Providing a ‘home for the oppressed’?

Historical perspectives on Australian responses to refugees

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The current Australian Government and many refugee advocates claim that Australia’s response to refugees was traditionally generous. The paper examines this claim by analysing five cases: the Government’s response to German sailors jumping ship in the late 1930s; the admission of displaced persons in the late 1940s; the recruitment of migrants in Trieste in the mid-1950s; the so-called Portuguese deserters case in 1961-62; and the Australian response to West Papuans seeking asylum in the Territory of Papua and New Guinea in the 1960s. The paper suggests that it is useful to juxtapose past and present Australian responses to refugees and asylum seekers. It argues that the humanitarian argument (rather than utilitarian reasoning) ought to be the key argument in the debate about Australia’s response to refugees. But since that argument is no longer endorsed by the Government, appeals to the citizens’ personal sense of responsibility have become more effective than appeals to the policy makers’ or Australia’s collective conscience.

In a brochure designed to counter criticism of its refugee policies, Australia’s Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) states: ‘Australia has a proud record of resettling refugees and people in humanitarian need from around the world, beginning with 7000 German Jews in the late 1930s’ (2002: 7). Australians for Just Refugee Programs say in their mission statement: ‘We believe that Australia’s policies toward refugees and asylum seekers should at all times reflect respect, decency and traditional Australian generosity to those in need, while advancing Australia’s international standing and national interests’ (Australians for Just Refugee Programs 2002; emphasis added).

The Australian Government and the DIMIA have repeatedly claimed that Australia’s responses to refugees...
were generous in the past and continue to be generous in the present. Many Australian refugee advocacy groups have repeatedly implied that Australia’s responses to refugees in the past were generous, and that only the current policies towards refugees and asylum seekers represent an aberration. Both the Department and its critics have also pointed out that refugees make good immigrants (discussed below) and that they have made a huge contribution to Australia. Rural Australians for Refugees claim on their website under the heading ‘Know the Facts’: ‘After World War II the Snowy Mountains Scheme was built largely with the labour of thousands of refugees. Let us again give refugees a chance to contribute to this country in the 21st century. Let’s give them a fair go!’ (Rural Australians for Refugees 2002). The former Minister for Immigration, Philip Ruddock, writes in the foreword to a book published by his department: ‘Australia has welcomed over 600,000 refugees since World War II who make a continuing contribution to our nation, in large and sometimes unnoticed ways, at national and community levels’ (Ruddock 2002: [iii]).

Claims of a distinguished history of resettling refugees could be illustrated by statistics. Australia accepted disproportionately many refugees sponsored by the International Refugee Organisation (IRO) in the late 1940s and early 1950s (Holborn 1956: 393-96 and 470). Australia opened its doors to an excessively large number of Hungarian refugees in 1956 and 1957. They accepted a comparatively large number of Indochinese refugees in the late 1970s and early 1980s. ‘In proportion to its population, Australia has led the world in accepting refugees for resettlement,’ notes Louise Holborn (1975: 622) in a history of the United Nations High Commissioner for Refugees (UNHCR) that was published in 1975. So why is there a question mark in the title of this article? Did not Australia provide a home for the oppressed? Alternatively, if not for the oppressed then for those who, in the words of the 1951 Convention Relating to the Status of Refugees, ‘... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, [are] outside the country of [their] nationality and [are] unable to or, owing to such fear, unwilling to avail themselves of the protection of that country (art 1A.(2))’?

However, statistics do not necessarily prove what they illustrate. A ‘proud record’ and ‘traditional Australian generosity’ entail more than can be quantitatively measured. In this paper, I will explore dimensions that cannot easily be quantified by briefly discussing five cases ranging from the late 1930s to the late 1960s. Rather than dwell on the quantifiable effects of Australian refugee policies, I will focus on their underlying motives.

Energetic, ambitious and full of life


The above photograph depicts, from left to right, Zenta, Maira, Richard and Inars Kalnins. They are standing on the deck of the Fairsea, a converted American aircraft carrier used by the IRO to transport displaced persons from Europe to Australia. The key person on the picture is the little girl, because in August 1949 she was welcomed as Australia’s 50,000th New Australian (see, for example, Anon 1949) — or rather, the 50,000th displaced person sponsored by the IRO and to be resettled in Australia. When the Department of Immigration decided to celebrate the arrival of the 50,000th refugee, it asked the Australian Mission in Germany to identify an ‘attractive female child under 10 accompanying parents who are suitable subjects for publicity’ (Heyes to Amber 1949). Being, in the words of Arthur Calwell’s subsequent press statement, a ‘smiling, flaxen-haired girl of seven’, Maira certainly fit the bill as did her Latvian parents (Calwell 1949). The family had left their native Riga for Germany in 1944, fleeing the advancing Red Army. Maira’s father had studied engineering and had a basic knowledge of English (see Galleghan to Heyes 1949; Australian DP
The Kalnins family represented, not so much the typical post war European refugees, as the ideal immigrants. As non-British Australian immigrants they were not atypical, at least not during the first two years of the Australian displaced persons (DP) resettlement program. In early 1948, an American ship’s surgeon, Dr Ergas, accompanied another converted US warship, the General Black, on two IRO funded trips, the first from Naples to South America, and the second from the German port of Bremerhaven to Australia. About the first group of passengers, he wrote:

Many of them had skin diseases ... and some had venereal diseases. It was a blessing to them when they found out that we were so well equipped ... to care for their various ailments ... Men and women were a mixture of all ages and the majority of them had dark complexions, brown eyes and dark hair. Their past hardships hid much of their normal appearance. Many of them were melancholy [sic] with a sad, forced smile (Ergas: nd).

All these people were resettled in either Venezuela or Peru.

Ergas described the Australia-bound refugees in a very different vein:

Most of this group consisted of young men and women with very few children. They were well dressed, carried additional clothes, made a fine appearance, and looked bright and intelligent. Most of them were from the Baltic countries ... The majority spoke English and German ... The women in general were very good looking. Some had beautiful, dark, long hair; others were platinum blonde with blue eyes, light complexion and very tall. The men were fine looking too. Many of these displaced persons had college and university degrees ... All the immigrants had to pass a thorough physical examination by two Australian physicians before they were granted permission by the Australian Consul to make the long journey to Australia. Anyone found with a lung or heart disease, or any other serious ailment, was rejected. It was indeed a very select group of young people. They all appeared to be energetic, ambitious, and full of life (Ergas: nd).

The Australian Government’s decision in 1947 to admit a large number of DPs was motivated by its desire to significantly increase Australia’s population — and, more specifically, the workforce — rather than by humanitarian considerations (Markus 1984). Given that suitable British settlers were not available in sufficient numbers, Australia recruited other suitable immigrants. These suitable non-British settlers were young, educated and healthy, and ideally they possessed certain racial features. Flaxen-haired, fair-skinned and blue-eyed young men and women from the Baltic countries who did not want to, or could not, return to the Soviet Union were preferred to survivors of German concentration camps who were ill as a result of their ordeal. As the American doctor correctly observed, Australian selection criteria were indeed very strict. The Australian selection teams were instructed to reject ‘cases requiring continued medical care even for minor complaints’, including varicose veins and rotten teeth (Metcalfe to Senior Medical Officer 1949; see also Kunz 1988: 48; Holleufer 2001: 159-60). Those refugees who helped build the Snowy Mountains Scheme — and who had been selected to migrate to Australia — were arguably given a fair go. However, that does not necessarily mean that Australia gave a fair go to refugees awaiting resettlement in post-war Europe.

In 1949, refugees did not queue for a limited number of Australian resettlement places. Rather, the Australian Immigration Department — and its counterparts in Washington, Lima, Caracas and other New World capitals — queued for a limited number of ships ferrying DPs to their countries of resettlement, and Australian officials competed with the representatives of other resettlement countries for the most suitable
DPs: ‘the search for suitable settlers soon developed into a race between the major countries of immigration’ (Kunz 1988: 38). Australian officials tried to sell the destination Australia to the Kalnins and other potential immigrants from the Baltic countries to attract passengers for the IRO’s ships. Calwell admonished his successor in April 1950 with regard to the admission of DPs: ‘I think that we should get all who are available of those good people, and get them while we can, because next year will be too late’ (Representatives, 1950). As a result, instead of distributing films featuring poisonous snakes, the Australian Government produced publicity material that depicted Australia in favourable terms.

Australia never again accepted as many refugees per year as in the late 1940s and early 1950s under the auspices of the IRO. The pool of suitable European refugees was not unlimited. Also, during the 1950s the assisted passage agreements with Italy, Germany and Holland provided a significant proportion of the number of immigrants required by Australia. Nevertheless, Australia continued to resettle large numbers of refugees. After the abolition of the IRO in 1952, most refugees who resettled in Australia during the 1950s were brought here under the auspices of the Intergovernmental Committee for European Migration (ICEM), which had been initially set up to allow countries such as the United States and Australia to bypass UN organisations (in particular, the International Labour Organization and the UNHCR — see Loescher 1993: 62-65; Loescher 2001: 59-66).

The Allied-controlled Zone A of Trieste was one of the recruiting grounds for Australian selection teams after 1952. On 1 November 1953, there were 6200 refugees in Trieste. They included Venezia Giulians (ethnic Italians) from the area now administered by Yugoslavia; Cominformist sympathisers who fled Yugoslavia after its Government left the Cominform; other Yugoslav dissidents; White Russians who had fled to Serbia after 1917; and Eastern Europeans from Bulgaria, Hungary, Romania and Czechoslovakia. Most of them were accommodated in camps (Holborn 1975, vol I: 342-43).

The camps were overcrowded, and the internal situation in Trieste was volatile. By the end of 1953, the permanent resettlement of the Triestian refugees was considered a matter of great urgency. This urgency became even more pressing when, in late 1954, the American and British Governments handed control of Zone A to the Italians. For 1953-1954, the Australian migration programme had initially provided for the migration of 250 persons from Trieste. By February 1954, an additional 650 persons had been approved and selected. In February, the target was once more adjusted: from 900 to 3000 (Gibson to Heyes 1954). There were no equivalent upward adjustments for the intake from other European countries. ‘Trieste was going to Australia,’ a Trieste politician noted (Vidali, quoted in Sluga 2001: 155; see also Duroselle 1966: 427, and Novak 1970: 469). In the three year period between 1953-54 and 1956-57, Australia accepted 5244 assisted migrants from Trieste (Marchesi 1988: 635). In 1957, the Secretary of the Department of Immigration could justifiably claim that Australia had been ‘the principal country recruiting refugees in Trieste’ (Heyes to Warren 1957). It is unclear whether the Australian Government was moved by the plight of either the refugees living in the overcrowded camps in Trieste, or of those affected by the disastrous economic situation in Trieste.

The deterioration of the situation in Trieste happened at a time when demands that the Department of Immigration recruit more immigrants specifically for the cane harvest were put forward with particular vehemence by the Queensland sugar industry. Repeatedly Muir, the General Secretary of the Australian Cane Growers’ Association, urged the Government to take steps to ensure that the harvesting of sugar cane not be impeded by the shortage of labour. Muir’s complaints about the Department’s lack of action were not entirely justified, for many of the DPs admitted to Australia before 1953 had been specifically recruited for the sugar industry: for example, 285 men among those ‘fine looking’ 860 DPs on the General Black had been specifically recruited for sugar harvesting (Watson to Assistant Secretary 1948). Muir was also
concerned that many of the migrants who came to Australia under bilateral assisted passage agreements were unwilling to work in the sugar industry, or were entirely unsuited for heavy manual labour.

Over the years, Muir suggested a number of different nationalities who, in his opinion, would be able to adapt to the harsh working conditions on the cane fields: they included Greeks, Spaniards and Italians. In 1954, Muir identified another target group: Yugoslavs. In October 1954, the Secretary of the Immigration Department, Tasman Heyes ridiculed this suggestion:

Representations we have received each year have varied in regard to the preferences for particular nationalities. ... [T]he latest suggestion has been that Yugoslavs would be best suited for cane cutting. Next year, no doubt, they will be pressing for Eskimos (Heyes to Minister 1954).

However, earlier that same year the Immigration Department began recruiting men in Trieste specifically for the cane harvest, and as the Chief Migration Officer at the Australian Legation in Rome reported:

Reports from the Selection Team operating in Trieste show that to the 14th April [1954] 300 cane cutters have been selected. These types are stated to be very good indeed and will be able to carry out the arduous duties involved (Driver to Secretary 1954).

In the period from about 1947 to about 1956, refugees were admitted to Australia to boost its population and, at times, to relieve specific labour shortages. Refugees were selected on the basis of their suitability as immigrants. Australia was then reluctant to accept any of the so-called hardcore cases: refugees who were old, chronically sick or had a disability, and could not be resettled because nobody wanted them. As Australia’s immigration policy was determined by the White Australia policy, it did not offer to resettle, or provide a temporary safe haven for, non-European refugees such as Palestinians or non-European Jews (Goutman 1993; Gale 1994). Even if Eskimos had proven to be very adept at cutting sugar cane, and if they had been forced to flee their homeland, Australia would not have accepted them as refugees because they would not have been considered Europeans.

From the point of view of those seeking to provide the Australian economy with a pool of suitable labour, DPs and other refugees made better immigrants than self-funded settlers. The former, ‘like convicts and assisted immigrants in the past, could be selected, directed and assisted effectively because they were dependent on public support for their settlement in Australia’ (Jupp 1992: 131). Initially, at least, when the shipping capacities were small in comparison to the overall number of available DPs, the Australian selection teams could use the most stringent (and absurd) criteria (see Markus 1984: 80; Kunz 1988: 46).

The government policy towards DPs was not determined by humanitarian considerations. In fact, it was little informed by such considerations. Neither did the Government make much use of the humanitarian argument to convince Australians that the admission of a large number of European refugees was good policy. In early 1949, the Immigration Publicity Officer of the Department of Information pointed out:

It was never our intention to find acceptance for the displaced persons through an appeal to the charity and sympathy of the Australian people. An acceptance born of these sentiments can turn easily to tolerance or contempt. The line we took was one of frank reporting of facts. We pulled no punches and we made no apologies. We stated frankly the terms of the agreement under which the displaced persons entered Australia (for two years to be under Commonwealth direction). ... Such a frank line appealed to the Australian people (Murphy nd).
Deserters of good type

While I disagree with how some refugee advocacy groups argue the case for accepting a larger number of refugees, I am not questioning their claim that the current refugee and asylum seeker policies are most ungenerous. One of the more recent cases exemplifying Australia’s current approach has been the deportation of Nadar Sayadi-Estahbanati, an Iranian man who, together with his brother and another man, had arrived in Portland, Victoria in 2000 as a stowaway on board an Iranian ship. They applied for political asylum and were held in various detention centres. Nadar’s brother gave up hope to be allowed to remain in Australia and voluntarily returned to Iran, where he disappeared on the day of his arrival — presumably killed or imprisoned by the secret police. Nadar Sayadi-Estahbanati’s application for refugee status was unsuccessful, and he was forcibly deported on 1 June 2002, even though there were serious doubts as to whether his state of physical and mental health would allow him to arrive in Iran alive, and even though it seemed likely that he would meet the same fate as his brother (Gilchrist 2002; Skelton 2002a; Skelton 2002b; Lawrence, Representatives, 2002a; Lawrence, Representatives, 2002b).

Australia has always been a popular destination for stowaways and ship jumpers. Many of these ‘unauthorised arrivals’ have been British and many of them have been allowed to remain in Australia. There have also been cases of refugees entering Australia as stowaways or ship jumpers, long before the current hysteria about boat people (in fact long before the first boat people from Indochina arrived in 1976). In the second half of the 1930s, dozens of German sailors jumped ship in Australia. They included men who fled an intolerable situation in Hitler’s Germany.

George Huelscher was 14 when the Nazis came to power. From a young age, he worked as a sailor. In 1937, a casual remark got him into trouble with the secret police. He was arrested, but got off with a warning. He decided to leave Germany. In December 1938, he jumped ship in Newcastle. Neither Customs nor the Department of the Interior were initially willing to press charges against Huelscher (who could easily have been deported as a prohibited immigrant). It was only on 1 September 1939, the first day of the war, that Huelscher was arrested in Maitland. A few days later, he was discharged, after the police offered ‘no evidence as the Customs Dept and Dept of Interior did not wish any action’ (Anon: nd).

Like nearly all of the German ship jumpers in the second half of the 1930s, Huelscher was young, single, male, healthy and non-Jewish. He was welcome as an immigrant — and in that sense it did not matter at all why he chose to come to Australia. In a directive issued in 1936, the Department of the Interior advised that the Collector of Customs was not obliged to charge a ‘deserter of good type’ with being a prohibited immigrant, and that, if such charges were laid, it was not always desirable to secure an immediate conviction (Horgan to Collector of Customs 1936; see also Peters to Collector of Customs 1936).

Initially, none of these ship jumpers drew attention to the reasons that made them leave Germany. There was no public discussion about them. The Department of the Interior was not at all concerned about their biographical background. The refugees among them were not counted as part of the quota of 15,000 European refugees set by the Government in December 1938. Latvian DPs, German ship jumpers and refugees from Trieste were admitted to Australia because they were considered to be suitable immigrants. Humanitarian considerations hardly entered into the equation.

In the case of Sayadi-Estahbanati, refugee advocacy groups demanded that he be allowed to stay in Australia on humanitarian grounds. The Government rejected these demands. To what extent were humanitarian considerations raised in public debate in the 1930s, 1940s or 1950s? George Huelscher, like...
many other German refugees, was interned as an enemy alien in mid-1940. Internment was conceived as a precautionary measure. Since Huelscher had arrived shortly before the outbreak of World War II, the security services did not want to discount the possibility that he was, or would become, a spy or saboteur (Gillard, quoted in Aliens Tribunal 1941: 24). Refugee advocates such as Brian Fitzpatrick of the Council for Civil Liberties or the Anglican bishop Venn Pilcher lobbied for the release of refugees like Huelscher (Watson 1979: 123-26; Blakeney 1985: 200-201). While the Government rarely met Fitzpatrick and Pilcher’s demands, it did not publicly dispute the validity of their line of argument. Without needing the prompting of refugee advocates, it did not communicate details about Huelscher’s internment to the representatives of the German Government. Huelscher was released after about 15 months in internment (Service and Casualty Form nd). Others who had entered Australia as ship jumpers or on tourist visas were not so lucky and remained interned for three years or more. Even in cases where the Australian authorities remained unconvinced about an internee’s refugee claim, they did not deport him or her while the Nazis were in power.

The only sure protection from emotional press exhortation

In the 1930s, 1940s and first half of the 1950s, humanitarian considerations did not carry much weight in public debates about refugees (certainly not when the White Australia policy was concerned). But when publicly engaging with the critics of its refugee policy, the Government always pretended to respect the validity of the humanitarian argument in principle, even though it more often than not did not engage with it. In the late 1930s and early 1940s, the Council for Civil Liberties was spied upon by the Australian security services (for example ‘No 112’ 1939), and Brian Fitzpatrick may have been considered a nuisance, or worse, by the authorities. Yet successive Attorney-Generals and Ministers for the Army (who were responsible for the internment of enemy aliens) did not publicly dispute the validity of Fitzgerald’s and Pilcher’s arguments in principle, or publicly label them pseudo-intellectuals, bleeding hearts, or members of the elite, on account of their humanitarian convictions.

Gradually, humanitarian considerations became more prominent in public debate, as became evident in the 1961-62 Portuguese deserters case. On 10 December 1961, three Portuguese naval ratings — Joaquim Teixeira, Jose Manuel Da Costa and Noberto Augusto Andrade — deserted the navy frigate *Gonzalves Zarco* in Darwin. Once their ship had left Darwin, they emerged from hiding and applied for political asylum (Anon 1961). They were interrogated by an Australian Security Intelligence Organisation (ASIO) officer, who concluded ‘that the men could not be regarded in any sense as “defectors”’ (Heydon to Minister 1961: 2). In 1956, anticipating requests for political asylum from Eastern European athletes during the Melbourne Olympics, the Government had formulated a policy on asylum (Cabinet 1956). However, this policy had only been applied to citizens of Eastern Bloc nations. Portugal was ‘rated as a friendly nation’, as Arthur Tange, the Secretary of the Department of External Affairs put it (Tange to Minister 1961). Tange therefore recommended the men’s deportation.

While contemplating the fate of the three men, senior Canberra bureaucrats considered the question of whether or not humanitarian reasons should come into play. Tange did not think so because,

... according to their own statements they are not ‘political offenders’ in the strict sense. They have committed an offence, which is recognised by our own naval authorities and for which Australian naval ratings would certainly be punished (Tange to Minister 1961).

His counterpart in the Department of Immigration, Peter Heydon, disagreed: ‘there is a humanitarian factor
— even if it is not strictly a case for political asylum — should we return these men to certain imprisonment and possible death’ (Heydon to Minister 1961).

For the time being, the views emanating from the Department of External Affairs, which was concerned about Australia’s relations with Portugal, prevailed: the requests for political asylum were turned down, and it was decided to deport the men to Portuguese Timor. In January 1962, the deportation was deferred due to legal action taken by the three men in the Northern Territory Supreme Court. On 7 March, their attempt to challenge the deportation orders by applying for an order nisi failed (R v Liveris). On 30 April, the High Court rejected their application for leave to appeal the decision (Teixeira and Others v Liveris).

Meanwhile, public support for the three men had been building. Initially this support centred on Darwin, where the editor of the Northern Territory News championed their cause (Lockwood 1968: 186-87). Rallies in Sydney and Brisbane followed, various trade unions came out in support of the three Portuguese sailors, and newspaper editorials demanded that they be allowed to remain in Australia. Eventually the Government relented because the political costs of the men’s deportation would have far outweighed the political cost of offending the Portuguese Government. An announcement that the men were allowed to stay would be ‘the only sure protection of the Government from all sorts of emotional and illogical Press exhortation and criticism’, Peter Heydon advised his minister (Heydon to Minister 1962). The Government’s stance was not swayed by humanitarian arguments (see also Barwick 1995: 165-67) but the Government did not publicly discount them.

**Border crossers**

In 1962, the Dutch bowed to international pressure and withdrew from West New Guinea, the last remnant of the former Dutch East Indies. For a few months, a United Nations interim administration controlled the western half of the island of New Guinea. On 1 May 1963, control of what became known as West Irian passed to the Indonesians, who committed themselves to hold a referendum in which the people of West Irian would be allowed to decide about their future. This referendum, the controversial Act of Free Choice, took place in 1969. As a result, Western New Guinea — now generally referred to as Irian Jaya — formally became an integral part of Indonesia.

During the last years of Dutch colonial rule, an indigenous elite had been encouraged to prepare for autonomy and eventual independence (Van der Veur 1963). When Indonesia took control of West New Guinea, many of those supposedly liberated from Dutch colonial tutelage resented the fact that one colonial regime was merely supplanted by another — which, to make matters worse, was not at all inclined to allow for the possibility of West New Guinea’s independence, and was not able to invest nearly as much in the country’s economic development as the Dutch had been.

From 1962, an ever growing number of people fled West New Guinea (see for the following Van der Veur 1965; Neumann 2002). Initially, the refugees aimed only for the most obvious destination: the eastern half of New Guinea. Later, some of them headed directly to the Torres Strait Islands. Not that this made much of a difference: Eastern New Guinea was then part of the Australian Territory of Papua and New Guinea.

In the first two years after the Dutch left West New Guinea, Australia only accepted refugees who were sponsored by the Dutch. These were usually people who had worked for the Dutch colonial authorities and were known for their anti-Indonesian sentiments. Some of these people went into exile in Holland, while others were allowed to remain in the Australian Territory but were financially supported by the Dutch
Government. All others who crossed the border into Papua and New Guinea in 1963 and the first half of 1964 were sent back by Australian Government officials. In the first year after the Indonesians took control of West New Guinea from the United Nations, from June 1963 to May 1964, 377 ‘non-political native refugees’ crossed the border without a valid visa — according to the Department of Territories, this was mainly for either of two reasons: ‘general dislike of [the] Indonesian administration’, or ‘avoidance of conscription’ (Anon 1964). All of these people were turned back.

In March 1964, Charles Edward Barnes, the Minister for Territories, reiterated his Government’s commitment to returning unauthorised border crossers to West Irian:

The fact is that, by an international decision to which Australia was party, West New Guinea is under Indonesian Administration and the people of West New Guinea and the Administration of Papua and New Guinea alike have to learn to live with that situation (Marsh 1964).

In December 1964, Djoni Jakadewa became the first West Papuan refugee not sponsored by the Dutch to be allowed to remain in Papua and New Guinea (Barnes to Gorton 1964). Together with his employers, the Moluccan Nikijuluw family, he had landed at Wutung in New Guinea’s Sepik District in September 1964.

From 1965, the Australian authorities accepted more West Papuan asylum seekers, while still sending back substantial numbers of refugees: about 800 in 1967, as many in 1968, and more in 1969 (Department of External Affairs 1969; see also van der Kroef 1970:492; Palfreeman 1970: 58–59). Successful refugees were not granted political asylum but were given temporary permissive residency visas. These visas were granted only to refugees who signed an undertaking not to engage in anti-Indonesian political activity during their stay in Papua and New Guinea.

The Australian authorities distinguished between three different types of border crossers: (a) ‘Ordinary inland village people, still fairly primitive, who cross the border for purposes such as hunting, subsistence agriculture or visiting people of their clan’; (b) ‘Unskilled, semi-sophisticates generally with limited primary school education who are half-heartedly looking for employment and a higher standard of living’ (that is, in today’s parlance, ‘economic refugees’); and (c) ‘Genuine refugees’ (Rose to Secretary 1966). In the eyes of the Australian authorities, genuine refugees tended to be neither unskilled nor unsophisticated (that is, uneducated). Their genuineness had to do with being able to convince the Australian authorities that they were being persecuted on account of their political beliefs. However, even though their stay was meant to be temporary, and they were never meant to enter Australia properly, the granting of permissive residency seemed also to depend on their education, willingness to work and employment prospects.

On several occasions Lazarus Itaar had been imprisoned by the Indonesians because of his membership in the Organisasi Papua Merdeka (OPM, Free Papua Movement) and his contact with other dissidents: he feared for his life. On 9 February 1968, and then again on 15 March 1968, he entered Papua and New Guinea. On both occasions, he was returned to the border. Itaar tried a third time on 8 April 1968. This time his request for political asylum was processed and he was allowed to remain in the Australian territory while his case was being investigated. Such an investigation involved an interview by a Special Branch officer, who then made a recommendation to the Department of Territories about whether or not a border crosser should be allowed to remain in Papua and New Guinea. In Itaar’s case, the interviewing officer found:

On the last time he was returned to the border he showed all the signs of being filled with terror at the prospect of having to re-enter Indonesian controlled territory. He is a clean sober person and is a practising Christian ... He has been medically examined and has been found to have a normal state of health (Gascoigne
As his fear of being returned did not stop the authorities from returning him on a previous occasion, it is possible, if not likely, that his education, skills, employability, state of health and Christian beliefs played no small part in the officer’s recommendation to let Itaar remain in the Territory.

Were the Australian authorities obliged to accept West Papuan refugees? They were not bound by domestic or international law. Australia was a signatory to the 1951 Convention but did not sign the 1967 Protocol, which removed the Convention’s time and geographical limitations, until 1973 — not least because of the reservations of the Department of Territories, which was concerned about the applicability of the Convention and Protocol in Papua and New Guinea. However, the Government felt morally bound by international conventions, and repeatedly stressed that its refugee policy in Papua and New Guinea was in accord with relevant international conventions (see for example Hasluck, Representatives, 1968). The Government also conveyed this position to the Indonesians (see for example McPherson to Doig 1969). In 1948, Australia had voted for the Universal Declaration of Human Rights. In 1966, the Australian delegation supported the Draft Declaration on Territorial Asylum in the United Nations General Assembly — although the Department of Territories had substantial reservations about its text (Brazil 1967; Ballard to Secretary 1967).

Did the Government admit refugees because it felt obliged to uphold humanitarian principles? Throughout the first years of Indonesian rule in West New Guinea, the Australian Government maintained publicly that its response to the influx of refugees was guided by humanitarian considerations. In August 1962, Sir Garfield Barwick in his capacity as Minister for External Affairs opined that ‘very often to ask for political asylum is to ask for more, really, than the facts will warrant’ (Representatives, 1962a). But, anticipating an influx of refugees from West New Guinea, the Minister also affirmed that:

If any requests are received under the heading of political asylum, they will be entertained and decided on their particular merits from a very high humanitarian point of view in accordance with traditional British principles (Barwick, Representatives, 1962b).

What Barwick told Parliament contrasted sharply with what he stated off the public record. In a memorandum to his department, the minister cautioned that ‘[w]e should not be too infected with the British notion of being a home for the oppressed’ (quoted in Farran to Jockel 1963).

Throughout the years, various Ministers for Territories also had a rather narrow understanding of the humanitarian considerations involved. Referring to a directive by Paul Hasluck (to Secretary 1963), a summary of the Department of Territories’ policy in 1964 stated with regard to refugees who were sent back to West Irian:

The Ministerial decision was that when [the refugees] are required to return, their return should be managed humanely. The consideration of humanity does not come into the decision whether they should be allowed to stay or return if they are not political refugees; it only comes into the execution of the decision that they should return (Marsh 1964).

The harsh line taken in 1963 and 1964, and the very selective acceptance of refugees after 1965, were influenced by three main factors: first, the Government was afraid of an even larger influx of refugees from Indonesia, and was anxious not to encourage the movement of people across the border; second, it was determined to retain or establish a harmonious relationship with Australia’s northern neighbour — in order to placate the Indonesians, Australia granted permissive residence to West Papuans only if they committed
themselves not to become politically active during their stay in Papua and New Guinea; and third, it did not want to burden a future independent Papua New Guinea with either a large number of potentially undesirable residents or a strained relationship with Indonesia.

The available evidence suggests that during the 1960s, humanitarian considerations, or concerns about Indonesia’s appalling human rights record, did not directly influence the decisions of Ministers and senior bureaucrats. In public statements, the Australian Government claimed that West Papuan border crossers who were sent back to West Irian came to no harm. On 18 May 1965, the Minister for Territories responded in Parliament to the suggestion that returned refugees were being ill treated in West Irian: ‘I say very definitely that there is no evidence of this whatsoever’ (Barnes, Representatives, 1965). However, the files of the Departments of Territories and External Affairs contain references to refugees who after their return to West Irian had reportedly been beaten, imprisoned or murdered. One day after the Minister’s emphatic response, Djoni Jakadewa’s brother Mesak was sent back across the border. He was said to have been killed by Indonesian troops within a month of his return (Local Intelligence Committee 1965, 17).

Indirectly, however the humanitarian argument played an important role. The Government never attempted to openly discredit either this argument itself or those who potentially benefited from it, and therefore was forced to bow to public pressure. Publicly voiced concerns about human rights violations were endorsed by the Government’s response to these concerns. Publicly — vis-à-vis a domestic public and in international fora such as the United Nations General Assembly — the Government maintained that human rights issues and humanitarian considerations ought to guide its policy.

A humanitarian approach was regarded to be the correct way of dealing with refugees. The Government did not publicly dispute the right of West Papuans persecuted by the Indonesians to seek refuge in Papua and New Guinea. Rather than defending its approach, the Government attempted to keep it secret as much as possible. Ideally, the events at the border were to receive no public attention at all. The authorities were particularly anxious that the reasons for which certain refugees were granted asylum not be publicly known. Djoni Jakadewa ‘was permitted to stay on the basis of his claim that his family had been killed by the Indonesians. ... These grounds,’ the Department of External Affairs advised all Australian diplomatic posts, ‘should not be quoted, any questions being met with the reply that the man concerned was regarded as having a genuine case for admission’ (Department of External Affairs 1965).

The desire not to offend the Indonesians and the desire not to offend public opinion in Australia and in Papua and New Guinea were not unrelated. In January 1963, Garfield Barwick summoned the Indonesian ambassador to let him know that:

It was to the interest of both sides to avoid a mass movement of population. But if the numbers and circumstances of the people seeking political asylum evoked humanitarian considerations, public opinion in Australia would react sharply and the Australian Government could not take a rigid or seemingly harsh line. It was therefore important that the apprehensions of the West Papuans should not be aroused (Lewis 1963).

When the Australian authorities began to depart from their policy of returning all border crossers, and admitted small numbers of West Papuan refugees in the mid-1960s, their leniency was prompted by fears of, or formulated in response to, adverse public reactions in either Australia or the Territory. Nevertheless, such reactions were mild in comparison with the criticism levelled at the current Australian refugee and asylum seeker policies. Until 1969, the Australian public at large was not interested in what was happening at the border between the Australian territory and West Irian. Newspaper articles drawing attention to the plight of West Papuan refugees were comparatively rare. Even in relation to other parts of Papua and New Guinea,
the border area was remote. News about border crossings did not always reach the Australian media. If it did, then there was a good chance that the journalist assigned to the case shared the Australian Government’s anxiety that nothing be done to offend Indonesian sensitivities. However, the only daily newspaper in Papua and New Guinea, the South Pacific Post, devoted much space to the refugee issue and was less inclined to be supportive of Indonesia’s stance. The Australian Government’s response to West Papuan refugees appears often to have been formulated on the run — with one eye on the Indonesian Minister for Foreign Affairs and one eye on the South Pacific Post.

It was published, rather than public, opinion that influenced Government policy. During the 1960s, there were no rallies in support of West Papuan refugees in Sydney or Melbourne or Adelaide (there were, however, public protests in Port Moresby). The Government had to deal with few critical questions in the House of Representatives and Senate (but was faced with sustained criticism in the House of Assembly in Port Moresby). Public criticism in Papua and New Guinea did not trouble the Government much — not because it did not pay attention to what people in the Territory thought, but because it had established that the public support for West Pauans was limited to members of the comparatively small indigenous elite and to notorious trouble-makers among the expatriate staff of the University of Papua New Guinea (Territory Intelligence Committee 1968).

Matters of responsibility

It is problematic to construct a neat genealogy of current refugee policies and of the public’s current attitudes towards refugees and asylum seekers. While the story of Maira Kalnins could be used to point towards a longstanding obsession with ‘whiteness’ in Australian immigration policy, it is problematic to use it in order to compare the current Government’s response to refugees with that of previous governments. While we may not be able to detect the nucleus of current policies in the 1960s, or to meaningfully compare approaches in the 1960s and now, an analysis of earlier instances when Australia accepted refugees is nevertheless useful for understanding current events.

Rather than compare policies and responses, I would like to juxtapose them. The difference between comparison and juxtaposition is subtle but important. Comparison relies on compatibility. In this case, it would enable us to reassess elements of current responses in the light of past responses. Juxtaposition posits a relationship that historically did not exist, and has the potential to illuminate aspects of current responses that would otherwise appear self-evident. Histories that are not committed to delineating the present are more likely to startle their audiences, and less likely to confirm what these audiences knew already.

The former Minister for Immigration, Philip Ruddock, did little to persuade his critics that the Australian asylum seeker and refugee policies are informed by humanitarian considerations. The DIMIA’s claim of an ongoing humanitarian tradition is sounding increasingly hollow — as if those making it have stopped believing in it. How could Nadar Sayadi-Estahbanati’s forcible deportation be justified in terms of a policy informed by humanitarian considerations? The Government claims that Australia’s territorial integrity and security are at stake. Instead of soothing the long-standing fears of large sections of the Australian public, the Government plays on them — fears that Australians would have to share their suburban homes with the riffraff of European or Asian refugee camps, fears that their daughters would marry a ‘reffo’ or ‘balt’ or ‘chink’.

Australians are now also encouraged to disregard what others (outside Australia) think of them. Thus, the argument that Australia’s reputation overseas has been tarnished by the Tampa affair and the ‘Pacific
‘Solution’ does not carry much weight. If the rejection of asylum seekers is done because Australia needs to defend the integrity of its borders, then any criticism of such a defence could be construed as yet another assault on its sovereignty (which needs to be repelled as sternly as those approaching Australia’s shores in leaking vessels).

In the first half of the 1960s, the Government conceded a common ground when it chose not to dispute the validity of the humanitarian concerns put forward by its critics. In 2003, the roles appear to be reversed. Many of the Government’s critics now seem to be seeking to re-establish a common ground. They do so by suggesting that Australia has traditionally been generous and thus appeal to Australians’ patriotism. Much like the Prime Minister, they would like to celebrate ‘traditional’ Australian values.

An admittedly very perfunctory look at Australian responses to refugees from the late 1930s to the mid-1960s shows that there is not much Australians can be proud of — neither as far as official responses, nor as far as public responses are concerned.

Some of Philip Ruddock’s critics stress pragmatic arguments. Seemingly the most powerful of these is the claim that refugees make good immigrants. However, taken on its own this argument now makes little sense. (It made some sense in 1949.) If a country sought to increase its population, then it would recruit immigrants on the basis of their skills, education, state of health, gender and age (if not cultural background), regardless of whether or not they had to flee their homes. A contemplation of the fact that — historically — genuine refugees were not admitted to Australia or its territories if they were not considered to be suitable immigrants (because they were not healthy, Christian and sober) may prompt us to divorce the debate about immigration levels from the debate about refugees.

Notwithstanding the fact that Australians who are supporting the current refugee and asylum seeker policies will not be won over easily to ethics that appear no longer to be endorsed by the Government, the humanitarian argument is still the obvious alternative to the pragmatic line of reasoning. Admittedly, the humanitarian argument is essentially fundamentalist. It says that the enforced deportation of Nadar Sayadi-Estabbanati is fundamentally wrong. The humanitarian argument does not require pragmatic reasoning. Whether or not the Iranian stowaway would have made a good immigrant should not have come into the equation. Neither should the question of whether or not his deportation was un-Australian.

Rather than harking back to a purportedly better past, critics of the current inhumane asylum seeker policies could point to a present that is moving towards more, rather than less, globalisation: in which forced migration is on the increase, and in which the world’s citizens are called upon to act responsibly towards their fellow human beings regardless of countries of origin, race or religion, and regardless of what their own governments deem right or wrong.

Rather than expecting the state to act responsibly on their behalf, many Australians — be they prompted by Christian ethics or by their conviction that they are to act as responsible citizens of a globalised world — have drawn on their individual sense of responsibility. Rather than asking, ‘What do we owe to people other than our citizens?’ every one of them has asked, ‘What do I, as a citizen, owe to people other than my fellow citizens?’ Thousands wrote to Philip Adams to say they were prepared to harbour an asylum seeker escaped from a detention centre — even if the price were a prison sentence (Adams 2001; see also Barrowclough 2001). For such a pledge to be effective, it does not need to be supported by pragmatic reasoning. At the same time, by wilfully ignoring the state’s distinction between lawful and unlawful, such a pledge challenges the state’s right to define unlawfulness. (Such blatant disregard for the state’s authority is perhaps akin to that evidenced by asylum seekers who cross national boundaries without seeking prior permission to do so.)
An appeal to Australians’ personal sense of responsibility may be more effective than an appeal to their patriotism. It may even lead to a much needed debate about the (actual and desirable) limits of national sovereignty in a globalised word.¹

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