, thousands. Burning the village, and move the people out from there. And they're looking for people who joined rebel, like young young boys, they join rebels, and they like to try to kill. Yes. And then Benni, Benni's brother stay in jungle.

Di Martin: Benni Jonnehman was represented by lawyer, Bernard Collaery.

Bernard Collaery: What time have we got to get this submissions in by?

Di Martin: Bernard Collaery went on to become the ACT's Attorney General. He now has a legal practice in Canberra, where he still displays a photo of one of the five Papuans he worked for back in the '80s.
Bernard Collaery says at that time Australia was trying hard to please Jakarta.

Bernard Collaery: I was really appalled by comments made by the then Immigration Minister, Mr Hurford. I'll always remember one phrase, it was that they were 'job seeking, black, canoe-paddling opportunists'. At the same time the then Foreign Minister, Mr Hayden, touched on the West Papuan issue by saying that on his brief, there was some quote 'minor cultural disruption'.

Di Martin: The Australian government has long denied that immigration decisions have been used as a tool of foreign policy. But subsequent asylum claims from Indonesian nationals paint a different picture. The most striking example involves a group of East Timorese.

In her downtown Sydney office, Liz Biok is a lawyer and member of the International Commission of Jurists.

When the Keating government was negotiating a security treaty with Indonesia, Liz Biok was trying to get asylum for East Timorese who fled Dili after the 1991 Santa Cruz massacre.

Liz Biok: They lodged their applications for protection visas, and on the fact of it they had very strong claims. A lot of them had actually been in the cemetery and had the bullets whizzing over their head. Their applications were delayed and delayed, and at the time that Australia was negotiating the previous security treaty, at the time there were exactly the same concerns that Australian Indonesian relations, the processing stopped. And we were told that the processing stopped while there were investigations made about the nationality of these people.

Di Martin: Immigration started to argue the East Timorese were in fact Portuguese citizens, so it wasn't Australia's place to offer them asylum. Even then, Prime Minister Paul Keating talked up the Portuguese argument, pre-empting the court's deliberations.

Consecutive legal decisions found the arguments baseless. But Liz Biok says the protection visas still took years to finalise.

Liz Biok: Now some of those people waited 14 years to get a decision. [Gunshots]

Di Martin: After Indonesia invaded East Timor in 1975, Australia was the only Western nation to recognise Jakarta's annexation.
[Gunshots]

Di Martin: Twenty-four years later, East Timor voted for independence, seeing Indonesian soldiers and their militias raze the territory. An international military force was assembled in response, with Australia taking lead role.
Jakarta saw Australia's actions as a deep foreign policy betrayal.

Bob Lowry has consulted on Indonesian and East Timorese military and political affairs.

Bob Lowry: There is a perception in Indonesia that Australia was responsible for East Timor getting its independence, that they were the ones that manipulated the process, and influenced President Habibe to take measures that were antithetical to Indonesia's interests. It feeds into the international conspiracy theories that prevail in Indonesia, even amongst people of - who are well educated and have got a fairly worldly view, and that there is an international conspiracy to break up Indonesia. And this is just part of that process

Di Martin: Why do you think this is so strongly held? Is there a deeper suspicion about Australia as a neighbour sort of feeding that idea?

Bob Lowry: There are a vast number of things that come into it. Right from its inception, Indonesia has been very uncertain as to whether they can hold this enormous country, with this great diversity, together. And even now if you look at the press, there are lots of concerns about whether they're actually controlling the border with East Timor; all the islands around the borders of the archipelago. They're talking about establishing a security post on the borders with Malaysia etc. And because they've gone to democracy, of course, you no longer have the resort to force, or the first resort to force that you had in the past to hold this country together.

Di Martin: Bob Lowry.
Soon after East Timor voted for independence, Papuans intensified their own bold bid to break away from Jakarta. The effort was in tatters within 18 months, leaving Papuans to place their faith in the newest and most unlikely of regional white knights, Australia.

Ipa Bettay: I have one question always in my heart: why Australian government can do to East Timor and why can't they do that to us as West Papuans.

Di Martin: Ipa Bettay is part of one of the few Papuan families living in Australia. She settled here after fleeing Indonesia with her friends and family. Ipa's husband, Benni was in a famous Indonesian pop band called the Black Brothers. After its protest song, Hari Kiamat topped the Jakarta charts in the 1970s, the band was jailed, and eventually forced into exile.
[Black Brothers Band]

Di Martin: Ipa Bettay's family now lives in Canberra. A few days after the recent asylum decisions were announced, Ipa and her long-time friend, Antonmina Rumaropen looked with amazement at the number of newspapers carrying Papua on the front page.

Antomina Rumaropen: West Papuan story, this one, this one, so many, and this one.

Di Martin: Sitting on the couch beside Ipa, Antomina says the asylum decision is very important.

Antomina Rumaropen: We all in the front of TV nearly every day because of the headlines. This is like never happened before, now the outside world will know what's happening there, what's really happening there. So we thank God these people came so they can tell their story, how Indonesian treats them, how Indonesian treats our people.

Ipa Bettay: And I thought, Oh, that means at last Australia realise that something going on in West Papua that they need ... that West Papuan people need protection. After the East Timor, West Papua was hope that Australian help will come.

Di Martin: That's Ipa Bettay, and before her, Antomina Rumaropen.
Jakarta is well aware of such hopes being raised in Papua, and it all feeds Indonesian suspicions about Australia's long term designs on its province.

[Intercom]: Lowy Institute.

Di Martin: Hello, it's Di Martin here, I've got a 5 o'clock appointment with Alan Dupont.
Alan Dupont is a former Australian Embassy official in Jakarta.

Alan Dupont: Well the sorts of underlying fears, which I don't think are well based but nevertheless these are the sort of fears they articulare, are 1) there is a view that Australia is seeking to undermine Indonesia's sovereignty over Papua because it wants to see Indonesia weakened territorially; there's another view that this is a Christian-Islamic thing, this is part of a sort of Western Christian conspiracy directed at Indonesia as an Islamic nation. Now this has been particularly prevalent after 9/11.

Di Martin: Because of course Melanesian Papuans are overwhelmingly Christian?

Alan Dupont: That's right. Some Indonesians see this in terms of that kind of clash that they believe is happening.

Di Martin: So there's still those deep suspicions in Jakarta of Australia's intentions regards Papua?

Alan Dupont: Absolutely. I mean I've talked with many Indonesians about this over the years. These are educated professional Indonesians who understand Australia well, and I've been quite surprised at the vehemence of their view on this.

Di Martin: Alan Dupont, now at the Lowy Institute in Sydney.

When Australian troops landed at Dili airport to secure what was left of East Timor, relations with Indonesia hit rock bottom. They recovered, but not because of any fundamental strength in the relationship.

In his last interview before being recalled to Jakarta, Indonesia's Ambassador to Australia candidly admits that relations only improved because of some unforseen disasters.

This is Hamzah Thayeb.

Hamzah Thayeb: This is something that probably sadly, because our relations became stronger when we had to face the terrorist threats. The Bali bombings for instance, the second Bali bombings, and then the bombing in the Marriott Hotel as well as the Australian Embassy, that really brought us closer together, because terrorism, as we all know, cannot be fought by only one country alone.

Di Martin: So in essence, security considerations accelerated the healing between the two countries?

Hamzah Thayeb: That and of course the tsunami, the natural disaster that happened in Aceh, that also was one element that brought us closer together. Unfortunately because of this sad situation that we were facing, this is what brought us together closer.

Di Martin: Hamzah Thayeb has recently held a senior post in Jakarta's foreign policy circles and would be well informed about enduring suspicions of Australia.

Hamzah Thayeb: Well that suspicion emanates from the experience of East Timor, that is clear. Because in the past you were the only country that recognised East Timor being part of Indonesia. And in 1999 you somewhat reversed your position, and this really stuck to the minds of Indonesians, most of our Indonesians. The 43 Papuans, this again adds to this fear, you see.

Di Martin: Hamzah Thayeb argues that Australia simply doesn't understand what's going on in Papua. He says Indonesia has made significant democratic reforms, including in that remote province.

Hamzah Thayeb: The 43 people from Papua, they came to Australia looking for asylum. Asylum means that they are being persecuted. But they are not being persecuted, these people are not on the list, any wanted list, not even from the national police. So they can go back.

Di Martin: Refugee advocates jumped when they heard the Ambassador repeatedly making this statement. The identity of asylum seekers is kept secret, so families in the home country are protected, and those applying for asylum aren't singled out if they're returned.

So how did the Ambassador know the 43 were not on any wanted list if he didn't know their names?

Liz Biok from the International Commission of Jurists says Indonesian record keeping is often very thorough.

Liz Biok: You've got to understand that in Indonesia, in villages and suburban areas there is very close control of who is there. If people want to leave their village, if they want to leave their settlement area in Jayapura, and go to another town, they have to get official permission. The Indonesian government keeps track on how many cows and chickens there are in villages in Indonesia. I've seen the large tables where they count the livestock, the days that children are born, everything is recorded. They will know that these people are missing.

Di Martin: Liz Biok says Indonesia's anger over the Papuan asylum decision is grounded in the view that asylum is a political decision, not a legal one. She says Jakarta doesn't see Australia protecting people whose lives are in danger, it sees a supposedly friendly government giving succour to hated Indonesian separatists.

Liz Biok: For a lot of Indonesians, this whole concept of refugee status is a complete unknown. Indonesian lawyers don't understand it. For them, it's about political asylum. They don't see that it's a question of international protection for people who are at risk.

Di Martin: Prime Minister John Howard says the Papuan asylum decision was out of his hands.

John Howard: Obviously, the immigration laws of this country have to be implemented, and when President Yudhoyono and I spoke about five weeks ago, he rang me to talk about this issue, and I said to him on that occasion, and Mr Downer has repeated this, that those 43 people would be dealt with in accordance with the processes of Australian law. Now that is what has happened.

Di Martin: But Indonesia finds it difficult to believe these asylum decisions could come from anywhere else but Australia's Federal Cabinet.

The coalition may be lying in a bed partly of its own making. During the last Federal election, the Howard government used the slogan, 'We decide who comes into this country, and the circumstances in which they come.'

Jakarta has cited Canberra's recent hardline policy on refugees to illustrate why it feels betrayed.

Before he was recalled, Hamzah Thayeb spelled out his scepticism about the legal independence of these asylum decisions.

Hamzah Thayeb: The way we run in Indonesia, is we always do it in the interagency, and of course there's the Cabinet. Everything being decided finally at that level of course. And I would assume that in every government it goes that way. So it should be co-ordinated, discussed thoroughly, at the Cabinet level if necessary. That's the way we do it.

Di Martin: So do you understand this to be an inherently political decision regards the fate of the Papuans?

Hamzah Thayeb: Political decision? Again, the political aspect of the event should always be taken into account, because relations is always a political decision to have good relations. And that is why that aspect to me is very important, to be looked into also, and not only the legal aspect only, but the political aspect is probably more important.

Di Martin: Hamzah Thayeb, speaking at his home in Canberra. Three days later he was recalled to Jakarta.
He's not the only one who's sceptical. Dick Woolcott has not only been Ambassador to Indonesia, but also Secretary of the Department of Foreign Affairs and Trade. This is his response when asked whether he'd expect the asylum decision to be put to the Prime Minister and the Foreign Minister.

Dick Woolcott: I would be surprised if it hadn't, because to me it was obviously going to be a major issue. In this particular case, I would have thought that the pros and cons of either giving them Temporary Protection Visas or granting political asylum, or sending them back, would have been put before the government.

Di Martin: Background Briefing has found that both of these sceptics are right, to some degree.
Officials both within and outside parliament say the Australian Cabinet has considered this issue. Also, shortly after the Papuans arrived, government agencies agreed to unprecedented consultations for such an asylum claim.

An inter-departmental committee was set up, including officials from the Office of Prime Minister and Cabinet, the Department of Defence, the Department of Foreign Affairs and Trade, and of course, the Department of Immigration. A well-placed source says the meetings were regular and close.

Background Briefing has been told while the meetings considered how to handle the issue and its implications, the final asylum decision was made independently and according to the law.

A former Prime Ministerial foreign policy adviser, Alan Gyngell, says the committee's existence proves just how high the stakes have been in this issue.

Alan Gyngell: It seems to me to have been a very sensible decision to have taken, to prepare the ground to make sure that all the players on the Australian side knew what was happening, and what the reactions were likely to be. Alexander Downer had been to Indonesia, he'd spoken to Indonesian officials and Ministers about it. There were telephone calls I'm sure behind the scene there was a great deal of diplomatic activity as well.

Di Martin: That's Alan Gyngell.

Di Martin: The stakes at play in this decision were not only high in Foreign Affairs. Let's return now to the Department of Immigration, and how the asylum decision fits neatly with that Department's great need for a good news story.
This is John Howard speaking in the wake of two recent reports, slamming the Department of Immigration.

John Howard: Certainly the Department has had a number of very, very bad reports. I have read the detailed summary of former Commissioner Comrie's report, and clearly it's a bad read.

Di Martin: The Department of Immigration has had a shocking 18 months. Last year the Palmer and Comrie inquiries listed a litany of failures and errors in the cases of Cornelia Rau and Vivian Solon.
T
his is part of the ABC's 'PM' program on the night former Federal Police Commissioner, Mick Palmer, released his report.

Reporter: He's found there are serious problems with the handling of immigration detention cases, that stem from deep seated cultural and attitudinal problems within the department. And he adds that senior officers don't have the perspective or the capacity to bring about the major changes in mindset and practice that are required.

Di Martin: The bad news was so comprehensive that the Department decided not to mark its 60th anniversary last year. Background Briefing has been told departmental morale has fallen through the floor, and many staff have requested counselling.

Then in Immigration's first test, post the Palmer report, 43 Papuans beached off Weipa, with what's been called a virtually watertight case.

The Papuans arrived in a spectacularly high profile way. A photo showing them sitting onshore was published nationally, ensuring their fate would be closely watched.

Someone who's advised government on refugee policy, who doesn't want to be named, says the Papuans had several things running in their favour. They didn't stop at another country en route, raising the question of another nation's responsibilities. They reached the Australian mainland, and didn't land on one of the excised islands in the Torres Strait, increasing their rights to claim asylum. And they didn't use people smugglers. A fear of persecution is considered more genuine if people take the risk of making their own trip.

That advisor says the Australian government simply couldn't reject the Papuans without a flagrant breach of domestic and international law.

In Melbourne, the Papuan's lawyer, David Manne, says Australian Ministers have no discretion to reject his clients.

David Manne: No, it's not an appropriate legal criteria to take into account. There's no legal basis for refusing someone refugee status on the basis that it may adversely affect foreign relations.

Di Martin: Immigration saw its chance for redemption. The Department could do the right thing by the Papuans, and be seen to be doing the right thing.

David Manne, who's a well-known critic of the Australian government's Immigration record, has this assessment of the way his clients were processed.

David Manne: What we have here is a system properly functioning, and it's important to recognise that, because with depressing regularity in the past, of course it's become clear that the Department of Immigration and the Australian government have not treated all refugees who've come here in that way, and indeed there have been systemic failures over a long period. What we have here is a real turnaround. I think a huge step forward and a really substantial development in the process. I think it's quite clear that in the new post Palmer reform process, that this has been seen as a real test of whether this reform process is going to be meaningful, and to the extent that it is a test, they've passed with flying colours, I think it would be fair to say.

Di Martin: That's David Manne.

[Phone conversation]
Louise Byrne: Yes, so it's like really fantastic, and he's thrilled, and he's ...

Di Martin: This is Louise Byrne, talking on the phone to David Manne on the day the asylum news came through. She's helping to settle the group of 42 into their new Melbourne homes, and was consulted by the Department of Immigration about Papuan cultural matters.
Speaking in one of Melbourne's city parks, Louise Byrne gives this example of the Department's new attitude.

Louise Byrne: Well case managers appointed by the head of DIMIA in Victoria are coming around to my place on Sunday for lunch, to learn about West Papuan culture, so they wouldn't make mistakes on Christmas Island. I deliberately said Sunday to test. I thought what public servant's going to waste time at work on Sunday, you know. And they said, 'Yes, we'd love to come', and I thought 'Hm'. And really simple issues came up about this cross-cultural stuff, where they said, 'Louise, we can't understand it. We gave a couple of them $100, took them to the supermarket and said, "Get what you like", and they stood there and wouldn't do anything.' So you've got to get your head inside this stuff, and say, 'OK, no-one in West Papua's had choice since 1962, and you're saying, 'Go into this supermarket and get what you like and here's $100'. So many things were going on in their head, like, What if I spend too much? Will they send me back? You know, and What if I choose the wrong thing and they don't approve?

Di Martin: And they kept you informed of the process, you felt like you had access to these Department of Immigration people?

Louise Byrne: In Perth on one Saturday night, and my sister and my brother - I've got family in Perth, so they were kind of running around with the refugees, helping them look after there. There was a problem, and I can't remember what it was. My sister rang up, crying, because she, like me, has never had anything to do with these government departments before. And I thought, Oh God, I can't stand my sister crying, but it is Saturday night at 10 o'clock, should I ring John Williams on the mobile he gave me, or not? And I did. And it was fixed in two minutes.

Di Martin: The domestic and foreign stakes have been very high indeed.
Jakarta was no doubt aware of the different balls Australia has been juggling, because from early on, it began to apply very public pressure. Like when the Indonesian President phoned John Howard asking him to return the Papuans.

The Lowy Institute's Alan Dupont underlines the sensitivity.

Alan Dupont: Well it's essentially because the Indonesians see this as a litmus test of Australia's bona fides on the Papua question. This has been elevated well beyond an issue of whether people get granted asylum or protection, to a demonstration of whether Australia genuinely means what it says on Papua. That's what's elevated this issue, and it's actually less a problem for the Indonesians in terms of the government to government relations, it's about the political elites in Indonesia and particularly the Parliament, where there's still a very strong anti-Australian vein running through opinion in the Parliament, going back to East Timor.

Di Martin: Just a week later, Australia failed the litmus test.

Peter Cave: When the news broke, it brought an angry condemnation from nationalist members of Parliament like Djoko Susilo.

Djoko Susilo: I would like to see them retaliate against the John Howard government. We have to cancel ...
Di Martin: Early assessments of the damage to Australia's relations with Indonesia were grim, and things just don't seem to be getting much better.
Indonesia's strongest protest came when it recalled its Ambassador. Indonesian authority Dick Woolcott says he can't remember a similar action.

Dick Woolcott: As far as I can recall it's the first time an Indonesian Ambassador has been recalled. It was a fairly strong gesture.

Di Martin: To what extent does the actions of the President, Susilo Bambang Yudhoyono represent genuine anger at this decision to grant asylum, and to what extent does he need to act strongly to satisfy the nationalist constituencies that are holding him in power?

Dick Woolcott: Well Di, that's a good point, because we now have a democracy in Indonesia, all the Members of the Parliament are elected, and President Yudhoyono's position is not all that easy. His own party is a minority party in the Parliament. So he can't simply necessarily do things that we might want him to do, or expect him to do.

Di Martin: That's Dick Woolcott.

Several observers say Canberra does not fully understand the strength of Indonesian nationalism, and how Australia offends that feeling. When a cartoon appeared on the front page of a racy Indonesian daily, it portrayed Australia's Prime Minister and Foreign Minister as dingoes, with John Howard mounting Alexander Downer, urging him to seize Papua for Australia.
J
ohn Howard has dismissed the image.

John Howard: In relation to the cartoons, look I've been in his game a long time. If I got offended about cartoons, golly, heavens above. Give us a break.

Di Martin: The cartoon was crude, but it was not insignificant. Because it showed editors of a tabloid making a commercial decision about what would appeal to everyday Indonesians. It also sparked the unfortunate and more calculated cartoon retaliation from The Australian newspaper showing an Indonesian sodomising an unhappy looking Papuan.

Both countries' leaders are calling for calm.

Alan Gyngell, a former foreign policy adviser to Paul Keating, says the current impasse is all too familiar.

Alan Gyngell: If you look at the relationship now it looks rather like the relationship at the beginning of the 1990s, that is, you have a very close personal relationship between the heads of government on both sides, between the foreign ministers on both sides, the two governments are working as hard as they can to deepen the relationship, but the challenge for both of them is how to broaden this to include the sort of people to people relationship, where as you say, there is still a great underlying fragility.

Di Martin: Alan Gyngell, now head of the Lowy Institute for International Policy.
What's worrying both Alan Gyngell and Dick Woolcott is the possibility of more boats coming from Papua.
This is Dick Woolcott.

Dick Woolcott: The more that come, the greater the difficulty will be. So I think that's a very important issue. If boats continue to come I think that will just continue to exacerbate the problem.
Di Martin: The only thing certain in future relations with Indonesia is we're all set for a bumpy bilateral ride. We'll know when the dust starts to settle in Jakarta, because Indonesia's Ambassador to Australia will make his return to Canberra. Until then, comments made by Hamzah Thayeb before being recalled are looking pretty prophetic.

Hamzah Thayeb: The understanding is lacking on both sides probably, and this is what I'm afraid of. If this misperception is not being dealt with in the proper manner it could grow into misunderstanding, and this is what can really affect our relationship, which is already good, and that I don't think is what we want. Because we cannot do otherwise but work together in partnership. Don't you think? I think so.

Di Martin: Background Briefing's Co-ordinating Producer is Linda McGinness, Research and Website Production from Anna Whitfeld, Technical Operator is David Bates and Kirsten Garrett is Executive Producer.
Comments by Asmara Nababan in this program were provided by Eko Wahluyo from human rights group, Indonesian Solidarity.

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