

**Submission to the Senate Standing Committee  
on Foreign Affairs, Defence and Trade  
Parliament of Australia**

**Inquiry into matters relating to the Torres Strait region**

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## Summary

1. Over the period since the Torres Strait Treaty was agreed between the governments of Australia and Papua New Guinea the disparity in economic circumstances of the people living adjacent to but on opposite sides of the border has widened considerably. This presents a number of challenges to Australian administration and management of the border. The impoverished living conditions endured by the people living on the PNG side of the border are a cause of deep dissatisfaction and some resentment among them. If Australia's security and stability is related to the security and stability of the region in which it is located, it is in Australia's interest to take measures to redress the plight of its nearest neighbours living in the villages of South Fly District of Western Province and in the town of Daru.
2. There are a number of problems with the operation of the traditional inhabitant provisions of the Torres Strait Treaty, all of which are related to the fact that the people on the PNG side of the border are deprived of opportunities to improve their living conditions. These problems include:
  - (a) Conflict and dispute between PNG groups over who should be classified as traditional inhabitants for the purpose of the Treaty.
  - (b) Stress on the people and resources of some of the Torres Strait islands from the burden of relatively large numbers of traditional inhabitant visitors who come from Papua New Guinea.
  - (c) The lack of opportunities on the PNG side of the border makes visiting the Australian Torres Strait islands exceedingly important to the people of the adjacent PNG mainland seeking to improve their situation; however they are too numerous and the cash economies on the islands are too small to meet their needs, and they remain disaffected with the current state of affairs, and with the treatment they receive when they do visit the islands.
  - (d) The stress on the Islanders caused by the high volume of visiting Papuans, and the disappointment felt by Papuans at the failure of Islanders to satisfy

their demands, creates a source of ongoing tension between the two groups.

3. It is recommended that specific economic development programs be directed toward redressing the economic circumstances in this region, which has been long neglected by the PNG government. In addition, it is recommended that opportunities for commercial trade in and through the region be facilitated by the establishment of designated ports at places in addition to those currently located at Daru and Horn Island. This could be expected to have a positive economic outcome for residents of the region on both sides of the border, and for Australian concerns in relation to border security and public health.

## **Introduction**

4. This submission is made in a personal capacity; I do not represent the interests of any party in relation to the matters discussed. The opinions and observations contained in this submission are based on my own experience, which includes anthropological research, over the period from 1998 to the present. I was employed as the senior anthropologist at the Torres Strait Regional Authority – Native Title Office for 3½ years between 1998 and 2001. Over the period from 2005 to 2009 I was intermittently engaged as a consultant to provide expert opinions in the Federal Court proceedings in relation to the Torres Strait Regional Seas Native Title Claim. Since 2002 I have been enrolled as a PhD student in the Graduate Program in Anthropology at the Australian National University. The subject of my doctoral research is the effect of the international border on processes of social differentiation among the peoples living in the vicinity of the Torres Strait border, focused on the people from the PNG side of the border. This research has included 2½ years of fieldwork, based at Buzi village but also involving travel throughout the region of Papua New Guinea from the West Papua border to the Fly River. In 2004 I was engaged as a consultant by the TSRA (in a cooperative project between the TSRA and the Australian and PNG Departments of Foreign Affairs) to provide a report concerning the Torres Strait Treaty traditional inhabitants provisions.

5. This submission addresses some but not all of the Committee's terms of reference. Those of the terms of reference which are addressed are used as headings throughout the submission.

### **The provisions of the Torres Strait Treaty**

6. The Torres Strait Treaty contains provisions which give certain privileges to people classified as "traditional inhabitants": they are permitted "free movement" across the international border to engage in "traditional activities." At the time the Treaty was drafted there was substantial interdependence between people on opposite sides of the border. Since that time the material conditions of living have improved markedly for residents on the Australian side, while they have in some respects declined for residents on the PNG side. Islanders are now to a large extent dependent on welfare payments provided by the Australian government, but they no longer need to trade with Papuans as they once did; however Papuans need Islanders more than ever as their opportunities to engage in commercial activities have reduced since the implementation of the Treaty. This increasing disparity has had adverse effects for the operation of the traditional inhabitants provisions of the Treaty.
7. The vague definition provided in the Treaty of who is to be classified as a traditional inhabitant, and the subsequent administrative definition restricting traditional inhabitant status among Papua New Guineans to people who are from one of 14 specified "Treaty villages," has led to conflict between some of these Treaty villages and people from other villages who assert that they should also be accorded traditional inhabitant status on the basis of the Treaty definition. The conflicts over categorisation of traditional inhabitants for the purpose of the Treaty are linked to disputes involving contested histories of migration and occupation of the land along the Papua New Guinea coast. These disputes have an ethnic dimension, and also involve competition for social status and economic advantage. As a corollary, disputes among Papua New Guineans over land ownership, customary marine tenure, the history of colonialism and Christian missionisation, as well as a variety of other related issues, are now implicated in

the administration of the border.<sup>1</sup> These disputes have occasionally escalated into violent confrontations in the past, and are likely to continue to if there is no change to the current situation.

8. There are people from many villages which are not included on the list of Treaty villages who would in my analysis come within the meaning of traditional inhabitant as defined in the Treaty. I have interviewed a number of people from the islands of Saibai, Dauan and Boigu who acknowledge that the current list of Treaty villages excludes some people with whom they have long maintained “traditional customary associations.”<sup>2</sup> The fact that they are excluded under the current administrative arrangements between Australian and Papua New Guinea is a result of some deft political manoeuvring by their rivals when the list of 14 Treaty villages was decided rather than a genuinely consultative process or independent assessment of the evidence.
9. Islanders living on the islands are few in numbers by comparison with neighbouring Papuans, and the current flow of traditional inhabitants, particularly at Boigu and Saibai, places great strain on the people and resources of the islands. This is a cause of some tension between Islanders and visiting Papuans. The tension is compounded by the fact that there are populations of Papuans who are Australian citizens or permanent residents living on several of the Torres Strait islands. The Australian resident Papuans retain strong connections with their extended families from Papua New Guinea, and it is not uncommon for Papua New Guinea resident traditional inhabitants to live for long periods of time on the Torres Strait islands. They are regarded as “over-stayers” in the island communities.
10. The lack of opportunities on the PNG side of the border is the background against which Papuans from some Treaty villages have become highly dependent on their engagement with the cash economies on the Australian Torres Strait Islands. However they are too numerous, their demands are too great, and the cash

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<sup>1</sup> I have described these disputes in a 2004 report, “Torres Strait Treaty Traditional Inhabitants.”

<sup>2</sup> Maintenance of “traditional customary associations” with Torres Strait is a key aspect of the definition of “traditional inhabitants” in the Treaty.

economies on the islands are too small to satisfy their needs. They remain disaffected with the current state of affairs, and with the treatment they receive when they do visit the islands. Papuans are employed by Islanders to do various menial and domestic tasks at the standard rate of \$10 per day. Papuans bring a range of goods to trade, but the supply is much greater than the demand; the prices they are able to obtain in their market trade on the islands are much less than what they believe their goods are worth.

11. The economic inequality between the Torres Strait islands and the neighbouring New Guinea mainland is cause for puzzlement among many Papuans; and for resentment among some. They do not recognise any moral basis for the fact of their relative deprivation. Responses to the inequity that they experience vary among groups and individuals. Millenarian hope is widespread, but so too is a practical determination to effect change. This takes many forms, from voicing concern to representatives of the Australian government to defiance of directives from Australian law enforcement authorities, and low level illegal activity.

**The extent of cooperation with, and between, Australia's northern neighbours, PNG and Indonesia, in relation to the health, welfare and security of the Torres Strait region and communities in and around this region.**

12. During the time that I was resident at Buzi (2002-2005) a new medical aid post and a residence for a health care worker were constructed there with funding from AusAID. These facilities are basic by comparison with what is available on the neighbouring island of Boigu, but a significant advance on what was there previously, which was nothing. I understand from speaking with people at Buzi that improvements have since been made to these facilities, and that further improvements are planned.
13. Once construction of the facilities was completed, responsibility for their maintenance and for staffing and medical supplies was handed to the Western Province administration. The person who was employed at the Buzi aid post had very limited training and was not regarded by the people of the village as competent to diagnose or treat anything but the most common and minor injuries

14. Improvement in the health facilities in the PNG villages is greatly appreciated by the people resident there. However if one of the aims of providing these facilities is to reduce the pressure of the demands made by Papuans on the medical facilities in the Torres Strait Islands they need to be adequately staffed and supplied. Entrusting these things to the Western Province administration has not been effective in the past.
15. There is a widespread understanding among the people of the region that the international development aid provided by Australia to Papua New Guinea has been of little benefit to them. Some villages were provided with rainwater catchment structures and tanks; but these do not provide sufficient water to last out the dry season, and there are many other villages with poor quality water that were not given tanks. Transport and communications infrastructure is inadequate, so while people living in remote villages state their willingness to produce food and other goods for market they are unable get their goods to places where they can be sold. Blame for their circumstances is primarily attributed to the incapacity of their own government to provide for them in the way that they see Torres Strait Islanders looked after by the Australian government; yet at the same time Australia, as the former colonial government, is also held to be responsible for having neglected them since PNG was granted independence in 1975.

**D. (i) The challenges facing this region in relation to the management of fisheries**

16. In my opinion the basic challenge facing this region in relation to the management of fisheries, as with so much else, is the impoverished state in which most of the people on the PNG side of the border live. Regardless of whatever laws and regulations are put in place by governments, people will continue to harvest commercially valuable resources to obtain cash when they have few alternative options. I have observed harvesting and trade in beche de mer out of season, unregulated shark fin harvesting and sale to traders travelling along the coast from Merauke, trade in dugong tusks to traders from Merauke, and trade in dugong meat in Daru. Turtle meat is commonly sold in Daru; as far as I am aware this is not illegal, but it presents a challenge to Australian desires to conserve turtles. There are many people living in Daru who eke out a living by fishing for the fresh fish market there. I have spoken to a number of these people who do not regard the international maritime boundary as legitimate, and who frequently cross to the Australian side to fish, on the rationale that there are insufficient resources on the PNG side of the border and too many people exploiting them.
17. In addition to the commercial sale of marine products, some marine species are of great cultural significance to both Islanders and Papuans; and marine resources are an important source of food for the people living on and near the coast of PNG, as they are also for Torres Strait Islanders. While Torres Strait Islanders have access to cash to purchase alternative foods, this option is not available to most people living in the villages of PNG. In my opinion, any attempts to restrict Papuans from harvesting marine resources for food or for sale is likely to be resisted, and prohibitions disregarded.

**D. (ii) The challenges facing this region in relation to the contribution of international trade and commerce to regional economic sustainability**

18. I have no particular expertise in relation to this matter, however I offer the following observations:



- At present there is very little international trade and commerce in this region.
- The cost of transport throughout the region on both sides of the border is extremely high, and this may be related to the fact that the volume of trade is so low.
- The only designated ports in the region through which international commercial activity can be conducted are at Daru Island and Horn Island. There are no regular flights and no regular shipping between these ports (this is not to say that there is no traffic between them, but that it is necessary to charter a flight or boat, one cannot simply purchase a ticket, or send some freight).
- I would expect that if designated ports were to be established at two or three points on the PNG mainland and at two or three islands in Torres Strait, and commercial activity between the countries was encouraged by Australian and PNG governments, it would substantially enhance regional economic sustainability.
- There are a number of resources and products that Papua New Guineans could develop for commercial trade if they had the opportunity to do so. These include timber, agricultural products, handicrafts, and marine resources.
- The very high cost and administrative difficulties at present involved in travel from Torres Strait to the adjacent region of PNG limit opportunities for tourism. Although it should not be expected that tourism is likely to become a major source of economic activity, any increase in the numbers of tourists traveling across the border from Australia to the adjacent region of PNG would be welcomed by people on the PNG side.

**D. (iii) The challenges facing this region in relation to the maintenance of strong border security across the Torres Strait region, including but not limited to, issues related to Australia's defence, bio-security, public health, immigration and customs**

19. Many of the Australian Torres Strait islands are extremely low-lying, with elevation just a few metres above sea level. Similarly, much of the adjacent New

Guinea mainland coast and islands is also barely elevated above sea level. In the event of even a relatively small rise in sea levels above their current tidal range many thousands of people in the towns and villages along the coast will be displaced. For some, there will be the possibility of moving inland, where they have family connections. For many others however, to move inland would cause conflict with the people onto whose land they would be moving, and in my opinion a more likely response to displacement by rising sea levels would, for many people, be to attempt to come to Australia.

20. Communicable diseases are a major cause of ill health among Papua New Guineans living in the area adjacent to Torres Strait. Australian authorities are engaged in continuous efforts to prevent the spread of most of these diseases south through Torres Strait to mainland Australia. In my opinion it would also be sensible to expend further effort in public health measures to reduce their prevalence among Papua New Guineans.
21. Refugees from various parts of the world occasionally make their way to this region and attempt to cross the border into Australia from the adjacent region of PNG. The route through Indonesia to get to this area is difficult to travel, but once they get there it is not hard to find a local person with a dinghy willing to transport them the short distance across to an Australian Torres Strait island.
22. The most fundamental challenge to Australia's border security in this region is, in my opinion, the relative poverty of the Papua New Guinean population living in the region adjacent to the border. For as long as such inequality in material conditions on opposite sides of the border is allowed to persist, Australia's defence, bio-security and public health, will remain compromised.

## **Recommendations**

23. Economic development of the region on the PNG side of the border should be made a priority in Australian strategies aimed at maintaining border security. This should take the form of improving the general wellbeing of people through public health measures; assisting and stimulating economic activity on the PNG side of

the border through targeted international development aid; and facilitating cross border trade by establishing additional designated ports.

24. People who believe that they come within the meaning of “traditional inhabitant” as defined in the Treaty but who are excluded from the current list of 14 Treaty villages should be given an opportunity to have their case considered, and this consideration should involve consultation with Torres Strait Islanders about who they acknowledge as maintaining “traditional customary associations” across the international border.