



Order in the Year of Law Enforcement: Papua New Guinea

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Papua New Guinea's diverse problems of order are symptomatic of the dislocative impact of broader processes of change in its distinctive social environment. Law enforcement agencies have become progressively overwhelmed by the demands placed on them and the serious shortage of public resources. This has led to the massive growth of private policing and increasingly militarised responses on the part of the state. In practice these responses often have counter-productive outcomes and have, in many cases, themselves become part of the problem.

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An understanding of the current law and order situation in Papua New Guinea needs to be situated squarely within the broader context of rapid and pervasive change. While Papua New Guinea's problems have a distinctive character, they also share much with developments in other parts of the world. Crime and social disorder tend to accompany fundamental social and economic transformations wherever they occur. Inter-personal violence, pandemic drug abuse, corruption, organised crime and the failure of institutionalised criminal justice have become of major concern in affluent post-industrial western nations, such as the United States and Australia.

Papua New Guinea's problems of order assume somewhat less significance than is implied in parochial domestic accounts and exotic foreign coverage when assessed in global terms. There is little evidence, yet, of the large-scale drug trade that is wreaking such havoc elsewhere, or of the highly organised crime syndicates that transcend national boundaries, colonise states and undermine national sovereignty in many other parts of the world. But that in no way diminishes the significance or impact of Papua New Guinea's problems of order, particularly for those most directly affected.

While crimes of violence remain more difficult to understand, most acquisitive



crime in Papua New Guinea is essentially rational in character. Urbanisation, population growth, lack of economic growth and an expanding body of marginalised youth provide important preconditions for crime and delinquency in Papua New Guinea, as they would elsewhere. The rise of raskolism also parallels the declining purchase of traditional controls at village level under the impact of socioeconomic change, as well as the progressive incapacitation of state controls starved of the resources necessary to keep pace with growing demands.

Of the current population of 4 million, approximately 43 per cent are under the age of 15. This youthful profile is particularly marked in urban areas where criminal groups flourish. According to the 1990 National Census figures, approximately 50 per cent of the total National Capital District population of 195,570 (including Port Moresby and its environs) are aged under 20 years and approximately 62 per cent are aged under 25 years (Papua New Guinea, National Statistical Office 1993). The majority of youngsters prematurely 'drop-out' or are 'pushed-out' of school for a variety of reasons including financial pressures. Experience of a western and urban-oriented education contributes to alienation from village life while simultaneously drawing youngsters to the urban environment. At the same time young migrants rarely possess the qualifications required of the relatively few employment openings in the urban environment.

While the quality of existing data makes it difficult to quantify, there is no doubt that the rate of unemployment in Papua New Guinea has increased significantly over the last two decades and that this has been a major contributor—at the macro level—to escalating lawlessness (MacWilliam 1996).

Projections suggest that 'approximately 300,000 persons will be unemployed in the year 2000, that is 50 per cent unemployment', with unemployment presently increasing at four times the rate of wage employment (Millett 1993:10).

In addition to underlying structural factors generating criminal opportunities, the extremely limited capacity of state controls—embodied in the criminal justice system—inevitably accentuates problems of lawlessness. In practice the weakness of state controls has led to increasing reliance on short-term militaristic responses to lawlessness. These responses have often had distinctly counter-productive outcomes by, for example, accentuating underlying social grievances and marginalisations which, in turn, contribute to further lawlessness.

Crime and disorder—the problems

The major categories of crime causing popular concern in Papua New Guinea today are

- violence against women
- gang crime
- tribal fighting
- corruption and white collar crime (Nenta 1996).

Violence against women

Violence against women, including domestic violence and gang rape, remains a major concern in Papua New Guinea. The Law Reform Commission has documented the frequency of violence against women within marital and *de facto* relationships in both urban and rural areas, as well as among affluent and grassroots households respectively (Law Reform Commission 1985; 1986; 1992). In practice, law



enforcement agencies have been reluctant to intervene in an area widely viewed as 'private' or 'domestic'. Serious sexual assaults and harassment are reported in many parts of the country. In September this year, Police Commissioner Nenta expressed concern about the increasing incidence of sex offences in parts of the Highlands and New Guinea Islands (*Post-Courier*, September 24 1996). At the same time, sexual offences are likely to be among the most under-reported of all criminal offences in Papua New Guinea. Rapes often involve multiple assailants—so-called 'pack rapes'. In addition to 'payback' rapes, serious sexual assaults appear to take place regularly—as crimes of opportunity—during the commission of other crimes such as breaking-and-entering or robbery. Violence between women generally stems from domestic problems and there appears to have been a discernible increase in the number of women in recent years charged with murdering a co-wife in polygamous marriages.

Despite the existence of Constitutional rights and the prescriptions of the criminal law, large numbers of Papua New Guinean women and girls experience high levels of personal insecurity on a daily basis. This insecurity translates into intolerable restrictions on their freedom of movement and expression. Under-resourced and thinly-spread law enforcement agencies have been of little assistance in confronting this kind of crime. Police action is often confined to warning women that they should not move around on their own or should not visit certain areas or be out after dark. In addition, police personnel have themselves been implicated in serious sexual violence.

The factors underlying abusive sexual behaviour in Papua New Guinea remain complex and under-researched. Changing patterns of gender relations, alcohol abuse,

the breakdown of traditional restraints, and the persistence of male dominance in all fields play a significant role. Male-controlled mechanisms designed to settle disputes at local levels often end up accentuating gender inequities in practice. Many village courts, for example, continue to reinforce the subordination of women by severely punishing alleged adultery on the part of a woman defendant, while exercising leniency in respect of her male partner. Practices of polygamy and bride-price accentuate a view of women as property. Earlier this year human rights groups campaigned around the case in the Western Highlands of a young woman who had reportedly been offered as part of a compensation payment resulting from the death of a man in a shoot-out with police. Relatives of the deceased were demanding payment of two young women, pigs and K20,000. The young woman in question was allegedly offered in settlement—against her will—along with 24 pigs (*Asia Pacific Network*, 21 May 1996).

Issues of gender violence remain of critical concern in Papua New Guinea. The quality of life for half the population remains seriously diminished by well-grounded fears for personal security based on threats and acts of violence against women and girls.

Gang crime

The raskol gang remains the most potent and disturbing symbol in contemporary law and order folklore in Papua New Guinea. From its origins among young male migrants in Port Moresby in the late 1960s/early 1970s, raskolism has since spread to other urban centres, as well as to many rural areas. Groups of predominantly young men engage in criminal activities ranging from shoplifting, bag-snatching, highway hold-ups, car theft, breaking-and-entering, to sophisticated armed



robberies, pack rapes and homicides. The organisation, as well as the activities, of these criminal groups varies enormously between different parts of the country. In rural areas, raskol groups are likely to be ethnically homogenous, speaking the same local language and coming from the same village or group of villages. Criminal activities might consist of a relatively unsophisticated form of social banditry entailing hold-ups along the highways. The incidence of offences in such areas is likely to be episodic depending on factors such as the need for cash (for example, to pay school fees), the availability of lucrative targets (such as coffee buyers), the presence of prison escapees, the activities of law enforcement agencies and so on.

The most lucrative opportunities for acquisitive crime are concentrated in urban and other development areas (such as around the vicinity of large-scale mining projects) where concentrations of wealth are found. Well-organised gangs target cash payrolls, business premises and cash-in-transit. Such groups are likely to be more ethnically heterogeneous than their rural counterparts and the incidence and form of their criminal activities will be more frequent and sophisticated. The last published police annual report claimed that a total of 664 armed robberies occurred in the National Capital District—that is, 42.4 per cent of the national total of 1,566 robberies (Royal Papua New Guinea Constabulary 1990:8). The report stated that 27 per cent of all reported break, entering and stealing offences for that year were recorded in the National Capital District.

The routine use of modern firearms has added to the menace of contemporary raskolism. Weapons include high-powered rifles, as well as assorted home-made weapons. In August it was even reported that two hand grenades had been taken from suspected armed robbers arrested in

Port Moresby (*Post-Courier*, August 22 1996). While generally used to intimidate victims, weapons will be used in the case of any resistance on the part of victims. The brazenness of criminal operations has become progressively more marked in recent years. Shoot-outs between criminals and police are regularly reported (*Post-Courier*, October 1 1996). Armed crime has, in turn, encouraged non-criminals to acquire and use firearms for self-defence. While understandable in the circumstances, such a development inevitably contributes to the overall escalation in violence. In 1995, for example, an expatriate businessman reportedly shot dead four criminals who had attacked a Port Moresby restaurant killing one security guard and terrorising diners. There is also evidence that criminal gangs are being increasingly used by political leaders during elections for purposes of intimidating rivals and mobilising supporters (Dinnen 1996). Criminals can be hired to carry out assaults, rapes and homicides.

There has been much speculation in recent years about the sources of the growing number of illegal weapons in Papua New Guinea. A recurring claim is that consignments of marijuana grown mainly in the Highlands are being exported to Australia via the Torres Strait in return for firearms and ammunition. While conclusive evidence is hard to find, a joint operation between Australian and Papua New Guinea police in 1994 did net drugs with an estimated street value of K3 million and eleven suspects (10 Australians and one Papua New Guinean). A confidential brief on the 'drugs-for-guns' trade, apparently prepared by Papua New Guinea's National Intelligence Organisation, was obtained by the *Post-Courier* newspaper in August 1996. According to the report the illicit trade had become big business and was directly fuelling Papua New Guinea's law and order problems (*Post-Courier*, August 9–11



1996). Concern has also been expressed about the regular 'loss' of weapons from disciplined forces' armouries and personnel.

Tribal fighting

Although common to many PNG societies prior to colonial intervention, the incidence of tribal fighting today is largely confined to parts of the rural Highlands. Such fights can cause serious damage to property, as well as inflicting extensive casualties. The destruction of schools, aid posts and commercial premises can have deleterious long-term effects on development in the areas concerned. Fatalities and personal injuries are increasingly likely as warriors resort to high-powered firearms and guerrilla tactics.

The revival of tribal fighting since the early 1970s broadly parallels the decline in government services, including official procedures for conflict resolution. For the state, tribal fighting represents a direct challenge to its proclaimed monopoly over legitimate force. For many participants, on the other hand, fighting is viewed as a legitimate mechanism for resolving underlying conflict between different groups.

Corruption and white-collar crime

Issues of corruption have assumed increasing prominence in law and order debates in Papua New Guinea in recent years. Allegations of corruption and other illegal activities on the part of public figures have contributed to growing levels of popular disillusionment with the calibre of political leadership and the integrity of government processes. The perception of widespread abuse of office and, in particular, of misappropriation of public funds has become a recurring component of the legitimations used by many engaged in street crime. Bougainville MP John Momis recently claimed that bribery and

corruption in Papua New Guinea have become an economic system in themselves and has warned of the dire political consequences if left unchecked (*Post-Courier*, 1 August 1996).

State responses to crime and disorder

The criminal justice system—comprising police, courts and prisons—constitutes the machinery of state formally charged with the task of controlling lawlessness. In practice, each component in the system in Papua New Guinea suffers from institutional and resource problems. A marked lack of coordination between agencies has undermined attempts to develop an integrated criminal justice approach. As a result, the impact of state controls on crime has been highly variable with some aspects of criminal justice action having positive effects, others having little or no effects, while yet others have produced distinctly counter-productive outcomes. This broad assessment is by no means unique to Papua New Guinea. The prominence of law and order concerns in Papua New Guinea has nevertheless highlighted the acute deficiencies of institutionalised criminal justice. Even the best resourced and most integrated of systems, however, would have difficulties in tackling the range of challenges facing criminal justice agencies in Papua New Guinea today.

The inadequacies of the institutionalised criminal justice system, and state policing in particular, have contributed to the massive growth in private policing in Papua New Guinea in recent years. While there are no reliable figures to gauge the size of the industry, security companies now operate throughout the country. These range from large sophisticated operations affiliated with international companies to small firms that provide a range of security



services for private households, commercial enterprises, and government departments. For the majority of ordinary Papua New Guineans who cannot afford such services, reliance continues to be placed on the 'security' provided by kin, wantoks, local communities and a variety of 'self-help'—occasionally illegal—methods when confronted with crime or violence.

Serious shortages of government funds have caused major problems for the various components of institutionalised criminal justice throughout 1996. While the K89 million allocated the police in the 1996 Budget was purportedly up on the previous year, it was inadequate for all but the most basic and routine police work.

In September 1996, scheduled regional circuits of the National and Supreme Courts were also thrown into disarray because of shortage of funds. According to the Public Prosecutor, inadequate resources had been disrupting court circuits since 1994 (*Post-Courier*, September 9 1996). Despite funding problems shared with other parts of the Papua New Guinea state, the courts and, in particular, the superior courts continue to perform remarkably well under the circumstances. The Corrective Institutions Service, on the other hand, remains the poor relative in the criminal justice family. Serious overcrowding in some institutions, poor security (which contributes to regular mass break-outs), appalling housing conditions for wardens, inadequate training and generally poor morale comprise some of the more serious institutional problems facing the Corrective Institutions Service.

At the beginning of this year, Prime Minister Sir Julius Chan declared 1996 to be the 'Year of Law Enforcement'. According to Sir Julius the police would lead Papua New Guinea out of its 'crime nightmare', reduce fear and violence, and invigorate public and investor confidence in the country. Police 'will be out in force

on the streets throughout the nation by day and night in a pro-active style of policing' (*Post-Courier*, January 16 1996). In view of the lack of funds, police efficiency was to be enhanced by redeploying trained police personnel currently working in civilian and administrative capacities. Among the other measures announced were

- additional firepower and training for Mobile Squads
- members of Police Band to be given secondary role operating road blocks and taking part in beat patrols
- special task force comprising police, corrective services officers and village court officials to be set up to deal with prison escapees still at large
- provision of eight new high-powered patrol vehicles to the Highlands Highway Patrol Unit
- support of community-based reserve and auxiliary police units in communities along the Magi and Hiritano Highways in the National Capital District. Police to set up Community Consultative Committees as a point of contact between community leaders, government and police, and to engage in crime prevention at the community level
- increased training courses for serving personnel
- commitment to upgrading police accommodation and investing in maintenance of police buildings.

In June 1996, the Police announced that the first quarter crime figures indicated that the 'Year of Law Enforcement' was succeeding, with reductions in recorded murders, sexual offences, robberies and breaking and entering. According to police the reason for these reductions was increased police activity and heightened police awareness of this activity (*Post-Courier*, June 21 1996).



Around the same time, Commissioner Nenta presented a distinctly less upbeat account of the policing environment in Papua New Guinea to a security conference in Sydney (Nenta 1996). Rapid population growth over the past twenty-one years has not been matched by a corresponding increase in the size of the police force. In 1975, when crime rates were generally low, the national population was slightly more than 2 million with a police force of 4,100—a police/population ratio of 1:476. By 1996, however, with lawlessness a major concern, the population had doubled to approximately 4 million, while the number of police personnel remained at 5,000 uniformed staff and approximately 300 civilian support staff. The police/population ratio now stands at 1:800.

AusAID—law and order sectoral assistance

Papua New Guinea's law and order sector is the recipient of substantial capacity-building programs funded by the Australian government. The longest-standing component is the Royal Papua New Guinea Constabulary Project which provides advisory and training resources in a range of specialist and general policing skills. While this assistance does not address the underlying problems of shortage of resources facing the PNG police it is designed to improve its existing institutional capacity. The recently-commenced Phase II of the Correctional Services Project is designed to strengthen the management and training capacity of the Department of Correctional Services, improve prisoners' rehabilitation and skills, and upgrade prison infrastructure.

A Legal Institutions Project is currently being considered and will assess options for supporting the integration of law and order activities and delivering improved

legal and judicial services, while promoting respect for individual rights and freedoms. The main institutional recipients of this project will be the Department of the Attorney-General, Judicial Services, the Ombudsman Commission and the proposed Human Rights Commission (see below). The Australian government is also funding baseline research into initiatives taken by local communities and non-government organisations in response to law and order problems generally, and specifically in relation to violence against women. The expansion of Australian assistance from narrow capacity-building with line agencies to include wider issues of good governance, human rights and community-based crime prevention schemes—in line with the recommendations of the Law and Order Sectoral Review—is most welcome.

Human rights

In the Highlands of Papua New Guinea it is not unusual to hear of the police being given orders to 'shoot to kill' when confronted with criminals. Following a spate of violent attacks by gangs and shoot-outs with police earlier this month, Port Moresby police were recently given such an order by the city's police commander (*Reuter News Service*, 24 October 1996). Prime Minister Sir Julius Chan backed this call, stating that

[t]here has been an increase in armed hold-ups all targeting policemen. It's time we protect the innocent from the crooks. It is time we turned the tide on the criminals.

While understandable in an environment of acute insecurity and fear, the promotion of police violence in response to criminal violence contributes to a vicious spiral of escalating violence which leads to casualties among bystanders and which in



practice results in a progressive blurring in the lines of demarcation between police and criminals.

The international human rights organisation, Amnesty International, has long been a vocal publicist of alleged human rights abuses on Bougainville by all the parties to that tragic conflict. They have also recently drawn attention to alleged abuses by law enforcement personnel beyond the Bougainville context.

Members of the police riot squads (Mobile Squads) have been singled out for abusive behaviour, but regular duty officers, prison warders and members of the Papua New Guinea Defence Force engaged in controlling civil unrest have also been accused of ill-treatment and in some cases unlawful killing of civilians (*Asia-Pacific Network*, 21 May 1996).

An encouraging response to mounting pressure from domestic and international human rights groups has been the recent decision of the PNG national executive committee to gazette the Human Rights Commission Bill (*Post-Courier*, September 30 1996). Deputy Prime Minister Chris Haiveta has publicly stated that the proposed Human Rights Commission will have powers to investigate allegations of human rights abuses. It will also be allowed to take on mediating roles in disputes and have quasi-judicial powers. The proposed Commission will have powers to order payment of compensation to aggrieved parties but its decisions will be subject to appeals in courts of law. Initially there will be three full-time commissioners of whom one will be a woman. A qualified judge will be the chairperson. Eventually there will be seven commissioners appointed by the government in consultation with the opposition, judiciary and national council of women.

Conclusion

Conflict over scarce resources underlies many—though by no means all—areas of contemporary lawlessness in Papua New Guinea. This is evident in varying degrees in areas of electoral violence; conflict around resource development; belligerent compensation claims; misappropriation; the acquisitive crimes of the raskols. Resort to violence as a political strategy for asserting claims, waging conflict, and settling—albeit temporarily—disputes, has undergone a marked revival in parallel with the decline in the state's capacity to deliver basic services and negotiate order with local communities.

The post-colonial period has seen a marked diminution in the Papua New Guinea state's ability to influence popular behaviour through positive inducement—as reflected in the deterioration in government services. This leaves coercion as the only strategy for suppressing resistance and securing conformity.

State coercion in Papua New Guinea has been spectacularly unsuccessful, not only in its own terms—as a means of suppressing lawlessness—but also in terms of its patently counter-productive outcomes. These would include, for example, the significant role of criminal justice in the constitution of raskolism, whereby violent encounters with police and time served in prison have become integral to the self-identity of contemporary raskols (Dinnen 1996). It would also include the increasing volume of civil actions brought against the state by groups of victims seeking—often successfully—large amounts in compensation for police violence.

[The] 'strong arm of the law', which once forced people to make peace with each other, now merely provokes a further round of claims against the state itself (Filer, forthcoming:12).



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