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Compensation for Resource Development in Papua New Guinea



Law Reform Commission of Papua New Guinea

Monograph No. 6

COMPENSATION FOR
RESOURCE DEVELOPMENT
IN PAPUA NEW GUINEA



Papua New Guinea

COMPENSATION FOR RESOURCE DEVELOPMENT IN PAPUA NEW GUINEA

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PREFACE

In response to concern about the increase in claims for compensation made against agents involved in economic resource development, the escalating nature of these demands and the associated threats, the Law Reform Commission decided to reactivate the References it holds on Compensation (initiated by Minister for Justice Ebia Olewale in 1975) and Natural Resources (initiated by Minister for Justice Bernard Narokobi in 1989).

A series of three surveys has been conducted in an attempt to discover basic attitudes held in the population on this issue and the results will be published in the Law Reform Commission Working Paper No. 27. The papers in this monograph complement the survey material in presenting qualitative data and analysis which allow an insight into the cultural background in which the development initiatives take place and the Papua New Guinea players take part.

The authors are all people who have had extensive field-work experience in the country, including (with one exception) firsthand experience in one or more of three major development sectors: mining, petroleum and forestry. The Commission is extremely grateful to them for contributing their knowledge and experience to our research. Identifying sources of tension in the resource development arena should reveal issues which need to be addressed to promote investor confidence and harmonious relationships between people brought together by development projects.

In undertaking the wider project on compensation the Commission acknowledges with gratitude the sponsorship of the Papua New Guinea Chamber of Mining and Petroleum and its members. Their help represents a genuine desire to assist government in addressing the serious problems surrounding compensation for land required for development. The Commission is also very appreciative of funds from AusAID for printing both this monograph and Working Paper No. 27, and many thanks go to Cyndi Banks of the Political and Legal Studies Division at the National Research Institute and our own Ari Ephraim for the preparation of this manuscript.

Susan Toft
Port Moresby
April 1997

CONTENTS

MAP	ii
PREFACE	v
INTRODUCTION	
COMPENSATION: OR MOVING SWIFTLY OVER BROKEN GROUND	1
<i>Andrew Strathern</i>	
Andrew Mellon Professor of Anthropology	
University of Pittsburgh	
CHAPTER ONE	
PATRONS OR CLIENTS? ASPECTS OF MULTINATIONAL CAPITAL—	
LANDOWNER RELATIONS IN PAPUA NEW GUINEA	10
<i>Susan Toft</i>	
Principal Project Officer	
Law Reform Commission of Papua New Guinea	
CHAPTER TWO	
SHAME, COMPENSATION AND THE ANCESTORS: RESPONSE	
TO INJURY IN HANUABADA AND BENA	23
<i>Cyndi Banks</i>	
Research Fellow	
National Research Institute of Papua New Guinea	
CHAPTER THREE	
EVERYONE (OR NO ONE) A WINNER: GENDE COMPENSATION	
ETHICS AND PRACTICES	66
<i>Laura Zimmer-Tamakoshi</i>	
Assistant Professor of Anthropology	
North East Missouri State University	
CHAPTER FOUR	
LANDOWNER COMPENSATION: POLICY AND PRACTICE	84
<i>Tony Power</i>	
Papua New Guinea Resident Manager	
Mobil Exploration & Producing Australia Pty Ltd	
CHAPTER FIVE	
TWO SIDES OF THE COIN: THE CASE OF FORESTRY	94
<i>Hartmut Holzknacht</i>	
Doctoral Student, The Australian National University	
Formerly Consultant to the Papua New Guinea National Forest Service	

CHAPTER SIX	
CHEQUES AND BALANCES: COMPENSATION AND MINING IN PAPUA NEW GUINEA	105
<i>Richard Jackson</i> Professor of Geography James Cook University	
CHAPTER SEVEN	
THE PRINCIPLES OF COMPENSATION IN THE MINING INDUSTRY	116
<i>John Burton</i> Ethnographer Pacific Social Mapping Pty Ltd, Canberra	
CHAPTER EIGHT	
THE IMPACT OF COMPENSATION AND RELOCATION ON MARRIAGE IN PORGERA	137
<i>Susanne Bonnell</i> Social Planner Subada Consulting Pty Ltd, Brisbane	
CHAPTER NINE	
INDIGENOUS RESPONSE TO ENVIRONMENTAL IMPACT ALONG THE OK TEDI	143
<i>Stuart Kirsch</i> Assistant Professor of Anthropology University of Michigan	
CHAPTER TEN	
COMPENSATION, RENT AND POWER IN PAPUA NEW GUINEA	156
<i>Colin Filer</i> Senior Research Fellow National Research Institute of Papua New Guinea	
REFERENCES	191

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INTRODUCTION

COMPENSATION: OR MOVING SWIFTLY OVER BROKEN GROUND

Andrew Strathern

Issues to do with compensation in Papua New Guinea today go to the heart of a large number of problems and contradictions in social processes as well as reflecting fundamental difficulties in anthropological analysis. The analytical difficulties can be seen as questions of translation, and they reflect the social contradictions and ambiguities, for example, the relationship between local groups and the nation state, between indigenous and introduced patterns of thought, and between the different modes of production to which these correspond. The differences are also conceptual and contested: in practice we find an uneasy blending if not blurring of notions that mirrors the awkward processes of change and transition that are taking place. Compensation is thus a term that belongs simultaneously to many worlds and is used as a bridge between them, albeit a bridge that sometimes breaks or threatens to break with the traffic crowding onto it.

The chapters in this volume all address the state of affairs with regard to these problems in specific ethnographic or topical areas, and all are concerned explicitly or implicitly with the thorny issues of policy: not only how do we understand what is happening, but what do we recommend should be done about it? Social scientists in Papua New Guinea have been involved in policy issues from colonial times onward, but today the numbers of players in the field of contests about policy are greater: diverse local groups, individuals, international companies, representatives of provincial and national level interests and international non-government organisations in some instances, not to mention the crucial interventions of legal firms.

Let me look briefly at translation problems before discussing the individual contributions to this volume in turn. Here I borrow a set of expressions from an anthropologist, Johnny Parry, who wrote a paper on 'the *gift*, the Indian gift, and "the Indian gift"' (Parry 1986). Parry's title reflected the different modalities

in which a term such as 'gift' can be seen in one ethnographic context: as a general concept deriving greatly from the classic usages of the French sociologist Marcel Mauss, as a practice corresponding to those usages in part, and as a practice seen in its own right and particular to its own context. In similar vein we may speak here of compensation, compensation in Papua New Guinea, and 'Papua New Guinean compensation'. For compensation, however, we lack a classic work to which we can turn as a baseline. Numerous writers, including myself, have tried to provide such a baseline with broadly acceptable definitions, gesturing towards dictionaries with one hand and to the Pacific with the other. In such general definitions two elements seem of importance: the notion of loss and its repair and the notion of a wrong that needs to be righted, whether it has come about intentionally or not (on this issue see the analysis of Goldman 1993). In the terms of Western law 'loss' suggests a civil dimension, 'wrongdoing' suggests a criminal one. As anthropologists agreed early on, Papua New Guinean ideas on social control tend to join what Western legal ideas separate, so that 'civil', 'criminal' and 'political' dimensions form a single totality. Compensation in this sense becomes a term like 'the gift', rich in particular resonances that are also continually subject to change. Linguistic knowledge itself enters as a factor. Tok Pisin and English are taught in schools and the word compensation enters into the vocabulary and conceptual worlds of succeeding generations of people in shifting ways, particularly at local levels where it enters as a new translation term and becomes incorporated into the vernacular. Thus the term 'compensation' entered popular usage in the Mount Hagen area of the Western Highlands Province only in the last few years as local practices became enmeshed more and more with the regulations and practices of the State and as the character of the local practices themselves altered. It is the 'officialising' of such practices that brings about the enmeshing, as well as the disjunctions, and it is precisely *in* this process of enmeshing and contradiction that what we recognise as the 'problems' to do with compensation emerge. That is, the problems lie precisely *in* the relationship of encompassment between the State and local communities and resistance to this encompassment (Skalnik 1989).

From a problem of translation we have thus moved swiftly (over broken ground) to a set of problems over policy and power. Writing in a different vein, I have myself earlier attempted to draw a line between indigenous ideas of the recent past and contemporary practices and usages (Strathern 1993, cf. also Trompf 1994:410–56), an exercise prompted at least in part by my own 30 years' historical experience of fieldwork in the highlands provinces. My aim was to illuminate the shifts in ideas that have occurred and so to indicate the directions of change associated with monetisation, bureaucratisation, and

politicisation of relationships. Regardless of such conceptual distinctions, however, what we are faced with today, as Colin Filer points out in his contribution to this volume, is a set of circumstances in which what we may label as indigenous constructs are in fact elicited or created in the context of confrontations of a political sort between local groups and others. The indigenous is continuously invented at the intersections of power between people and the State, and tradition, invented or inherited, becomes a resource in arguments about resources. As Filer argues, while as anthropologists we have for long written about indigenous 'land tenure' (in a sense importing or translating a term *into* local cultures), land tenure as a practical concept is only just coming into being as a concept to do with contests about access to 'natural resources'.

One useful way of looking at these contests is provided by Susan Toft. She uses the model of patron-client relations but gives it a twist. Who is the patron and who is the client? While state officials and developers may see themselves as patrons and local 'landowners' as clients, the latter see it the other way round and politicians who depend on their votes are likely enough to side with them. Patron-client terminology here reflects the fundamental issues of power and precedence which we may again translate as 'sovereignty', but it is important to recognise that sovereignty is also a term tied to the State itself. Local groups, in demanding compensation, are not necessarily denying political sovereignty to the State in all senses, e.g. they would not necessarily oppose the practices of elections and debates in parliament. They are, however, denying the validity of an intrusion of this sovereignty into the sphere of claims to economic resources. In one way, each side may over time recognise the sovereignty of the other, or at least this is the ideal expressed also by Toft when she writes that 'constant communication between the development agent and landowners on an egalitarian level is essential to maintain understanding' (see also Errington and Gewertz 1995 on the issue of perceptions of equality). The problem is that while communications may be egalitarian in style real inequalities and disparities of course do exist. The Porgera Joint Venture's practice of holding regular meetings at their mine in Enga Province with landowners who gather in an open round house built to resemble an indigenous men's meeting house shows what can be done to adopt at least the trappings of equality that can suit the local *habitus* and improve the likelihood of frank speech. The architectural style of a meeting house is not likely to outweigh concerns arising from fears of environmental pollution, but it is likely to make discussions on any topic whatsoever more viable.

Toft's triadic model of people, government, and developers can also be used in a further way, to point out that in Papua New Guinea it has sometimes been the case that the government has been forced, because of a need for

revenues, to adopt the role of client *vis-à-vis* the developers, only to find that the people refuse to fall into line.

The chapters in this volume mostly look at the flow of transactions and conflicts around the sides of Toft's triangle. Two, however, take us into the details of local practices themselves, showing us the changing significance of compensation activities among the Gende, the Bena, and in Hanuabada among Motu speakers. These two chapters, by Zimmer-Tamakoshi and Banks, form a set in themselves and I will discuss them first.

Compensation as local practice

Cyndi Banks' chapter is an excellent ethnographic survey incorporating a rather unusual comparison between a coastal and highlands people. I find her treatment intriguing because in some respects it manages to reverse ordinary ethnographic stereotypes about 'coastal' versus 'highland' people. She finds that the payment of compensation is found in both societies (that is, it is not *just* a highlands emphasis, a useful point in the light of Filer's skepticism on this issue). She also finds that among the Bena there is a direct admission of liability while among the Motu this is transmuted into an act of prestige seeking, making the Motu appear closer to the Mount Hagen people of Western Highlands Province! The effects of bureaucratisation and encompassment are also shown in the point that Motu people say they 'do not expect compensation unless it is ordered by a court'. Here, the attitude is very different from that of the highlands where people expect compensation regardless of the intervention of a court, as Banks' example of a Bena jealousy murder also shows. Banks' argument may be seen as a part of an established tradition of anthropological writing (to which I myself have contributed) arguing that the State must recognise local ways of settling disputes, including ritual and religious dimensions, if it wishes to enhance social control at local levels. This position is valid, and was the basis of the original introduction of Village Courts in Papua New Guinea. However, local settlement methods cannot easily be extended into new contexts of resource compensation, though they can and do still apply best in contexts of bodily injury and killings.

Zimmer-Tamakoshi's chapter takes a close look at land compensation belief in Gende, an issue that takes her straight into the tangled problems of social change. She insists, however, that one indigenous principle does not change easily, that is an emphasis on balance in exchanges as an expression of 'concepts of personhood and individual worth'. This is a crucial point. As Banks, citing Marilyn Strathern (1988), also notes, property is often seen as an extension of the person; rights in *rem* and in *personam* are at some level conflated, and this applies to ideas with regard to land as well as movable wealth. New economic

inequalities resulting from monetisation, cash-cropping and wage labour threaten these balances and become involved also in inheritance disputes, tensions over which can in turn lead to violence. Local concepts of land rights are fluid, and such fluidity can mean adaptability, but it can also mean manipulation and conflict. Gende also attempt to redress monetary inequalities among themselves by card-playing, but cannot assuage their *overall* feelings of inequality *vis-à-vis* the world of money outside their villages. And equality is necessary for a feeling of worth and personhood on the part of both sexes. Zimmer-Tamakoshi uses this point to answer her own challenging question on reconciling development with landowners' claims. She answers 'yes', if developers respect local people since 'what is being negotiated is not a simple business contract but a social commitment'. 'All is not contractual in the contract'. In a sense we are back here to Durkheim and Mauss, with their vision of morality as the basis of society, and morality as based on a recognition of personhood. Again, unfortunately, it is precisely this recognition that can be lost when violence intervenes; or when one party thinks claims are excessive and the other that a settlement is inadequate. Having introduced money as the measure of man, developers are hoist by their own petard.

Landowner compensation: forestry

Tony Power provides here a very useful survey of regulations and practices in a number of spheres. He makes an interesting contrast between mining or petroleum projects and forestry, arguing that mining and petroleum companies have responded well to heavy government regulation, while the forest resource industry is 'seriously deficient from almost every point of view'. Power raises here in particular the issue of sustainable development, a much debated notion. Why the difference between mining and forestry? We may suggest that with mining environmental destruction is obvious and massive and can hardly be shrugged off, whereas with forestry landowners may not realise till too late that long-term destruction is taking place and that forest replanting is inadequate or will take too long to come into effect or will not halt environmental degradation generally. This is both a cognitive and an ecological problem. Power implicitly suggests that the State must step in more firmly, if it is strong or committed enough to do so. His account suggests *not* that landowners are asking for too much but that they may be asking for too little.

Hartmut Holzknecht also considers the case of forestry, pointing out that local level leaders often persuade their communities to enter into agreements with logging companies for purposes of their own short-term gains at the expense of their kinsfolk and the environment, and that webs of influence extend from

developers through such brokers and middlemen to government personnel, leading to inadequate government monitoring of agreed upon infrastructural improvements. Since resources are accepted to be locally owned (hence in this sense a creation of 'landownership' as Filer argues) government's role should be to intervene actively in advising local people not to use their legal ownership as a reason for leaving them on their own *vis-à-vis* the developers. In principle, it is a straightforward recommendation and one that can be carried out. However, at the end of his chapter, Holzknecht poses the question of conflict between communalism and individualism that has in fact caused the collusion between loggers and leaders, implying that individualism is on the increase. Clearly it is, and as Robert Foster and others have argued, its growth is a part of the encompassing force of the nation-state which both detaches persons from their kin groups and attaches them to the State in the name of 'the nation' (Foster 1995). If this is so, it is clear that the State must learn to work against its own effects.

Mining: costs and benefits

Four chapters examine closely matters surrounding two major mines still in operation: Porgera and Ok Tedi. Jackson and Burton look at general issues, Kirsch and Bonnell at particular case histories in terms of social and perceived environmental effects.

Richard Jackson uses the metatope of balance as his starting point for his discussion of compensation, thus setting up resonances with the views of the Gende people and also with ideas of ecological equilibrium. The Mount Hageners would also understand this approach well: compensation should be appropriate, *kapogla*. Having started in this way Jackson points out that balance is getting harder to achieve because of the pace of change that is forced by mining operations (Holzknecht's point about individualism chimes in here). As a general argument, he notes that the definitions of a resource and of its value shift over time. This, then, explains why any agreements on resource compensation are likely to become subject to renegotiation demands over time. The implication is that there can be no *stasis*, and the strength of government is tested severely in controlling what many see as an unstable or anarchic set of processes. But government alone cannot handle matters. The people must always be involved (with all *their* internal conflicts). We come back to the round meeting house (and also *its* exclusion of women). Finally, Jackson essentially abandons his idea of balance in one direction in order to develop it in another. Compensation should aim at developing new relationships, not bring back into balance old ones, and issues of national parity or balance here arise. His message is therefore, be prepared for endless negotiation, compensation as process not a single event.

John Burton, in a chapter that like Jackson's is closely argued, looks at the scope of items that may fall within the compass of compensation (royalties, rent, occupation fees etc.). He is interested in the problematic process of the *valuation* of resources from the prestidigitations of the Valuer General to the complaints of individuals, and he addresses directly the issue of equitability, this giving a policy response to Holzkecht's query under the rubric that benefits should 'reach the right people' (itself a contested matter). Burton intends here to include the weak and politically disadvantaged, thus introducing an element of 'human rights' into the debate. Commenting implicitly on Jackson's point that government needs to be strong, Burton points out that very often it is not, indeed provincial governments are sometimes very weak indeed, and the company has to act as its own form of government. This is certainly a cause of confusion and some frustration all round. Burton also refers briefly to the red discoloration of water in the Porgera and Lagaip rivers and claims for compensation in relation to it since the early 1990s. I would add here that resource compensation and bodily compensation (separated by Filer and others) come together since deaths have allegedly occurred from mercury and arsenic poisoning in these rivers. The issue has become much more significant since 1994, including in areas remote from the mine such as the habitat of the Duna speaking people living near to the banks of the Strickland River. Deaths attributed to witchcraft in 1991 were diagnosed as caused by pollution in 1994, following visits by a *loiya* (lawyer). The recent settlement by Ok Tedi Mining Limited to peoples affected by mine tailings from Ok Tedi will certainly stimulate a movement among the Duna people and others to press their claims *vis-à-vis* Porgera.

Burton's detailed discussion contributes to the argument that we need empirical materials to determine what is happening in different mining areas. His account does not suggest that claims are 'excessive', only that payments have varied. The chapters by Kirsch and Bonnell explore in some further detail local responses to mining and its results. Bonnell discusses the effects of relocation in Porgera, noting that there has been an increase in polygyny, but that marriages are less stable and are harder to maintain in the relocated houses, also that wives from far away places are brought in, increasing tensions further. Her examination shows us that we cannot stop at the question of the size or substance of compensation. Our real task is to follow its social effects. Kirsch in his treatment of environmental degradation and its perception also notes that compensation issues cannot simply be treated as economic (that is monetary and actuarial). Rather he stresses people's perceptions of environmental collapse and their use of the idiom of sorcery as a way of discussing their fears of this collapse. The Yonggum people's resistances to the Ok Tedi mine's operations

have to be seen in the light of this general fear, which can be allayed only by an infrastructural package, perhaps made possible by the package (June 1996) negotiated with the aid of the Australian law firm Gordon and Slater (including a tailings containment programme, a compensation package, and a landowners' trust fund, all of several million Australian dollars). Kirsch also points out that local people and investigating scientists 'see' the ecology differently: this is a fundamental point explaining disparities of views.

Overview: Filer's fireworks

In perhaps the most challenging and wide-ranging chapter in the collection, Colin Filer reviews all the semantic, political, and economic issues that the other contributors address in detail for particular cases. Indeed, at one stage I considered whether Filer's chapter should simply stand also as the introduction to this volume, especially since he discusses the work of John Burton and myself in the sphere of compensation. His shots over the heads of other commentators do enable me to come back finally to the point of reference for the Law Reform Commission, that is the matter of 'excessive' compensation demands. That demands by local people are sometimes *seen* as excessive by developers or government does not seem to be in question. That they are out of kilter with 'traditional' rates and scales is also without doubt. The simple reason is that scales and circumstances are without parallel from the past. Filer points out that the plasticity of the concept of compensation itself produces disagreements on what is 'excessive' or otherwise, and his remarks dovetail with those of Kirsch on economic versus broader definitions of the term. In narrow legalistic terms claims may be excessive while in broader social terms they are not, regardless of whether we take 'custom' as a baseline or impute rationality/irrationality to the actors. What is excessive in other words depend, like beauty, on the beholder.

One of the most interesting parts of Filer's discussion is his review of the idea that 'compensation' is beginning to be a vehicle for other economic relationships, an argument I find attractive since it fits with other processes that are woven into the fabric of Melanesian social life in this way. Interestingly, he suggests that discussions about resource compensation can be an index of either deterioration or improvement in landowner/developer relationships. This alone should indicate why compensation is such a hot issue and why a Law Reform Commission volume is needed on it. In the end, also, issues about the size of demands that appear to be modern/distorted collapse back into issues to do with personhood that as Zimmer-Tamakoshi and many others have shown are pervasive and long standing (therefore 'authentic'?). Filer here notes what I have done in the outset of this chapter. There is a search for equality, but to

echo Margaret Jolly in an earlier context (Jolly 1987) the search is chimerical. Given this, the struggle is likely to continue. In spite of this and Filer's own skepticism regarding solutions one conclusion does seem to follow from these chapters. There is an obligation on the part of the government to the people and this must consist of helping to ensure that development is sustainable and that compensation payments sustain that idea of sustainability. I would now reformulate my earlier idea of a Compensation Commission away from an actuarial and toward an ecological focus. Large compensation claims would not then be excessive if seen in the light of long-term rather than short-term aims. Such long-term aims should include repairing the broken ground over which I have here attempted to move swiftly.

CHAPTER ONE

PATRONS OR CLIENTS? ASPECTS OF MULTINATIONAL CAPITAL-LANDOWNER RELATIONS IN PAPUA NEW GUINEA

Susan Toft

People are, with extremely few exceptions, ethnocentric. They are nurtured in a unique culture which imbues them with concepts defining generally acceptable, 'normal' behaviour based on a set of social values with standards to adhere, or aspire, to. Some people become cultured in more than one society and, even if they do not adopt all facets of normal behaviour for that particular culture in which they are transiently present, they can usually understand and accept the differences—and they know that to be different is not to be wrong. Even then, believing themselves to be bicultural, fluent, not merely linguistically, in their ability to comprehend and communicate in more than one culture, they can display unexpected blind spots. Individuals' judgement as to their own successful cultural adaptation is subjective in any case. Not only dependent upon personal sensitivity to others and an innate ability to adapt, it is also ultimately, to some degree, unconsciously ethnocentric.

There are various circumstances which place individuals in conditions where they may become 'bicultured'. For instance, those who leave their own cultural environment to work or study abroad and, especially, people who marry into a foreign culture, may successfully assimilate a second set of values. Bicultural interaction also occurs at a group level where two sets of cultural values operate simultaneously, either side by side or with one dominant over the other, as between colonisers and the colonised. Then, two cultures coexist, but the level of cultural exchange is limited and largely one way.

When people from different cultures interact without sufficient knowledge or understanding of the others' values, 'culture conflict' often occurs. This can happen on many different levels from the overt tactile demands of etiquette to more subtle yet fundamental, often covert, aspects of psyche: 'mind sets',

expressed in attitudes which are difficult to understand or even detect and which, perhaps, neither of the people, nor groups of people, involved in the situation of culture conflict are even aware of.

This chapter suggests an area of culture conflict between foreign capitalist developers and their Papua New Guinea hosts in the arena of resource development. The concept of the patron-client relationship is illustrated with a description of the relationship of ascribed status between the dominating patrimony of the feudal landlord and the subservient peasant labourer. The achievement oriented egalitarianism of traditional Papua New Guinea society is shown in contrast. Then follows an assessment of the typical characteristics of development agents in Papua New Guinea and their ethnocentric approach towards the owners of land they use. The incompatibility of this attitude with traditional Papua New Guinea cultural values is posited as a reason for culture conflict leading to a break down in the relationship between development agents and project landowners which puts capital and development at risk, thus also eroding the confidence of potential investors.

Patrons and clients

The theoretical basis for the patron-client relationship is well established in sociological and anthropological texts (Gellner and Waterbury 1977; Schmidt et al. 1977). It describes a symbiotic relationship, a partnership, which benefits to some degree both the patron and the client. It is well illustrated in the feudal relationship between landlord and peasant tenant (Bloch 1961; Tuchman 1978). In this case an élite and often absentee minority group hold the capital asset, the land, and require labourers to make it productive. The formal aspects of the relationship vary within and between societies. Economically the landlord patron usually retains the lion's share of productivity and the landless labourer is often kept poor and dependent.

The formal distribution of harvested crops is a key element in the maintenance of the social dichotomy and control by the patron of the client. The peasant compensates the landlord for the use of land either by surrendering a large share of the harvest or by paying dues (rent) in some other way; he ideally retains enough produce both for his own family's subsistence and for some surplus to exchange for cash and other necessities or valuables. The landlord receives a large proportion of the produce which, as vastly surplus to his personal needs, is sold and by which he profits. The peasant is largely at the mercy of the landlord, many of whom contrive to keep their peasants as subject and dependent as possible. In some areas feudal landlords had the power of life or death over their serfs (Bloch 1961; Tuchman 1978).

The definition of peasant society, in which the patron-client relationship is so prevalent, is also well discussed in the literature (Redfield 1956; Banton 1966). For the purpose of this chapter it suffices to say that peasant society is usually viewed as being essentially a segment of a preindustrial agricultural society. The peasants are the subordinate majority who cultivate mainly for subsistence but also for tribute or exchange. They are largely excluded from the public domain of society by an élite minority who employ the state as an instrument of domination. There is little chance of social mobility in these steeply stratified societies. The élite inherit land, other wealth and high class status and the peasants are denied access to the cultural resources by which the élite retain their dominance.

Papua New Guinea land and leadership

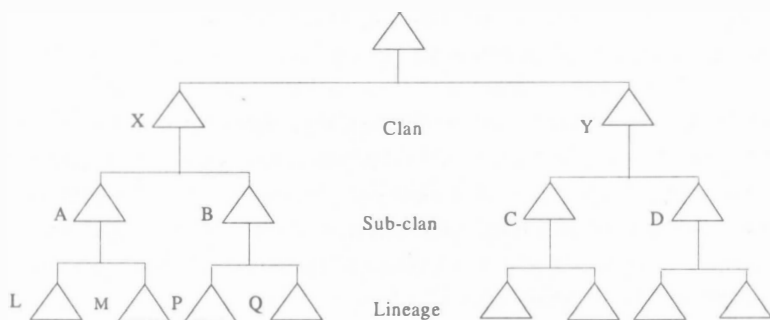
In contrast, traditional Papua New Guinea societies are virtually all acephalous and egalitarian. There are over 800 different ethnic groups in Papua New Guinea, the largest being over 200,000 Engans, out of a national population verging today on four million. Among so many cultures there is clearly a wide variety of customary behaviour (Berndt and Lawrence 1971). But despite differences in content and style, with discernible regional characteristics, the basic ideology of land tenure and leadership is, with few exceptions, similar almost everywhere. It can best be understood through an appreciation of traditional social structure.

Social organisation is tied to genealogy: members of an ethnic group trace their descent from a common ancestor. The diverging lines of descent from that ancestor are represented as clans, sub-clans and lineages down to the extended family. Leaders of the society emerge through achieving success in the competitive acquisition of status, according to cultural values. Most commonly, in traditional times, these were men who were brave warriors, skillful orators and successful entrepreneurs in acquiring traditional wealth and exchange partners; variations of those qualities are manifest in modern political leaders. An important aspect of traditional leadership is that, having acquired wealth, a person gained prestige by sharing, that is distributing it, rather than by holding it for long. There was in fact an obligation, upheld by traditional moral sanctions, for all people to share benefits and wealth, in keeping with egalitarian principles. The achievement orientation of the leadership system meant (and still means) that it was always open to challenge and changing alliances; it was a fluid system of equal opportunity unlike that

represented by the ascribed status of the peasant in relation to the landlord and the landlord in relation to his inherited, élite position in society.

Ethnic groups used and 'owned' specific territorial areas which, like the people, were also subdivided on descent lines. Consequently clans and sub-clans 'owned' discrete territorial segments which represented political segments a few generations deep. Political control is based on the segmentary opposition of lineages. Equal segments opposed each other. For simplicity, the following diagram of a patrilineal society expresses this principle.

Figure 1.1 The segmentary lineage system



If A disputes with B the members of sub-clans L with M and P with Q can be expected to join the fight on opposite sides. But if A disputes with C it could involve the whole of clans X and Y, this time A and B with L, M, P and Q on the same side. In reality maverick groups may use opportunities to even scores or advance interests by joining battle and upsetting the balance; much can depend on numbers which in turn are influenced by population ratios and rates of birth and death. The system is illustrated by Banks in a discussion on the Bena in Chapter Two and Zimmer Tamakoshi in Chapter Three of this volume.

Nonetheless, in principle, political control was represented by the balance of power between equals, from the grassroots up, on both an individual level, leader to leader, and group level, clan to clan. Traditional Papua New Guinea manifested a number of competing patrons representing and supported by kin rather than a landlord in a symbiotic but unequal relationship with a mass of subordinate, submissive clients. Feudal landlords were perhaps equals who warred on occasion with one another, and raised armies, but within the feudal unit the horizontal lines of stratification contrast sharply with the vertically fragmenting clan groups of Papua New Guinea.

What is more, access to, and control of, the traditional economy through land was and still is different. Rather than a handful of landlords who inherit the land and thereby exert entrenched political and economic control, in Papua New Guinea landownership is vested in descent groups—tribal or clan segments. All clan members are co-landowners. This gives individuals the right to use land but not to alienate it. Thus, land ownership is part of the identity of a group. It is an inalienable right, passed from the ancestors into the guardianship of successive generations.

Land may be lent to someone from outside the land owning group (often a relative-in-law). The borrower uses the land, often over a prolonged period, whilst acknowledging the favour according to custom, and the land eventually reverts to the owners. In many areas, as on Lihir Island (Jacklyn Membup with others 1994, pers. comm.) and Misima Island (Poate Edoni and Peter Sailoia 1996, pers. comm.) custom occasionally allows the complete transfer of land ownership, for instance as part of a homicide compensation agreement or in return for certain types of mortuary payments, but this is not the norm. In pre-colonial times territorial disputes were, and still can be, a major, constant source of trouble, and traditionally land alienation only occurred through victory and defeat in tribal fights.

Today traditional owners find that their property, previously affected only by their own subsistence activities, is sought by others for various uses ranging from aircraft landing strips to logging, plantation and mining ventures. The property is alienated in a way which at least removes it from previous personal use, and at worst destroys it. The property is usually changed so that it can never be returned to its original state or revert to customary use.

Within the modern context, the concept of land ownership as a custodial role has serious consequences. In simplest terms, using Western terminology, the Papua New Guinean approaches land ownership transfer with the idea of a lease sale. In other words, it is a long-term loan of land with interest payments to the owners—the lease will eventually expire, meanwhile may even be renegotiated, and the land will eventually revert to the real owners. These owners will keep a watchful eye and retain a proprietary interest in what happens on their land. Whereas outside purchasers prefer to operate on the basis of land title transfer into perpetuity, a freehold tenure, or, at very least, complete undisputed control for the long-term life of the lease, and they assume this is what is being provided.

Developers

Agents of development projects in Papua New Guinea belong to organisations which function through a hierarchical bureaucratic system, be they government departments, non-government agencies, multinational corporations or small businesses. There is an apical leader with functionaries who operate underneath. Differences between these hierarchical structures are essentially due to scale, though the particular function of an institution and personalities of people within it can influence the style in which it operates.

This institutional form of management has evolved in cultures where social organisation has been on stratified, hierarchical lines similar to those reflected in feudal systems which have existed from the Chaldees to China and beyond, where the patron-client type of relationship has been so evident. The hierarchical management system has survived and has been efficient, if not entirely fair, to all sections of the organisations into which it has been adopted, from military institutions, where it is found probably in its most absolute form, to public and private bodies. It has been imported to Papua New Guinea where it is very different from traditional, non-hierarchical systems of organisation. A crucial characteristic of the hierarchical form of management is established leaders with sanctions to support their positions. If used properly the authority available to these leaders through a chain of command creates an efficient organisation. Unlike feudal landlords and managing directors, traditional Papua New Guinea leaders head kin groups, so cannot select and appoint supporters; they cannot recruit and expel; they can only strive constantly for consensus on both an inter- and intra-group level. Consensus can be very elusive and the ordered hierarchy of the developer has trouble recognising this; it may even have trouble in identifying people it can describe as leaders. In fact the developer may also become very confused as to who are the 'true' landowners. The opening paragraphs of a newspaper update on a long standing dispute over a small parcel of uncultivable land on a mountain illustrate one aspect of the issue:

A GROUP of people calling themselves legitimate landowners of the Mt Yule repeater station in the Central Province have accused Telikom of taking sides with a group of landowners who were not genuine landowners.

This is despite the fact that a court appeal is still pending regarding who the rightful landowners were (*The Independent* 19 April 1996).

In some cases a group which once 'inhabited' an area, but which moved away enabling a different group to use the 'vacant' land may revive claims of ownership once a development project shows an interest in the place. Land

boundary disputes, which previously had either lain dormant or not been at issue, multiply, consequently protracting and frustrating initial negotiations. Self-appointed, and therefore (often) ineffective, 'leaders' may emerge and try to manipulate developers, landowners and government officers to their own advantage.

When development agents come to Papua New Guinea from abroad they bring with them their institutional structure and some personnel to represent their interests and identity. They also bring money, and where businesses are concerned this is to invest, which means they expect to profit in the long run; and they bring expectations other than of profit—of success in the venture overall, of support from national officials with whom they have negotiated permission to be there, and of cooperation from the local people whom they are helping, they believe, either by providing goods or services or employment etc.; and they bring advanced technology, on one level or another, with the associated, required skills. These latter characteristics are often the basis on which the developer, as a corporate body, and individuals who compose the expatriate personnel, misjudge their relationship with local people who have different technology and skills—they assume that the general superiority which they feel gives them control, and they underestimate the proprietary attitude and importance of the landowner.

The modern, introduced technology and skills are more sophisticated. That is why they are there. The operators who bring them perceive a need for them to be there and behave as benefactors, benevolent overseers, patrons akin to a feudal landlord. The local people are seen as clients and treated as such, and from an outsider's cultural perspective may appear to conform as such. The cultural mould of the foreigner is imposed in the work place, often by necessity to enable the project to function and progress, and always, initially, with the Papua New Guinean in an apprenticed, subordinate role. Consumed by what is believed to be the overriding priority of day to day project implementation, and despite goodwill on both sides, the outsider loses sight of the importance of understanding the Papua New Guinean cultural mould outside the work place. In fact this is to deal only with short-term project interests to the neglect of long-term project objectives, which may fall victim to ignorance of how the local people actually see themselves in relation to the project.

Virtually any type of development requires use of land or land-based resources, from the plot of land for a school, timber for use in its construction and water once the place is operational, to the destruction of landscape caused by a gold or copper mine. Land ownership, as described above, is at all levels of the community. In initiating a project, the entrepreneur negotiates with bureaucrats and politicians representing government at the national level as

well as, since April 1989 with the introduction of the 'Development Forum' negotiation process, landowner representatives. In theory this is both to protect the grassroot landowners, inexperienced in Western style deals, and best to serve state interests. (It applies even when one arm of government is the entrepreneur, then another arm mediates between it and the benefactors.) So at this point there are two negotiating teams representing similarly structured hierarchical bodies—people who operate within the same administrative culture, who in principle 'speak the same language'.

The Land Act stipulates that only the Government may deal in land. Procedures for government acquisition of land are under review today, but certainly with regard to most resource development projects, the freehold title remains with the traditional landowners and the Government owns the lease which it then subleases to the developer (Land Act, Chapter No. 185, *Revised Laws of Papua New Guinea 1996*).

So developers depend upon the Government to acquire the necessary land from the traditional owners and to lease it to them, and they do not deal directly with landowners at the point of acquisition. This initiates the partners into the eternal triangle: the relationship between state, developer and landowners, the latter a loosely organised collection of kin groups often competing with each other and anyway lacking the hierarchical structure to meet and match its fellow players. It also implies government control over the essential asset: the land, or its resources. In fact the Government does not have this control. It may have a contract with its two partners, the landowners and developers, but in the past has not been able or had the will to uphold the contract and to assert itself properly against the demands, often with menace, of irate landowners.

The problem

What makes the landowners irate? There are many apparent reasons, depending on each case, often due to false, high landowner expectations of benefits that would accrue. But the underlying problem is perhaps a basic misconception on the part of developers as to the view landowners have, of both themselves and the developers, specifically in relationship to the project. Assuming the landowners actually want a project, which is not always the case, and ignoring the fact that they do not understand all the changes which are incurred by the development, they come to the fray with the psychological perspective of patrons, not clients. They are, after all, the landlords. Yet they begin to feel that they have lost control, not only of their land, but also of their lives. The developers, however, also believe themselves to be the patrons, without whom their clients

would not have the opportunity, the good fortune, to enter a brave new world. So the two groups who have the face to face relationship, on site, are in direct competition. Rather than the symbiosis of a patron-client partnership, there are two patrons neither of whom appreciates that each sees the other as client and neither, therefore, playing the anticipated appropriate role.

Evidence abounds in the national press supporting this thesis, that the Papua New Guinea landowners view themselves as patrons and expect to be treated as such. For instance:

DOME Resources (PNG) Pty Ltd of Australia who is developing the small high grade Tolukuma gold project in the Goilala area of the Central Province has had two of its exploration licences rejected by landowners...during a mining warden's meeting at Mondo.

The villagers told the mining warden that they will wait for two years to see how Dome Resources can develop Tolukuma mine. This period they said will give them enough time to learn the benefits of mining and effects on the lifestyle, environment, the water systems, and social changes and impacts.

Although the mining warden explained that an exploration licence did not give the company the right to mine, the landowners strongly opposed the extension of the licence which covers the headwaters of Auga (Sidove) and the headwaters of Dilava (Duma) where drilling carried out had been done by Newmount (an exploration company) previously...

...The landowners told the hearing that the Tolukuma project has given them a very bad impression of mining. "Unless the mining company is willing to sit with landowners and listen to their problems only then they can come to a compromise to start exploration", a landowner said.

The landowners said they were not rejecting Dome Resources but making sure that things are properly done in consultation with landowners. The mining warden gave the landowners two weeks if they wish to change their decision as by then the minutes of the hearing will be then submitted to the mining advisory board...

The landowners said they believed the Auga Dilava area has rich gold deposits and they could not allow companies to come in and exploit the area unless they are willing to meet certain requirements expected by the landowners (*The National* 20 March 1995).

Politicians may actively encourage this attitude too. When negotiations for the Lihir gold mine in New Ireland Province were at a stalemate the Minister for Mining and Petroleum

...told the British government that RTZ's attitude and treatment of the PNG government over the project was "intolerable" and could not be accepted by any properly constituted government...

... "We may be a small country and therefore do not warrant a visit by the chairman, but we are the owners of the resources and if after my three letters of invitation to the chairman of RTZ, on behalf of the Prime Minister (Paias Wingti) and the Government of PNG, he is too busy to visit PNG in order to finalise matters at his level and

with the authority required, then RTZ cannot blame the Government of PNG for any delay in the project.

The time for despatching directors or lesser executives to deal with governments of the Third World is gone. If the Prime Minister, through his ministers, had requested a meeting with the chairman for talks on a one to one basis, this is the prerogative of the Prime Minister and should be treated as such with the respect and dignity the invitation deserves (*Post-Courier* 6 May 1994).

The fact that a well educated leader, experienced in international affairs and with a Western cultural aura can express such sentiments should indicate what less sophisticated leaders and relatively isolated rural populations may feel. This quotation also illustrates the sense of patrimony felt and displayed by many national leaders themselves. From the time of Independence the records show that political leaders have empathised with landowner claims and have responded to landowner pressure groups. This is consistent with the fact that they share the same traditional values regarding land, which developers would also be wise to acknowledge. This does not mean that developers should become subservient, rather that they would be well advised to approach negotiations and community relations either as a client, albeit a powerful one without whom the community would become in various ways bankrupt, or at least acknowledge that the landowners are fellow patrons, not to be treated like clients. It might even be appropriate, especially concerning long-term projects, to conceptualise the relationship between development agents and landowners with the former in the role of a 'super clan', an ally of the landowner clans with whom consensus and a balance of power must constantly be cultivated.

Ministers have the power and authority of office to influence matters personally on certain levels. But even Ministers, like other leaders, including bureaucrats, are not as powerful as their formal positions might suggest, nor do they necessarily have the support of the people they purport to represent. Furthermore, unfortunately, these so-called leaders have a high nuisance value, misleading developers into believing they exert control and misleading landowners with similar rhetoric, inciting them whilst raising false expectations. They may sound and seem like patrons but they often lack the prerequisites to follow through. Even if they do succeed in negotiations with the developer they may be either too greedy or too inefficient to pass benefits satisfactorily through the group they claim to represent, creating serious discontent which may jeopardise a project. (Holzknecht, this volume, refers to the problem of the sham big-man.)

Landowners have so far been discussed in this chapter as a group juxtaposed with developers and government officials. But another dimension to the scene is that landowners are rarely a unified group. Segmentation, akin to traditional

practice, along with other, modern stimuli propel groups into competition against other land owning factions or groups to secure what they believe to be their fair share of benefits from the development. Even if landowners of a particular project stand together initially, it is no guarantee that they will remain united. This is a characteristic of landowners which can disrupt and delay projects and seriously frustrate the developers, but it is possible for the latter to turn this divisiveness to their advantage. Particularly in activities, such as logging, which are more diffuse and less intense than mining, developers can use the lack of coordination between landowners to play one group or faction off against another—the developer can divide and rule. This would be a tactic not without risk and today, with the benefit of hindsight, many developers seem to try to minimise the competitiveness among landowning groups in an attempt to create and maintain harmonious ‘umbrella’ coalitions.

Papua New Guinea landowners are clear about what they consider to be their rights and they have a sense of fairness, but it is what *they* consider to be fair. This may not coincide with what the developer finds fair and people do not always behave according to Western ideas of rationality in these matters. Traditional values concerning the sharing of wealth come into play by which leaders are expected to distribute their wealth. This occurs through the general sharing of assets, through the giving of feasts which require quantities of pigs and surplus food (the ability to produce such alone being a mark of distinction) and also through an ongoing series of ceremonial gift exchanges. The latter formalise bonds of friendship between leaders but also create obligations and expectations—a person giving a gift has expectations of a reciprocal gift and the value it should represent, the gift recipient has the obligation to perform as expected.

These expectations and obligations of formalised friendship are aspects of traditional leadership which impinge on the development scene. For instance, when expectations in government services are not being met, landowners feel justified in turning to their alternative more accessible partner who, they think, has ongoing obligations to fulfill. They demand more from the development agent who is using their asset, their land. However the developer has a contract which is, by definition and for ethical business purposes, inflexible, not designed for ongoing responses to shifts in landowner perceptions. The contract is intended to avoid confrontation. The development agent has the legal right to adhere to it and the moral right to be indignant if attempts are made to break it. If the Government then fails to mediate, the landowners, unimpressed with contractual paper power, resort to selfhelp and exert the only real power they have, manpower, against the project. This may be in nobody’s long-term interests, but it is a response to people who do not

want to listen, who are not responding in the conventional spirit of the leadership system which constantly filters available wealth through society. In the minds of landowners the development agents (their friends, their partners in a joint venture) have expectations and obligations to fulfill—profits to share.

When the developer displays, what is to villagers, visible wealth, how are the villagers to know they are being given a fair share? They feel at least as vulnerable as most Westerners do when they take their car or watch or teeth to be repaired, and are told they need this, that and the other, which will cost a large sum of money. There can be a second opinion, but in the last resort there has to be an element of trust that the technician is both expert and honest. The villagers cannot gauge the real fairness of the deal that has been struck because, like the Western car owner, they do not have the required knowledge. Their land, which is so tied to their identity, is removed from their control and, unable to assess the real value of benefits available from the project, they must ensure they are receiving fair dues as patrons. It is difficult to justify the way profits are distributed when villagers see others displaying indices of great wealth apparently derived from their land. They want their 'pound of flesh' and are never sure whether they have it. Profits are a patron's right, not a client's privilege.

Development projects vary widely in the extent to which they intrude on the local scene. But however firmly the developers believe themselves to be the real patrons it does not alter the fact that their landowner partners believe otherwise. Considerable disruption, even sabotage, can cause project closure if landowner frustrations explode in attempts to be heard. The Government can impose legal, contractual sanctions against a developer because both sides acknowledge the same code. But if landowners feel they are not receiving due rewards they may take unilateral action to press their claims. The most extreme case of such behaviour resulted in the civil war on Bougainville.

Conclusion

This chapter has noted differences, both practical and psychological, in the way landowners and developers approach development projects. The traditional land tenure system determines that land is owned by groups, not individuals, that group membership is self-recruiting through kinship, that the land remains with the same kin group over generations and that this ties people to a place, becoming important in establishing both personal and group identity. These facts result in a possessive attitude towards land which means it is not easily or freely available for use by others. In addition, it means that negotiations with groups within which leadership is diffuse (consistent with tradition), do

not run according to standard corporate procedures. There is then a tendency for the developer to underestimate the power of the landowners and a conflict arises due to cultural interpretations regarding patronage.

The developers come with an ethnocentric approach as to how the job should be done. This applies to both the hierarchical management system and the behaviour of individuals who do not perceive, appreciate or accept local cultural norms. Papua New Guinea villagers cannot be expected to bridge the cultural gap. Constant communication between the development agent and landowners on an egalitarian level is essential to maintain understanding. The developers are in a position to discover what irks the local landowner and to understand the concepts of culture conflict and ethnocentricity. Bringing change, as indeed they do, developers, whilst encouraging the pre-industrial Papua New Guinea structures and practices to adapt to meet the needs of development in the interests of development, must not lose sight of the fact that on certain cultural levels they will also benefit from adapting their style, by doing in Papua New Guinea as the Papua New Guineans do. As Marc Bloch advises:

The ties based on blood relationship existed long before, and were by their very nature foreign to, the human relations characteristic of feudalism; but they continued to exert such an important influence within the new structure that we cannot exclude them from our picture (Bloch 1961:123).

Developers in Papua New Guinea would be wise to include this concept in their own picture.

Whilst the thrust of this chapter has been to examine the developer-landowner (patron-patron) relationship, it is manifest that Papua New Guinea individuals—especially politicians, other people with political ambitions and some rank outsiders not from the project area, hangers-on—also pose as patrons to both developers and landowners. The main reason why such self-seeking spoilers are able to muddy the waters is because of the inadequate role played by the third contractual party of the original troika, the Government. The Government, supposedly safeguarding landowner and national interests whilst facilitating the path of the developer, is often the ‘sleeping’ partner. Rather than interpreting and adjudicating for its two partners, seemingly unwilling or unable to assist or participate authoritatively, it leaves them to each other’s mercy and the mercy of sundry interested but interfering parties. Even when serious conflict arises the Government appears to shun the role of mediator whilst refuting responsibility or blame.

CHAPTER TWO

SHAME, COMPENSATION AND THE ANCESTORS: RESPONSES TO INJURY IN HANUABADA AND BENA

*Cyndi Banks*¹

This chapter examines the ethnographies of two societies in Papua New Guinea, the Motu, represented by the people of Hanuabada in the National Capital District, and the Bena of the Eastern Highlands Province, with particular reference to the manner and the means by which members of those societies respond to injuries, or perceived injuries, caused by others. A description and analysis of these responses assist in understanding a society, its cultural values, its expectations and, therefore, the probable response to actual or perceived injuries. It is suggested that the addition of this contextual understanding to contentious situations provides an underlying dimension, often overlooked, which enables those adjudicating any dispute to gain a fuller appreciation of the forces at work. Should contentious situations result in social disorder, the explanation and incorporation in justice policy of information about response to injury may, in many situations, be more productive of social order than sole reliance on the usual State controls.

By response to injury I mean an act (sometimes 'violent') which is done in response to a perceived wrong. An approach which considers a range of responses to injury avoids emphasising a particular response, such as violence. A consideration of the various responses to perceived injuries provides a context which promotes understanding of any one episode.

I will discuss the nature of such responses, contextualising them within the ethnographic background of each culture. I outline the traditional and modern day responses to injury, which in each case appear to indicate that the Motu and the Bena seem compelled to give expression to their sense of injury, and that traditional forms of behaviour (or adaptations from the traditional) continue to provide a mechanism for that expression.

The Motu

Background: Hanuabada

The Motu live in fourteen villages along the south-east coast of Papua New Guinea. The village of Hanuabada is located on the harbour of the capital, Port Moresby, and is composed of five smaller, adjacent villages of Hohodae, Poreporena, Tanobada, Guriu, and Elevala. The Koitabu people were the original inhabitants of the area where the Motu settled; they were slowly pushed towards the coast by constant attacks from the inland Koiari people (Lawes 1879). Eventually the Koitabu merged (and frequently inter-married with the Motu), usually locating themselves at one end of the village (Seligmann 1910); they adopted many Motu customs and much of their language.

In the past, theirs was a largely homogeneous culture in which the most important unit was a residential unit or 'section' called *iduhu*. A village was made up of a number of *iduhu*. Each *iduhu* has a name and traditionally members lived in a line of houses extending from the beach out into the sea. Residence after marriage was patrilocal so that the bride moved to the groom's father's house and was considered part of his *iduhu* as long as she remained married, although she had no rights in the *iduhu* of her husband independent of him (Groves 1963).

Each *iduhu* had its hereditary leader called the *iduhu lohia* who played a significant role in setting dates for important feasts and dances (Seligmann 1910). The *iduhu lohia* exerted considerable influence over *iduhu* members but that influence was kept in check by public opinion represented by the senior elders of the *iduhu*. Leaders played a central role in ensuring that appropriate rituals were conducted in relation to trade, gardening, fishing, dancing and burial ceremonies so that the ancestors and spirits were satisfied and that the living would therefore not be adversely affected (Oram 1989). All men were required to perform rituals when they built a house or canoe, at the birth of a first child and in ascertaining the cause of illness and sorcery (Kopi 1979:37).

Groves suggests that gaining prestige was central to all members of Motu society as each man

... strove to gain advantage over others in a continual battle for prestige. The heads of village sections competed at the highest level, but lesser men competed also at lower levels, all attempting to outshine their rivals in certain public enterprises that particularly conferred prestige: small-scale distributions of food at various stages in the cycle of mortuary rites; bride-price payments; the hiri, and the great feast with dancing that closed the cycle of mortuary rites (Groves 1973:104).

Men attempted to enhance their own prestige and settle serious issues through 'discussions of relative prestige' during which they made reference to their comparative accomplishments in activities considered to bestow prestige and therefore greater status.

Between September and December each year, during the south-west trade winds, Motu men travelled west in sea vessels called *lakotoi* to the Gulf of Papua where they traded clay pots and armshells for sago, returning three months later during the north-west monsoon (Barton 1910; Gill 1876; Romilly 1887). Due to the poor environmental conditions of the Moresby area it is widely believed that the Motu were dependent on this trade for adequate supplies of food (Belshaw 1957; Groves 1960, 1973; Holmes 1954). The *hiri* trading expedition was the central focus of the life rhythm of the Motu as it contained within it representations of every aspect of Motu society. It encompassed economic need, competitive prestige seeking, a return for labour in the form of pots for sago and, above all, it sustained relationships between persons, the different *iduhu*, the ancestors (regarded as among the living) and between husband and wife through ritual practice.

Traditionally, and in the modern day, Motu life appears in many respects to be stressful and competitive. There is a strong focus on relationships and on imbalances which may occur in relationships within the *iduhu*. Ancestors and other spirits are considered present in the physical world and a person's anger and injury can be manifested through them. Injury is experienced intensely to the extent that it goes beyond 'injured feelings' and has the capacity to induce illness, unless the feelings of anger and hurt are released. Similarly, the person towards whom the anger is directed is thought to become ill and will only regain health if the injured person's hurt is acknowledged and resolved in some way. There are processes of releasing feelings through rituals such as *tikara* (making of tea) and public acts which include publicising accusations, competitive feasting or church donations which help alleviate tensions, at least for the time being.

Responses to injury are for the most part indirect. In the *tikara* it is the ancestor to whom an appeal is made for release of anger if no human acknowledgement of bad feelings is forthcoming. The gathering together of relatives in the *tikara* ceremony enables anger to be dissipated in a private context and the initial call to the ancestors to help a sick person avoids any early confrontation within the family and *iduhu*. The *tikara* is a process of evoking a confession for injured feelings so that appropriate amends can be made. Confession also finds a place today through the mediation efforts of church deacons who regularly check for tensions within the *iduhu* and encourage confession to release animosities and resolve injuries.

Although, in the past, the mechanism involving publicising accusations appears to have been confrontational, it was controlled by the intervention of intermediaries and so constituted a display of anger which did not provoke physical attack against a person but took the form of a verbal assault. Today, the Motu continue to publicise accusations, especially in cases involving sexual jealousy, and the publication may be followed by the destruction of the injurer's property. Violence towards a husband in this context seems to elicit an angry response against him from his wife through his goods and property. When a wife confronts an adulterous woman there is a direct accusation and anger will often be released through physical attack or public insults. The actions taken against property or through physical attack and insult are all regarded equally as attacks against the person. It is of significance whether the attack takes place in public or private since a public attack draws more persons into the dispute and its resolution.

Another response to injury in the past was the use of sorcery, where an intermediary, the sorcerer, was hired to cause either death or illness. Today, sorcery is widespread, or at least thought to be widespread, and is used, not as a release of feelings, but to affect the status or position of another. The Motu are therefore capable of deliberate and planned acts of harm but draw a distinction between visiting harm on relatives and on outsiders.

The traditionally competitive nature of Motu society, manifested for example, through the *hiri* trading expedition and *hekarai* competitive feasting ceremony, or in making greater brideprice payments, continues in the present day. Competitive feasting and dancing seem to have been replaced by the collection of money for church and by the achievement of positions of power and responsibility through the modern wage economy. Traditionally the competition would end when the other person's resources were exhausted. Today, the difference seems to be that relative prestige is derived more from intangibles such as a better job, or a child performing better in school, and there are fewer methods for bringing the rivalry to an end by visible means except through an act of sorcery causing illness, misfortune or death. This may account for the perception that the use of sorcery has increased in recent times.

Violent response (in a Western sense) is not a central feature of responses to injury except apparently in cases of sexual jealousy. The Motu seem to feel compelled to make their injuries visible but have continued to follow traditional forms of release of anger, and the practices of *tikara*, harangue and the destruction of property have continued as mechanisms to express injury. Adaptations from the traditional include the use of deacons to induce confession of bad feelings, and giving the largest church donation in competition with other *iduhu*. Even traditional violence in the form of club fighting was constrained as the fight

ceased once blood had been drawn. If sorcery is taken to be an act of violence, then there is a parallel between traditional violence and sorcery in that sorcery, or *vadari*, within the *iduhu* was also intended only to injure and not to kill. Violent attacks occur, however, in the form of fights between women over adultery, between husband and wife (over accusations of adultery) and in the domestic setting when husbands or their parents consider the wife is not fulfilling household duties adequately. It seems, therefore, that within close kin relations, where interdependent relationships are affected by acts such as incest and adultery, the threat to the stability of those relationships is considered serious enough to warrant physical confrontation. This may have the effect of forcing a more immediate resolution of the family issue.

Women are influential in Motu society and, as mothers, have significant status in the society. Choice in marriage, prestige through the *iduhu*, recognition of labour, and the ability to call upon traditional constraints and relational support in marriage, all indicate that the Motu woman is respected and valued. Above all, she is, through having the right to choose her marriage partner, able to greatly influence the pattern of relations.

The relationship between in-laws and a wife is of paramount importance because much injury and bad feeling can flow from disputes between those parties. The consequences of a dispute between a wife and her in-laws can include assaults from her husband, the wife returning to her relatives and, depending on who is perceived responsible for the injury to relations, the possibility of child custody being given to the wife's relatives rather than the husband's. The conduct expected from the wife is set by her in-laws and their dissatisfaction is often communicated to the husband, thus putting him under pressure to correct his wife's attitude and conduct. This pressure, on both husband and wife, is a persistent source of tension in many families and a prime cause of injury in that context.

In cases of adultery a married woman usually expresses the main force of her anger toward the other woman rather than her husband. An important consideration for a woman is the demand for a return of brideprice if the marriage breaks up as this will present serious economic problems for her relatives, causing them a serious loss of prestige and placing stress and strain on her personally. The emphasis in responding to injury is therefore on maintaining the stability of the marriage and it may be for this reason that a woman's objective is often to 'chase away' the threat and not to end the marriage.

Responses to injury

Motu society is competitive and explicit displays of wealth and status can generate envy and jealousy resulting in attacks on reputation through the use of shame and sorcery. There is a spiritual aspect in the resolution of injuries in that ancestors are called upon as agents in order to cause injury as well as to take part in the process of reconciliation. The cultural context within which most injuries occur is made explicit through marital and kin relationships within the *iduhu* and amongst close kin.

'Violent' responses

Warfare

Poreporena and other Motu villages in Port Moresby, strategically situated for every sighting of strange canoes coming into the harbour, have been characterised as a 'belligerent maritime power' (Groves 1954:78). Warfare was thought to be 'endemic' within the coastal Motu/Koitabu region between eastern and western Motu groups. Groves notes that wars were also fought to avenge wrongs and to show greater strength (Groves 1955). According to Oram, western Motu groups did not fight each other but raids were conducted 'to obtain food' (Oram 1989:51) since Port Moresby is situated in a rain shadow and its inhospitable habitat and poor soil often resulted in famine before the 1930s (Chalmers 1885; Oram 1968). The Motu believed that the Koitabu controlled the weather through sorcery and Seligmann observed that they would attack a Koitabu village which they blamed for a lengthy drought or for causing ill fortune in trading expeditions (Seligman 1910:180).

Within or between *iduhu* responses to injury could take quite different forms. In the past, the obligation for reparation through compensation for accidental death ensured that villagers did not fight each other although angry words were exchanged. However, if a man was killed by a stranger group 'blood price... *kwarava* might be refused, and war the result', though Seligmann reports that 'in such cases matters were generally settled peaceably' (Seligmann 1910:127). By 1884, when the British declared a Protectorate over Papua, missionaries had all but succeeded in bringing peace to the area. To break the cycle of warfare they 'constantly visit[ed] mutually hostile groups...' (Oram 1989:52).

Rape

There is no word for rape in the Motu language. The Motu instead describe such behaviour as, 'they spoiled her'. I could find only one passing reference to rape in the literature² and the older people interviewed all stated that rape was non-existent in traditional times although women were sometimes the victims of attacks from men from other ethnic groups.

Younger women revealed a number of rapes which they said took place in 1994 within the villages of Poreporena, Tatana and Elevala. The women noted that three of the five rape incidents they were aware of had been committed by Poreporena and Elevala men. In one case, a 25-year-old Poreporena man sexually assaulted a 9-year-old girl from the same *iduhu* after he invited her into his house for a drink of cold water. She later identified him and he was arrested by police and sent to prison to await his trial. The girl's father worked as a prison guard and it was rumoured that the man was badly beaten while on remand. In another case, a woman and her husband were stopped by a group of five young men when returning to Tatana village after an evening out at a club. The men (from Poreporena) asked them for a lift home. They subsequently held the husband at knife point and took off with the vehicle and the man's wife. They were interrupted in their attempt to rape the woman when her husband arrived in another vehicle he obtained after seeking assistance. Later, members of both the woman's and her husband's families reportedly retaliated against the boys' families by throwing stones and bottles at their houses in Poreporena, all the time screaming and demanding that they come out and fight. National Court records indicate that one of the guilty men received a two year suspended sentence and was placed on a Good Behaviour Bond for 12 months.³

Constraints on 'violent' responses

In the past, people accepted the intervention of disinterested parties to settle a dispute according to the strength of the *iduhus* involved. One senior Poreporena man noted that traditionally there was acceptance of a third party as mediator, usually a leader. As changes in the leadership structure occurred, church deacons took on this mediation role and this has continued into the present day.

Nowadays, many disputes are resolved in this manner. An example was provided by Elevala villagers. In their view, church attendance is high and it is common practice for deacons to visit each household monthly before communion services are conducted in church. During these visits deacons ask members to confess and resolve any outstanding disagreements with family members or others in the village. If they are unable to resolve disputes, communion is withheld. According to villagers, most will accept the deacon's advice when he or she mediates disputes. However, some remain 'unwilling to forgive' and continue to hold on to their anger even after the deacon's intervention. In these cases, the deacon does not concede defeat but persistently visits each side of the dispute until the matter is solved. If in fact the deacon does fail, and disputants continue to refuse all efforts at mediation, the matter is usually taken to the Village Court.

Invocation of the supernatural

The influence of ancestors

According to Kopi (1979), ancestors in the spiritual world are seen as everyday participants in family life interacting with the living by punishing the lineage when angered. Ancestors become offended and angry when a person is not fulfilling social obligations correctly or has breached a taboo.⁴ One woman articulated the belief of all those I spoke to on the matter saying, 'When the spirits see a person arguing or not behaving properly toward his or her relatives they will spiritually "belt" that person and he or she will become ill or have bad luck'. To Kopi, himself an eastern Motu, the physical world is seen as operating

...alongside an equally important spiritual entity [where] the central figure of man is seen to be continually interacting with place, plants and ancestral spirits which all have an influence on the affairs of the living and are capable, conversely, of being manipulated to man's advantage. Feeling himself in the centre of a web of personal and spiritual relationships, the Barakauan [an eastern Motuan village] is first of all aware of the strong pull of his ancestors, who continually demand maintenance of social order, and stepping aside from this pull would result in illness or misfortune (Kopi 1979:17).

Prayer and invocation of the ancestors are the methods used by aggrieved members of the *iduhu* to induce illness in the person who has caused them injury. Men's and women's statements indicate that nowadays when a Motu becomes ill, whether adult or child, he or she will first be taken to hospital for treatment. If the person does not recover within one or two weeks the doctors inform the family that they cannot find the illness. Often the relatives believe that they must 'work it out amongst themselves'.⁵ Within this context, all assume that the illness is the result of anger and relatives begin questioning the ill person about any outstanding disputes or disagreements. In response, an afflicted woman might say, 'I argued with uncle'. Her relatives, including the uncles, brothers, aunts and sisters of both the ailing woman and her husband are brought together for *tikara*. Once gathered, the husband asks everyone if they are concealing any anger or ill feelings against his wife and invites each person to confess their grievances. Some might say, 'I was cross because she didn't share the brideprice properly' or 'I'm cross because I wasn't given enough money after I had contributed much more' or 'I'm cross because she didn't give me sugar when I asked for it'. Some claim that they have no anger to confess. Those who do confess to having harboured feelings of anger toward the woman will add, 'Now I don't feel this anger anymore'. A bowl of sea water, *tadi*, is passed from person to person as each of them calls an ancestor's name while washing their hands. After everyone has confessed and washed

their hands, the water is used to bathe the unhealthy woman. Pita et al. have described the process of washing hands as symbolising the washing away of a person's anger and the anger of the ancestors (1975:61). Church deacons are also present sometimes and, if so, do not wash their hands but place them on the ill person and pray instead. If, during the process, the person who has harboured ill feelings releases his or her anger, recovery is expected to follow. In situations when no improvement can be observed in the person's condition after a 'washing of hands' ceremony, a diviner or *babalau* may be called in to ascertain who is responsible for the continuing ill health. *Babalau*, also known as healers,⁶ are generally women but males can also be healers (Kopi 1979). After identifying the cause, the *babalau's* task is to restore the imbalance 'through confession or appeasement rituals' (1979:27). The *babalau's* explanation for the misfortune or illness will be put into one of two categories; ancestral anger or sorcery (1979:25). Both the ill person and the relatives believe the *babalau* will discover the cause of the illness through a physical examination and through consultation with the relatives. During consultation, the relatives are asked to pass clockwise a clay bowl with a flame inside until the flame is extinguished. The relative left holding the bowl when the flame dies is considered to 'have access' to the ancestor who induced the illness (Kopi 1979). When the *babalau* finds that the illness has been caused by ancestral anger, she will go to the ancestor's grave side and harangue him or her saying, 'Why are you not happy? Why are you troubling him?'

In the past, ancestors also played an important role in the success of *hiri* expeditions. A man first consulted his wife before taking the decision to sponsor a *hiri* (Pita et al. 1975:98) and the behaviour of both men and women during preparations for the journey and during the men's absence was critical to the successful outcome of the *hiri*. Men travelling on the *lakotoi* vessel were considered *helaga* (endowed with the 'ritual potency' of the lineage) (Groves 1957:42). They were therefore required to avoid certain foods, abstain from sexual intercourse and to avoid carefully all people not involved in the expedition (Rahobada and Rahobada 1975:99). The *hiri* sponsor and his wife were expected to avoid bathing until the vessel's return (Moi 1979). The leader's (*baditauna*) wife and the leader's helper's (*doritauna*) wife, as well as the crew members' wives were also obliged to follow rituals related to food taboos, to practise sexual abstinence during the absence of the men and to behave according to custom.

During interviews conducted in 1956, two Tatana men, Pekara Rahobada and Rahe Rahobada explained Motu expectations about revealing anger:

Because a woman behaves properly, her husband will not become ill, and will not have a physico-spiritual breakdown. They will live in rectitude, will not show

wroth [sic], and be correct, not act senselessly, will not be loose, be devoted to her husband, not quarrel, because should she do such, the house spirits will be wrothful [sic], and bring a physico-spiritual breakdown either on the woman, or on the man of the *hiri* (Rahobada and Rahobada 1975:105).

They further outlined Motu expectations about revealing women's behaviour which might impact on the men and their safety. For example, if the *lakotoi* was late returning, the *hiri* crew's wives would gather while an elder man questioned the women to find out the cause of the spirits' anger evidenced by the continued absence of the men. The old man urged the women to confess:

Let anything of your having slept together be revealed, you having slept with your husband at the time of sailing then now let it be published, then the *lagotoi* will be speedy (Rahobada and Rahobada 1975:109).

One of the women would usually admit her transgression saying, 'Yes, truly, I have done wrong', and she was sent from the *lakotoi* mat and another girl who had not transgressed was called to join the other women (Rahobada and Rahobada 1975:109). The spirits were then asked to ensure the safe arrival of the *hiri* because the source of their anger had been identified and corrected. Upon the return of the *hiri*, there was much dancing and feasting. However, World War II brought an end to *hiri* expeditions although a few took place in the 1950s. The very last *hiri* expedition took place in 1961 (Groves 1973).

Sorcery

According to Kopi (1979) the use of sorcery or *vada*⁷ by the Motu is not random. There is always a reason or perceived injury which prompts resort to the destructive powers of a sorcerer. Interviews with women indicate that the use of *vada* can result from a perception that one has been shamed by another person. Anyone can hire a sorcerer but *vada* is not normally used against *varavara* (close relatives). The Motu state that traditionally they did not practise sorcery themselves. Whenever *vada* was believed to be the cause of illness, misfortune in fishing, hunting, or poor crops due to lack of rain, they blamed the Koitabu (Lawes 1875; 1879; Chalmers 1980). The Motu also sent for a Koitabu sorcerer to treat an ailing person. Interviews reveal that nowadays many still seek the assistance of the Koitabu.

In the past, people hired a sorcerer during disputes involving: brideprice, women in relation to adultery, land, jealousy about hunting or food production, as well as to punish garden thieves. Today, people believe that the use of sorcery has increased, possibly due to access to modern forms of wealth and prestige such as business, the accumulation of money, television, stereo equipment, outboard motors, a good education and employment opportunities. *Vada*, villagers explain, is used, not to help society, but as a way 'to bring people

down' since elevating oneself is regarded by Motu people as an injury. The response of sorcery to the injury caused by that elevation, is also an injury. It is often used against people who are considered to have wealth or to hold a good position in the Government or in a company, or even against those who are considered good workers, netball players, or sportsmen and women. If someone has a good house, or property, or a 'high position', or has a child who is performing well in school, interviewees emphasised that correspondingly 'there are people who want to bring him down'. According to one older woman, in the past only *vadari* (merely intended to cause harm or injury), was used within the *iduhu* and close kin. When relatives noticed another's progress in gardening, or became jealous over another person's acquisition of property, or became angry when they believed that a relative was not sharing food or brideprice properly, they might hire a *vadari taudia* to retaliate against their injury. Nowadays, accusations of *vada* or *vadarii* are usually made when the victim or his or her family believe that the victim has, 'frustrated the wishes of the attacker or angered him in some ways' (Kopi 1979:52). Generally, people say they do not directly accuse each other of sorcery but may make indirect accusations by gossiping. Nevertheless, an Elevala Village Court Magistrate heard two cases of sorcery between January and August 1994. Since there was little evidence against the defendant in one of the cases, the magistrate said that he gave him a 'light penalty' by ordering him not to be seen in Elevala at certain times of the night and not to gossip in the community (W. Hekoi, 1994, Elevala Village Court Magistrate, pers. comm.). In the second case, the defendant was fined K60 (US\$45) and was given an order preventing him from passing through certain areas of the village. The defendant had bragged to a group of men that he planned to sorcerise a person and one of the men reported the matter to the Village Court. The Elevala Village Court Chairman indicated that he also dealt with three sorcery cases in 1994. In one case, a woman threatened to use sorcery against another woman after accusing her of fraternising with her husband. The second case involved a woman who accused another woman of using sorcery in a rugby match and in the third case, a woman threatened to sorcerise a man for his suspected adultery (K. Heni, 1994, Chairman, Elevala Village Court, pers. comm.).

Villagers say they believe that sorcery has a negative effect on the community as a whole. They emphasise that it makes people feel frightened and suspicious of one other. People are never sure whom they can trust and whenever someone dies, their first thoughts are of sorcery and of who is responsible for the death.

Shaming

Hekarai and Turia dance: competitive feasting ceremonies

One method of settling disputes between men in the past was through 'competitive feasting' called *hekarai*, predicated on rivalry (Seligmann 1910:144–5) and which publicly shamed the loser. In a man's pursuit of prestige he would, in conversation, compare the abundance of his garden with that of his rival's. The two men, generally *iduhu lohia*, needed the support of their *iduhu* and other followers before undertaking a *hekarai* feast since they would require assistance to continue making gifts of food (bananas, yams and sugar cane), armshells and string bags to their rival until one of them could no longer reciprocate. Groves notes that the *hekarai* 'provide[d] formal machinery for the prosecution of a personal quarrel to the point where one of the parties [was] defeated by bankruptcy' (1954:81). The man who won the competition was able to demonstrate his superior wealth, skill, following and access to ancestral powers (1954:82).

The *turia* involved a mortuary feast ceremony comprising a series of dances. Dancing demonstrated respect for ancestors who, if pleased, provided well-being and strength to the *iduhu*. *Turia* might also be used as a method for settling an argument. Although conducted in response to a disagreement with another man, Groves suggests that the *turia* did not provide any 'specialised machinery for the prosecution of a quarrel'. Instead, it enabled a man's social standing to be reflected publicly since *turia* was considered a 'trial of strength' through dance. Dances were owned by *iduhu* and were performed in competition with rivals (Groves 1954:80–81). Reciprocal presentations of bananas, bread and other foods were exchanged throughout the dance series extending over a period of two to three months (Belshaw 1957:133–9).

The *hekarai* and *turia* feasts declined as more men entered wage employment and there was less manpower to continue these traditional activities (Belshaw 1957; Chatterton 1980). The church also opposed the dances, which in their view led to sexual license and adultery and, in turn, to quarrelling (Belshaw 1951, 1957; Groves 1954). The church 'suspended membership' and withheld communion for those who participated in the dances (Groves 1954:85; Seligmann 1910:133).

This competitive response to injury appears to have been translated in the modern day into rivalry between *iduhus* within the church. The effectiveness of the *iduhu* system of leadership slowly began to crumble following the imposition of a village council system in 1926. The *iduhu* leadership system no longer functions as it did in the past but has reproduced itself in the election of church deacons (Groves 1954:86–7) who are elected every four years by

their sub-*iduhu* members. A system under which deacons competed for status was introduced in 1948 by a Motu pastor. The *iduhu* which collected the most money for the church was given the *Boubou Kwalim Toana* flag to fly symbolising the achievement. The money collected from this annual gift-giving competition was used for the financial development of the church while the remainder was donated to charity. *Iduhu* families were encouraged to compete with other *iduhu* by giving gifts of food and money to the church and this practice has continued to the present day (Gregory 1980). Villagers reveal that nowadays, parishioners give their pastor quantities of food to last up to three months even though they are encouraged to give assistance for only one or two weeks.

The Hiri trading expedition

Since prestige was of such importance to Motu society, Groves illustrates how shame could motivate a man to challenge his adversary to a *hiri*:

...discussions of relative prestige constituted the major form of political discourse. A man of higher prestige could usually silence a lesser man completely, causing him to withdraw in shame, by referring to their relative performances in those enterprises that particularly confer prestige (Groves 1973:104).

Groves suggests that the main motive for sponsoring a *hiri* expedition was to attain prestige and social standing (1973:104). However, a man might also decide to sponsor a *hiri* expedition after being challenged by a man he had quarrelled with and who had taunted him 'for his lack of achievement in feast giving, [fishing] net making or undertaking *hiri* voyages' (Oram 1982:14). Both the 'challenger and the challenged' might then sponsor a *hiri*.

Publicising accusations: harangue

Traditionally, a common response to an injury within Motu society involved the publication of an offence from the accuser's veranda (*dehe*). The accuser would shout out his or her accusation and make abusive speeches denouncing someone for offensive conduct (Groves 1956; Belshaw 1957). These quarrels between individuals soon became disputes between families and *iduhus*, one denouncing the other. Groves indicates that people shouted irrelevancies at each other until an 'objective and disinterested' third party intervened to support one side or the other. Once it was clear that public opinion was leaning heavily toward one side over the other, the losing party 'cut their losses' and withdrew from the argument. The dispute was then considered settled, with the losing side feeling pressured to withdraw out of shame (Groves 1956:242). In the case of an accusation of adultery, a man published his allegation from the *dehe*, shouting invective and abuse for everyone to hear. If the woman's relatives

believed that she was guilty they would not respond abusively. In this situation, the kin of the guilty woman would beat her, therefore admitting their shame. She was beaten by her kin for shaming the family reputation and for forcing them to yield to the other side (Groves 1956).

In the past, according to Groves, a dispute became a 'general trial of strength' between two 'ad hoc factions' with the stronger faction ordinarily ending up as the winner no matter which side was backed by 'justice' and 'truth' (1956:252–3). He suggests that the Motu would not support kin who were clearly to blame for the incident, although they usually assumed that kin were blameless unless it was impossible to do otherwise such as when their position was indefensible. Within the context of important conflicts, kin ordinarily withdrew their support from such individuals.

According to villagers, haranguing wrong-doers to publicise injuries continues as a response to injury in the modern day. People shout at their rivals, 'letting off steam' in a public place, and 'getting out their frustrations' by 'describing one another in insulting ways' thus 'putting the other side to shame'. In the past, when villages were smaller, and the *iduhus* closer, any shouting took place nearby. Nowadays, the 'injured' person and his or her relatives frequently confront rivals at their residence in order to publicise the transgression, wherever that may be in the city. Villagers also say that some people now think that these offences should be publicised in a more 'quiet and Christian way' by taking the matter to the Village Court.

The use of court as a response to injury

An injured party will sometimes decide to pursue a resolution to an injury (and therefore publicise the identity of the injurer) through the Village Court or District Court, especially in adultery cases. An examination of Village Court data identifies offences and the circumstances constituting the offence.

Most disputes coming before the Village Court from Elevala village are settled through mediation. Based on the records examined from January to September 1994 Elevala Village Court hears on average three or four cases each week.⁸ According to Elevala Village Court Magistrates, many complainants do not feel happy with the amount of compensation ordered in relation to adultery charges and often appeal their cases to the Local Court since the maximum penalty a Village Court can impose is K1000 (US\$750) or six months in jail. Adultery cases are also handled by the District Court in Port Moresby. When Motu men and women are not satisfied with the court result, the matter is not seen as solved and, according to District Court Magistrates, sometimes ends up in the laying of formal assault charges related to domestic violence.

Injuries within the family⁹

There are strong expectations about appropriate conduct for both husbands and wives. These expectations relate to household chores, the care of children and, in the case of wives, to the care of and obedience to in-laws. Expectations exist in relation to the husband's ability in the modern day to provide an income for the care of his wife and family. Social obligations also exist in the form of contributions for brideprice and funeral payments. Although a husband was permitted to discipline his wife for failing to behave as expected, it was not considered legitimate for him to mistreat her habitually or maliciously (Belshaw 1957) and in such cases a woman could return to her relatives while the injury was being settled between the two families. Since young married couples usually lived with the husband's parents (and often still do) the wife's relationship with the in-laws played a significant role in family harmony.

Disagreements often lead to the in-laws listing a wife's deficiencies to her and again to their son. Statements made by both young and old villagers in 1994 indicate that when the wife quarrels with her in-laws, her husband will sometimes react angrily and will beat her in support of his parents. Arguments may occur when the in-laws perceive that a wife has not shown them proper respect, when she argues with them, gossips about them to others or is disobedient. A wife may return to her own relatives if tensions between herself and her husband or in-laws lead to arguments and violence.

Destruction of property

Strathern (1988) argues that all property is considered an extension of the person who owns it and this implies that the destruction of a person's property is equivalent to a physical attack on that person. Thus, in disputes which take place between close relatives, members display restraint, and attack the injurer's property instead of the person, him or herself.

In Hanuabada this response might also have been applied to 'outsiders' in cases of adultery. Older Motu villagers explained that in the past, when adultery occurred, the men of the *iduhu* destroyed the male adulterer's house and property with axes. In such cases, it was explained, the relatives of the adulterous man did nothing to protect the man or his property since they 'knew he was in the wrong'. The adulterous wife was also punished for her behaviour and might even be killed by her husband if caught in the act, or she was beaten or simply sent away by her husband (Seligmann 1910:80).

In the modern day, women report that an adulterous wife will usually be assaulted by her angry husband who will also destroy property in the house. Most of the villagers I interviewed from Poreporena and Elevala in 1994 said that destruction of property still takes place in cases of adultery. Some argued

the incidence had increased because of a corresponding increase in the incidence of adultery. They suggested in explanation that young girls today are attracted to married men, especially those with money. When a married man is observed to be in the company of a young woman, relatives or other community members will often inform his wife. Frequently, the wife and her relatives respond by attempting to destroy the other woman's property in her house.

The use of destruction of property to express anger toward kin or others perceived to have committed an injury is evidenced in the statistics from Elevala Village Court between January and September 1994. The statistics indicate that out of 13 cases of destruction of property, seven occurred between close kin. Four cases involved the destruction of public property or beer bottles, one case involved the destruction of the property of a betel nut seller and one case was unclear. Both the Village Court Magistrates interviewed indicated that the motives cited for the offender's actions included: adultery, quarrels between husband and wife, quarrels between father and son, between grandfather and grandson, and a wife destroying her husband's girlfriend's property.

Mr Hekoi (Village Court Magistrate) explained that he dealt with property damage offences involving the destruction of public walkways or of a parent's property often resulting from arguments within a family. He suggested that men frequently react when they are angry by destroying things (often walls or household goods) whether the property is owned by their parents, their wife or themselves.

Fights between women

My research indicates that nowadays women argue over household issues such as the unfair distribution of food or brideprice, another woman's perceived 'greed' in taking more than her fair share of food, perceptions that a 'lazy' woman has failed to do her share of the work or because of jealousy over suspected adultery with husbands. Except for jealousy, these disputes usually result in the women bickering with one another or spreading gossip about the others. Often though, there will simply be tensions between them.

Older women say that in the past women argued about many of the same things but also over suspected theft from gardens, the use of water from the water hole, and firewood. A further common source of friction between women was sexual jealousy.

Sexual jealousy

In the past, when a man committed adultery, his wife often attacked the other woman and 'bashed' her. Belshaw (1957) argues the continuing support of the

in-laws was crucial to marital stability. If the husband's parents believed his wife was a 'good wife' they would advise her to stay with him regardless of his acts of adultery. Older villagers explained that a wife's relatives agreed to her remaining with her husband only when they were sure she had the support of her in-laws, if not, they would take her back. One older Poreporena woman explained that in responding to the injuries caused by an adulterous wife, sometimes in-laws would hire a sorcerer to cause her illness or to guarantee failure in her family's attempts to find her another husband. She suggested that sorcery was used to retaliate because of the great shame the woman had brought to the man's family, indicating their assessment of the scale of injury. Resort to sorcery, as a response to a woman's act of adultery, she said, was dependent on the amount of brideprice paid and therefore to the degree of loss.

Women indicate that nowadays many women continue to attack other women who show interest in their husband. When a wife suspects a woman's intentions she will usually attack her in public, either by verbally insulting her or by physically attacking her. One Poreporena woman revealed how, when she discovered her husband and a woman together in the bedroom of her house, she chased her husband's girlfriend out of her house with a knife. On another occasion, she said she went to the store where the woman was working and attacked her, causing her to fall to the floor.

Gossip and insults

Gossiping is both an injury and a response to injury. Women's statements suggest that when they hear reports that a person is gossiping about them or their family, they often directly confront the offender, although they must also bear in mind the relationships involved. This is because at times it is considered inappropriate to confront an individual in the presence of others, thereby creating additional injuries, since the confrontation may insult those witnessing as well as the person who has originally caused injury. Some respond by soliciting the support of others, and in retaliation, will spread gossip about their opponent.

Summary

The Motu appear to judge conduct within the context of marital and kin relationships and according to expectations for acceptable conduct in each. Motu leadership, marital practices and trading expeditions provide the cultural context for the Motu emphasis on the supernatural, illness, and on relationships within the *iduhu* and amongst close kin in their responses to injury. There is a spiritual dimension to injury, as the ancestors play a significant role, both in the creation

of injuries and in the reconciliation process. The competitive nature of Motu society means that injury often results from envy, jealousy and visible displays of greater wealth or status which lead to attacks on reputation through shaming or sorcery.

The Bena

Background

The area known as Bena is located east of the town of Goroka and is occupied by two groups of people: those living in the forested Upper Bena (*man bilong bus*) and those living in the grasslands of the Lower Bena (*man bilong kunai*). In the 1990 census a total of 21,218 people were living in the Bena area occupying a total land area of 619 kilometres (National Statistical Office 1993).

Bena are horticulturists and divide themselves into approximately 65 separate tribes (Langness 1967). Each tribe consists of three to seven districts and each district is made up of two to five patrilineal exogamous clans. Traditionally, a district was the largest social unit recognised by the Bena and according to Keil, this group 'defined the boundary between inter-group conflict (warfare with bows and arrows) and intra-group conflict (fighting with sticks)' (Keil 1974:22). According to Langness, the most important political group within the Bena social structure is the clan (Langness 1964). Clans may help each other in warfare if they belong to the same district, however, suspicion of sorcery between clans often constitutes grounds for not assisting.

A clan is divided further into several sub-clans who trace their ancestry to one of the sons of the clan founder (Langness 1967). The sub-clan divides again into lineages that are effectively extended families. Internal co-operation within the lineage is most pronounced, and according to villagers, in the modern day the lineage has taken on even greater importance. Marriage is exogamous as the Bena may not marry within their own clan or the mother's sub-clan. Langness (1969) considers that residence is an important determinant of Bena kinship in that adopted children may not marry into the clan of their adopted parents nor can they marry refugees residing with the clan, indicating that both adoptees and refugees are ideally absorbed into the clan as full members.

A Bena leader or big-man (*gipina*) was described by Langness as 'a man with a name' (a man with a reputation) (Langness 1971). *Gipinas* built their reputations almost exclusively on their ability as warriors and prowess in warfare and a reputation for having killed many men was a crucial quality in leadership. A *gipina* built up a following amongst as many of his kinsmen, age-mates, and trading friends as possible, thus constructing an extensive network of personal relationships within the sub-clan, clan, district and outside the district so that

his name was known and therefore his power and influence (Langness 1971:312). He did this by contributing toward brideprice, death and initiation ritual payments for both affines and cognates, sustaining trade relationships, offering support to other *gipinas* in war, or by offering bribes or presents. Supporting relationships had to be maintained since without sustenance a *gipina*'s followers would lose faith in his ability as a leader and would no longer support his point of view or allow themselves to be persuaded by it. There was no centralised authority and often several *gipinas* existed in a clan. They frequently disagreed with one another and competed in the recruitment of followers (Langness, 1971:313). The real balance of power, it seems, was held by the followers, who could decide at any time to withdraw their support for a particular *gipina* causing his eventual decline, transferring their support to another *gipina* whom they considered stronger and more successful. Strength was an important factor in the decision to associate with an individual or a group. As Langness puts it:

Physical power, both in individuals and groups is respected, valued and admired...There is no notion of an underdog...If a group is strong it is also good. People respect it and are eager to join and be identified with it. Conversely, if a group—or a person—is weak it is not good. The expectation is to be dominated, if not destroyed, by the strong (Langness 1973:154).

There was also a '*meri bilong tok*' or 'woman of talk' (*gipinae*) who was chosen by the women of the community and who represented their views and interests to the men (Dickerson-Putman 1986). In the villages I researched, older women referred to female leaders *gagay'ae*. A *gagay'ae* was chosen for her exemplary character and gave advice to women particularly when disputes arose between them. However, she had no powers to decide punishments or compensation settlements as that was the 'job of men'.

There is a clear distinction in Bena responses to injuries from outside the clan and within the clan. In the past, retaliation, without restrictions or controls, was the response to an injury from outside the clan. Within the clan, 'physical violence' might be used to respond to injury but it was controlled in most cases. Central features in Bena society are respect for strength and making 'a name' which are essentially identical in that the latter flows from the former. This respect for strength is consistent with the Bena approach to outsiders in that there was little sense of compromise. Strength was also measured in procreative ability as refugees were taken into the clan to supplement its numbers.

In terms of leadership, the Bena would only support those who demonstrated strength as successful fight leaders in warfare. A *gipina* could not assume that he would retain leadership and was required constantly to demonstrate success

and affirm his alliances within the clan. The transitory nature of leadership was reflected within the clan as clan members were not able to count on others for support in disputes but had to solicit their assistance and support actively. In essence therefore, the Bena relied on clan relationships to strengthen their position in disputes. Yet, relationships could also be the cause of disputes. Leadership was related to making 'a name' and allegiances were given on the basis of self-interest and self-promotion.

The Bena are a people who demonstrate their feelings through acts. If injured they respond actively and confront the issue. They are not so much concerned with inquiries as to the truth of an allegation, as they are with responding to it immediately, in order to resolve breakdowns in relationships caused by an injurious act. There is also an element of shame attached to a received injury, in that an accusation against another has the effect of 'spoiling one's name' or reputation amongst clan members and this must be addressed immediately in order to maintain one's name. Further, a failure to respond to a perceived injury would be construed by others as a display of weakness. All these pressures combine to ensure that responses to injury are swift and effective. For example, the act of simply identifying a garden thief was sufficient to warrant confrontation. The main focus was the resolution of the injury and not its cause.

Both inter and intra-clan disputes were public affairs in the past and remain so today. The objective in intra-clan disputes was to organise support for that particular dispute or injury and this could only be achieved in a public forum. Although violence could result from intra-clan responses to injury, the level of 'physical violence' was constrained and mediation by leaders would occur whenever the response was considered excessive.

There is a constant emphasis on action and the Bena appear to assess and judge the quality of others by the acts of those persons rather than by any other criteria. For example, methods of identifying sorcerers continue to centre on the behaviour and appearance of others and if new clothes or unusual behaviour are displayed at the time of mourning these are considered to be incriminating evidence of sorcery. Traditionally, sorcery was used only against enemies, but today appears to have developed a use within the clan especially to 'bring people down' who are perceived to have achieved more wealth and status and therefore as having caused injury by elevating themselves. This may also have resulted from a weakening of clan cohesion due to the process of change, including increased mobility and a reduction in warfare, which has led to a correspondingly greater emphasis on the lineage. Greater access to education and wealth have created new injuries which also require a response.

The Bena admire women who display qualities of strength, determination, and single-mindedness. Women were traditionally expected to fight each other over men in response to their injury and, in the eyes of men and women, this constituted a display of strength which earned respect. Conversely, not responding would indicate weakness and the woman and her husband (in the sense that they were an interdependent unit) would suffer a loss of reputation. Today, some women do not believe that violent, physical confrontations between women over men is acceptable behaviour. They look to alternatives such as returning to their family, going to court, involving the church in a mediation role, or directly raising the issue with the offending woman in 'the Christian' way. Women have a parallel support system to that of men involving other women on a reciprocal basis when responding to injury such as accusations of adultery. Violence towards women by men is prevalent in the domestic sphere, especially when a husband suspects that his wife has failed to discharge her responsibilities and has therefore caused the reputation of the husband and wife as a unit to diminish. In traditional times there were constraints on the level of domestic violence and many of these are still operating today.

Compensation is a major form of response to injury and there are many instances where compensation is expected. It is significant that an offer of compensation is seen as an admission of liability as this resolves the issue of responsibility for an injury. At the same time, payment of compensation requires a corresponding payment by the victim, although the amount is less. The acts of giving and receiving compensation are a visible and external recognition of the relationships involved in the exchange and are also an acknowledgement that both sides have suffered injury. They also represent a demonstration of the good intentions of the giver since the Bena judge intention by act and behaviour.

Responses to injury

In Bena, the nature of response to injury is dependent upon the relationships involved between the injured party and the injurer and differs according to whether the injury occurs within the clan (intra-clan) or between clans (inter-clan). However, in either case the response is direct, as between clans, or between clan members. Inter-clan relationships were characterised by warfare, sorcery, some trading, and the development and maintenance of reputations. In the present day, warfare and sorcery continue, with the latter, together with the use of poison, being employed to 'bring down' those causing injury by creating inequalities between people. Intra-clan relationships were interdependent and concerned with ensuring group survival, and members who had been injured might resort to direct 'physical violence' intending to wound rather than to

kill. The payment of compensation was, and remains, a major factor in the resolution of injuries.

'Violent' responses inter-clan

The objective of warring with enemy groups appears to have been to annihilate as many members as possible so that the enemy would be substantially weakened and therefore of no threat to survival in future (Langness 1971).

Luwa: 'Fights against true enemies'

Warfare (*luwa*) was endemic and wars were fought with neighbouring districts which could usually be reached within a 'few hours' (Keil 1974). Keil suggests that it was not feasible to fight with groups who were 'too far away to fight' since the form of warfare was unable to sustain enduring campaigns requiring food reserves and other supplies. Instead, warfare was characterised by sneak attacks and skirmishes designed to strengthen a clan's position and weaken neighbouring enemy clans before they were able to act first (Keil 1974). Stronger clans were particularly targeted, forced out and their villages devastated so that they could not easily return (Langness 1971). Langness characterises Bena style warfare as unrestricted in that there were no formal rules (1964:142). Men from different clans allied themselves temporarily to fight (Langness 1971) but men decided themselves about whether or not they would fight in any attack depending on the relationships involved.

There were two types of fighting, small-scale raiding and larger-scale wars. Small-scale raiding occurred typically over, 'suspicion of sorcery, theft of women or pigs, an argument over the ownership of trees and personal disputes of various kinds' (return (Langness 1971:308). A man usually sought support from his affines, friends, those with outstanding obligations to him and those who had some quarrel with the targeted group. Only *gipinas* were capable of mobilising large groups of supporters and they provoked the larger wars. Often these wars were driven by the *gipina's* self-interest in personal revenge which could create instability within the clan and in relations between districts (Dickerson-Putman 1986).

Entire groups were sometimes destroyed. Usually, however, raids ended after only one or a few deaths had occurred (Langness 1964). The Bena case appears similar to that outlined for Enga tribal fighting by W. E. Wormsley:

Engas conceive of fights not as problems (or crimes) but as a solution to other problems and not as threats to order but as attempts to restore order' (1985:61) and the 'application of force is designed to promote self-interest or group interest (Wormsley 1985:67).

Within this traditional framework, violence through warfare and sorcery in both Bena and Enga societies becomes a deliberate strategy for attaining political objectives (Wormsley 1985:Appendix 1:18). The pretexts for full scale warfare in Bena included:

To avenge a death, theft of a woman or pig (and other things that matter), failure to fulfil an exchange obligation, rape, and, much more important perhaps, almost any death other than those from old age or accident. In the case of death other than from the latter causes, the deaths are attributed to sorcery which the Bena believe, always come from outside the clan. Such deaths almost invariably resulted in fighting (Langness 1964:142).

Older males affirmed that wars were mainly fought over arguments about pigs and women and sometimes garden¹⁰ while everyone fought over deaths attributed to sorcery. Relationships between neighbouring groups were fragile and could change between active hostility, alliance, and 'active non-hostility' (Keil 1974:85). Groups within a 20 to 30 mile radius were potential allies and enemies and at different times they could be both since 'hostility and alliance [were] fluid rather than rigid' (1974:99).

Survivors of attacks became refugees. Their numbers reduced, they could not return to their land because their village, pigs and gardens had been completely destroyed and because of their weakened position. Refugees were taken in by other groups where they were welcomed for the benefits derived from increasing the group's strength (including fighting strength, strength in women and therefore in increased production and more children) (Keil 1974).

Langness suggests that Bena had no long-term political purpose for marriage (1969:50). They waged war with most groups within their range of contact and wives were often obtained from those same groups during times of 'active non-hostility' (Fortune 1947). Marriage provided the mechanism for temporary alliances between clans but these mergers were impermanent (Langness 1973). Although some researchers have linked marriage and warfare (Salisbury 1962; Meggitt 1977), Podolefsky (1984) argues that there is no direct causal relationship between them despite a 'strong association'. Nevertheless, he concedes that one could argue that, '...marriage establishes a social relationship which acts primarily as a *constraint* upon the expansion of a dispute': that the affines of both groups play an important role in reinstating peace and that 'the frequency of marriage, or density of the web [of affinal relations between the two groups and their allies], is related to efficacy of conflict management processes' (Podolefsky 1984:78 my emphasis). Even though warfare itself could

not be prevented through the establishment of marital ties, such ties, if there were enough of them, could act as a constraint on its continuation. Since the interests of the two groups were so intertwined, the chances of a dispute escalating to the point of warfare would be greatly diminished. Relationships established through marriage were acknowledged on the battle ground. Fortune outlines how women, who might easily have brothers and fathers on one side and husbands and fathers-in-law on the other, were afforded 'neutral rights' which allowed them 'an acknowledged right to immune passage between the lines'. Thus, if a woman was on her brother's side at the culmination of the battle and her brothers were winning, she was expected to cross over to her husband's side to assist in carrying valuables (such as pigs and shell-money) away for safe-keeping (Fortune 1947:109).

It is difficult to trace the origin of Bena tribal fights to a single event. Typically, the two sides have a history of fighting and any one event will feed into a series of events which contribute to the perception of injury. Illustrative of such a historical relationship involving past hostilities, five young men from one Lower Bena village between the ages of 18 and 32 described an ongoing dispute they were having with a neighbouring clan over land. The land their grandfather had first cultivated 50 years earlier was being claimed by another clan and the two clans had fought as recently as the previous year. They suggested that part of the problem was that they were perceived as more affluent by the other clan and that the land dispute was motivated by 'jealousy'. The dispute had been taken to Goroka Land Court 10 years before at which time the current residents were given a restraining order permitting them to stay. The enemy clan, however, had not accepted the court decision and continued to harbour a grudge.

According to these men, the dispute was played out in many indirect ways. Many incidents, in their view, were attributed to their enemies and were designed to incite a fight. They listed incidents of garden theft, missing items from houses, damage to houses, fights over sporting events and, more seriously, insults and threats made while drinking at the local club (for example, suggestions that their wives would be raped or were committing adultery). All incidents were attributed to the dispute over land and jealousy. The men believed that the enemy's jealousy could be attributed to their having better housing, more gardens and more material possessions than the other clan. So far, they claimed, they had not retaliated, although they had, on occasion, started fights with enemy members at the village club as a 'way of paying them back'. All incidents were well remembered and the men said when their 'limit' was reached they would be forced to respond. When asked what that limit was, they suggested that if anyone touched their wives or if their houses were destroyed they would certainly retaliate.

Another modern day example, provided by a woman from the Lower Bena, illustrates the degree of 'physical violence' sometimes used in tribal fighting and the way violence is employed to insult and taunt an enemy. Two clans had been fighting for several months over land and men had been killed on both sides. To retaliate, men from one clan captured a young man from the enemy clan. The woman said this man had a reputation for 'talking too much' (in other words of being provocative in his criticism of the enemy over the land issue). Before killing him, she explained, the men cut the captured man's mouth by cutting around his jaw and sent the message that 'he would talk no more'.

Sorcery

Integral to the Bena response to all unexpected deaths was the perception that death was caused by an enemy clan's sorcery. Some deaths, however, were not attributed to sorcery including an 'irresponsible' person's death or the death of an old man considered to have died from 'natural' causes (Trompf 1994). Nevertheless, Langness suggests that incessant suspicions of sorcery combined with a history of deaths and 'payback' killings, worked to sustain 'the cycle of violence and killings' (1964: 104–5). Johannes and Keil observe that accusations of sorcery were directed at members of enemy clans and never toward a member of the victim's clan (Johannes and Keil 1974). As they suggest, '...sorcery is the functional and affective equivalent of war' (1974: 13).

Suspicion of sorcery as the underlying pretext for warfare continues in the modern day as illustrated in four prosecutions of Bena men for conspiracy to murder (1990); attempted murder (1985); and two cases of wilful murder (1987, 1989) (Public Prosecutor's Office, Goroka). In the first prosecution, a man was convicted of conspiracy to murder after he engaged a sorcerer (*nalissalobo*) to kill a member of an enemy clan. The remaining three prosecutions were related to the deaths of three men who had been killed in tribal fights. The fights had been initiated in retaliation for previous deaths each clan had attributed to their enemies' use of sorcery.

Older male interviewees from Upper Bena stated that sorcery is still used in the modern day. In most cases, they explained, sorcery is resorted to only between enemies but can also occur within the clan especially when refugees are in alliance with an enemy clan and use sorcery against clan members. When this happens the murderer is discovered through a woman who functions as a spirit medium (*geneffaili*).

A sign, both in the past and in the modern day, which implicates a particular individual in a death caused by sorcery, is revealed by his behaviour and appearance during the mourning period. In interviews, men and women stated that people watch for individuals (both from outside or within the clan) 'who

suddenly shave their beard, begin wearing new clothing (in the past they would change their traditional clothing or wear new feathers), have a bath, cut their hair, or appear happy.' This is why, it was explained, people wear old clothing, do not bathe, refrain from making new gardens or from acting as though they are happy until the feasting and funeral rites are completed. Individuals who behave differently risk suspicion of sorcery.

'Violent' responses intra-clan

Langness notes that when a man is wronged by another the onus is upon him to settle his grievance (1973:156). He cannot count on the automatic support of true brothers, clan, sub-clan or even lineage but must enlist others to help him because his grievance is a 'public affair' which, if not settled, will disrupt many people's lives. Often it is the man's age-mates (those with whom he underwent initiation rituals) who provide assistance. Usually, affines also help him, as do friends and trade partners on occasion. To deal with the situation groups coalesce for that purpose.

Nonogatna: 'Fights against fellow clansmen or allies'

Langness suggests that fighting within the district, clan or with allies involves the use of fists, sticks, spears but does not include killing (1971:303). When a dispute cannot be resolved through talk it may result in actual fighting with fists or clubs. In this case 'an individual's lineage or sub-group will support him even though they censored his behaviour originally' (Young, 1974:167).

The response within the clan to adultery and incest involved the aggrieved man shooting the offender in the leg with an arrow while offenders from outside the clan might be killed (Langness 1972; Young 1974). Interviewees noted that when adultery occurred within a clan, the man offended against would use less lethal spears or would aim to shoot past him. Older male and female villagers pointed out that sexual relations need not take place for the encounter with another man's wife to be seen as adulterous. Just talking to a man's wife or giving her a gift of food was evidence of adultery and adulterous women were usually beaten (Langness 1972).

How far a fight would be taken depended on the relationships between the men involved, and on whether they were members of the same clan or sub-clan (between two lineages), the same lineage or members of enemy groups. Older men stated that when a woman of one lineage committed adultery with a man from another lineage within the same sub-clan the members of both lineages would fight each other, but the fight was soon resolved by killing a pig and eating together. Older men and women at Segoya in Lower Bena explained that men would not commit adultery with women from enemy clans

due their fears about sorcery. Langness also noted the Bena fears about liaisons with strange women (1967:173).

An old man from Gafulaga village in the Upper Bena stated that men sometimes argued with other clan members over garden theft. He explained that if a man discovered something missing from his garden he would publicise his injury in the village and shout out his accusations that some bananas, for example, were missing from his garden. Others would reveal to him anyone they had recently seen cooking bananas or with bananas in their possession. The owner then directly confronted the identified man and if he denied the allegation, a fight usually followed. Each attempted only to injure and frighten the other and the matter was finally resolved when the two exchanged shells and feasted together.

Young men indicate that nowadays they sometimes argue with other young men over sports. They note that the playing field is often an arena where men work out their grievances with other men by rough play. They also argue over women at dances when their wives or girlfriends talk to other men, causing them to feel jealous. Men occasionally incite and taunt each other with insults, saying things like, 'I've used her already so she is my rubbish and you can have her'. The ensuing fights end up in Village Courts at times where demands for compensation are made due to the seriousness of the insults.

Rape

Langness argues that traditionally the social ties between the rapist and the female victim affected the attitude of the community toward the rape. He posits that in 'pre-contact New Guinea Highlands lone women simply expected to be raped and did not ordinarily travel without companions' (Langness 1987:15). In other articles he states that 'all lone women were usually "fair game"...' (1981:176) and further suggests that raping a woman from a group outside the clan was 'considered more humorous than criminal' (1987:15) and acts committed against other clans such as rape, enticing their women away or stealing their pigs were 'expected and even encouraged' (1987:16). Within the clan, Langness suggests that multiple rape by the husband and other clan members was sometimes 'punishment for a defiant wife' as a way of controlling her perceived promiscuity (1974:204). He observed that rape was sometimes a consequence of warfare (1981:176). One middle aged woman from Sigoya explained that rape is a form of retaliation by enemy clans. Such rapes, she said, are considered insulting and intensify tribal fighting.

Rapes which occur in the villages are usually regarded as an offence against the victim's relatives (*lain*) rather than as an offence against the victim as an individual. The rape is treated as an insult to the woman's group and as a theft

since kinsmen are given a say as to who can have sexual access to their young women (also see Strathern 1975). Compensation is always an important factor in settlement. Interviews at the Public Prosecutor's Office in Goroka indicate that the majority (95 per cent was the figure suggested) of reported rapes which occur in the villages in the jurisdiction are opportunistic. Upon discovering a lone woman, men drag the woman into the bushes or garden and push her on the ground. They typically do not beat the woman but use threats and physical force. Prosecution interviews reveal that village women are very clear about what happened and will describe the rape as *'em tromoim mi i go long graun na kuapim mi'* (he threw me down and had intercourse with me).

According to the Public Prosecutor's Office, reported rapes which take place in the town are more ambiguous. Typically, it was explained, a boy 'entices' a girl into a house, locks the door and 'rapes' her. The girls are often reluctant to tell their mothers because they expect to be blamed for going with the boy in the first place. In some prosecutions there is difficulty with the issue of lack of consent. In town, more girls find themselves in a non-traditional and non-chaperoned situation with young men due to co-educational schools and the less segregated lifestyle in town. Girls tend to relate to boys on a friendship level more than would have been conceivable in the past, and flirting is possible. There are more opportunities for romantic relationships to develop and situations are more ambiguous when accusations of rape are made. Such relationships often complicate any assessment of the issue of lack of consent in a trial.

Interviews with younger women reveal that young women who attend discos on their own without their brothers or another man are sometimes 'grabbed and forced to have sex'. These girls also do not tell their parents about the incidents because they know that they have disobeyed their parents by going to the disco in the first place and also because of their shame. In this type of situation, it was explained, girls rarely took action.

According to the Public Prosecutor's Office, of the reported cases, there tends to be a greater number of gang rapes than single rapes in the Eastern Highlands. Typically, groups of three to ten young men between the ages of 18 and 25 years commit pack rape. Prosecutors find that most pack rapes are also opportunistic and not committed as a 'payback'. Pack rapes are often committed when gangs hold up vehicles on the highway and women are present in the vehicles. Three of the 15 sexual prosecutions from the Bena involving rape, attempted rape, carnal knowledge are illustrative (Public Prosecutor's Office, Goroka). In the carnal knowledge case a 15-year-old girl was raped after a dance by three men (1984). They asked her to have sex with them when

they met her walking home. When she refused they grabbed and raped her. Each of the men received six months imprisonment. One woman was raped when five men held up a vehicle with a shotgun and bush knives (1988). After forcing the male driver out of the vehicle they drove off with the female passenger and raped her in turns. One of the men was later convicted and sentenced concurrently to 5 years imprisonment for robbery and 6 years for rape. A third case (1989) of attempted rape involved two young men who broke into a woman's house, stabbed her with a knife and took her 16-year-old daughter outside into the coffee garden and unsuccessfully attempted to rape her. The two men were sentenced to five years imprisonment.

Constraints on 'violent' responses

According to Langness, in disputes between two clans or between two sub-clans, mediation by a third 'objective' party was deemed necessary only when disputants seemed unable to settle after a long time or if the grievance looked likely to escalate into something greater, or, 'if it threatened to result in excessive intra-group strife' (Langness 1964:115). He suggests that an excess of fighting would result in a third 'objective' sub-clan intervening by organising a reconciliation ceremony (1964:116). The act of eating together symbolised the 'good faith' each side had toward one another since fear of sorcery and subterfuge was common at such meetings. Thus, Langness concludes this was 'probably the most important and powerful way of acknowledging friendship' (1964:116-7).

One older man explained that village leaders brought members of the two sides of the dispute together to get them to 'shake hands'. He clarified that 'shaking hands' meant to compensate each other. Compensation, he noted, was one way of showing how much wealth you had as well as how much support you had and that clan members always supported their own clan (*lain*) over outsiders no matter what the issue.

Compensation

The Bena, payment of compensation is referred to as *pullim bel bilong ol* meaning a payment of compensation allowing the parties to release the bad feelings (*lusim belhat*) that have been created over the dispute and acceptance by the injured party of the settlement. The payment of compensation is intended to settle the matter so that there will be no further trouble (*pinism dispela bel hevi* or *mekim i die dispela trable*).

Men and women say that the payment of compensation is an admission of liability by the offending party (also see Strathern 1974). If it is not paid, another argument will arise. Therefore, in order to prevent further outbreaks of the conflict, the party who is judged to have started the dispute is obliged to

pay compensation to the injured party. When both parties are perceived as guilty, both must pay, the initiator paying more. The compensation is collected from a person's supporters and when an amount is received from the other side, it must be distributed amongst those supporters. At the time of the payment, a feast is also prepared so that good relations are restored in the community (*bringim gutpela sindaun insait long komuniti*).

Interviews reveal that compensation is regarded as mandatory in situations involving death, sickness due to poison, wounds received during fights, injuries involving bloodshed, injuries received as a passenger in a vehicle and for emotional pain resulting from serious insults which cause the 'bringing down of a person's name'. Traditionally, a woman's sub-clan was required to compensate her husband if she attacked or struck him although the converse was not true (Langness 1974:191). Villagers suggested that disputes which arise between individuals or groups outside the family always require compensation.

Compensation is expected when a girl becomes pregnant by a boy whom she does not wish to marry. His family must compensate the girl's family for 'spoiling her name' and the boy's family is entitled to custody of the child after the birth. Those who raise the child must also be compensated should the natural parent claim the child and take him or her away. Those who have cared for a child require compensation for that care, the amount depending on the length of time involved. One older woman noted that a midwife has the right to demand compensation for 'getting her hands dirty' with women's blood at child birth as blood is perceived by the Bena as polluting and contaminating. Compensation is also necessary when pigs spoil gardens.

Individuals who express appreciation for another's care in dressing traditionally, singing well or composing a good song also expect compensation. Admirers show their appreciation by saying, 'You kill me', and early the next morning, they can be found sitting outside the house of the performer who will compensate each of the visitors by giving them food, a pig or money. When such appreciation is not shown, performers know that people did not regard the singing as very good and that there will be 'talk' (criticism and gossip). Conversely, if people come to the house of a performer who fails to compensate them the latter will lose status and respect. People will say, 'at first we thought he was a good composer but now we no longer think this way'. There will be much 'talk' in the community in such a case.

Interviewees' statements indicate that when major disputes arise between enemy clans the first inclination is to fight although whether they actually fight depends on circumstances. Sometimes it is deemed a better strategy to wait. When compensation is mentioned the fighting may stop while the offer is being

considered. However the payment of compensation does not necessarily permanently resolve disputes between two clans. Unresolved disputes, it was said, often lead to more tribal fighting. The payment of compensation may not resolve disputes but, as with Enga people, may be 'interpreted as a mechanism for relieving tension and recognising social responsibility' (Wormsley and Toke 1985:36).

The Public Prosecutor's files in Goroka provide an example of how the payment of compensation is viewed as a recognition of social responsibility. A man was indicted for wilful murder (1991) which involved a 'payback' killing. The victim and his wife separated after he accused her of sleeping with another man (the husband's relative also from the same village). The wife said in a statement to the police that after receiving continuous accusations from her husband she decided to make his allegations come true. Upon meeting the other man along the road, she invited him to have intercourse. He agreed and they went to the side of the road to lie down. However, they were discovered almost immediately by her husband who beat the man on the head several times with a stick. He died instantly. The dead man's relatives followed the woman's husband into the town when he went to buy a coffin for the deceased. After blocking his vehicle on the road, the dead man's father and other relatives shot the husband numerous times with arrows in the head, chest and abdomen, killing him. The man convicted of the murder was the first victim's father who stated to police:

I thought [the victim] murdered his brother and after we killed him everything was fair. We made compensation to each other and shake hands and have been living very peacefully since...I had sympathy for [the first dead man] who was murdered by [the victim] and [the victim] wasn't a good man within our community therefore they both have to die together. Then the younger generation see the example and would not do the same thing in future...I knew that there was a law but [the victim] murdered his brother so myself and others killed him... (Public Prosecutor's files, Goroka).

Prosecution files indicate that the offender paid K700 (US\$525) compensation to the victim's relatives and they paid his relatives K500 (US\$375). The court sentenced the convicted man to four years of light labour due to the fact that he was ill and that the two sides had settled the matter between them.

In Andrew Strathern's view, the payment of compensation also recognises the principle of 'making returns for any act' including 'helpful and beneficial actions as well as harmful ones' (Strathern 1981:6). This would appear true for the Bena as demonstrated above. Reciprocity also applies in the sense that people must be mindful of their social obligations. There is a need to regularly maintain and sustain relationships by continually exchanging food and assistance

to ensure one's future in the village. As one Bena woman put it, 'How I act now determines how I will be treated in the future'. This principle is pertinent to Bena responses to injury.

Invocation of the supernatural

Traditionally, it appears that supernatural responses within the clan were not divisive. The assistance of the ancestors for protection and punishment might be invoked as direct retaliation, for example, for garden theft. Also, an ancestor would retaliate against a sub-clan member who had caused 'injury' to the ancestor while he or she still lived. This retaliation was made explicit in the misfortunes of the offending member.

Ghosts

To the Bena, each person has both a soul and a ghost (Langness 1965:263). The soul journeys to *frenoua* in the north-east to exist in much the same way as humans in villages but with more of everything (i.e. bigger and better gardens, many pigs, many wives). A person's *frere* (ghost) stays with the deceased's relatives after death and makes its presence felt in malevolent ways if a living relative caused injury to the deceased while he or she was alive. The ghost is only able to affect kinsmen within the sub-clan but this includes women who have married into the sub-clan; a woman's ghost can also affect her husband's sub-clan. The belief that ghosts can influence the living after a person's death has the effect of ensuring that the elderly are well cared for (1965:263). Otherwise, a negligent man or woman can experience misfortune in gardening or with their pigs, if either quarrels with a person who later dies.

An Upper Bena man confirmed that the ghost of a recently deceased person can cause 'worms, diarrhoea, and scabies in kinsmen who fail to look after their elderly parents or kinsmen properly'. They might also 'make tame pigs turn wild' or 'cause dogs to become sick'. These beliefs, he said, are less prevalent nowadays.

Garden magic

People invoke the assistance of ancestors in protecting valuable crops and to enhance their productive capacities (Langness 1964). Poisons are also used to protect crops and deter thieves. A grove of areca nuts, for instance, could be protected by applying poison at the base of trees. Thieves who touch the poison might develop facial sores or irritations on their hands. The thief views such symptoms as retribution for the offence which can be treated effectively only by the garden owner spitting or spraying water over the offender (Johannes 1976:110).

A middle-aged Upper Bena woman explained that people plant certain herbs mixed with pulverised bones. The combined substance has a beneficial effect on the garden crop but causes a prospective thief to become ill or to develop cysts on his or her hands. The woman suggested that her husband became ill after eating a wombat he had caught in a garden planted with protective herbs. The next morning her husband was unable to speak until the garden owner sprayed water on his face and tongue.

Curses

Villagers reveal that men and women can invoke the assistance of ancestors to place curses on a person perceived to have offended them. Statements are made to bring misfortune on offenders. The offended person will say (sometimes within the hearing of others), '*Yu wokim olsem. Okay, yu no kamap gut*' (you wronged me so now you will have troubles). In the case of a relative feeling aggrieved because, in his or her view, they did not receive an adequate share of brideprice, a curse may be laid to create unhappiness in the marriage, domestic violence and barrenness. One woman said her sister had been cursed by an older female relative in this way and as a result she had been 'belted' frequently by her husband and did not bear children during the first five years of marriage. The curse was released when the sister visited the old woman, bringing gifts of food and the disputed share of brideprice. The young woman's relatives 'admitted their mistake and apologised'. The old woman admitted her anger over the unfair brideprice distribution, and offered gifts of sugarcane and food. The old woman then made a statement (*susa bai orait*), meaning everything would be fine for the woman from then on. The curse was thus released and the woman's sister has subsequently given birth to a child. The woman interviewed noted that the gifts and brideprice share were offered because, 'you've got to give something to show you are saying sorry with your whole heart'.

Sorcery

Sorcery (*poisin*) is mainly used as a weapon between clans (see above), however, in the modern day, the term is also used to refer to incidents involving illness or death perceived as being caused by other clan members. Villagers spoke of poison as the direct act of putting 'acid' on food which was then given to the intended victim. Others referred to other contaminating substances which were also placed on food. Johannes, in her list of the different types of sorcery, refers to 'sorcery substances placed on food' as when poisonous substances are placed on food, tobacco or betel nut and given to the intended victim (Johannes 1976:135). She suggests that too much of the substance would never

be added to food, for if the victim becomes ill too quickly, the relatives will attack the sorcerer. One woman advised me that most people did not have any knowledge about sorcery but will often simply 'assume after the fact' that 'sorcery' or 'poison' has caused a person to become ill or die.

Statements from men and women indicate that the circumstances surrounding the use of poison within the clan often involve attempts to 'bring someone down' by causing illness or death due to jealousy over a person's success in business or when one extended family is considered more affluent than others. A number of interviewees noted that they no longer believe in sorcery since they are now strong Christians. However, statements made by these Christian men and women indicate that although they may not participate in the use of sorcery or poison themselves, they still believe they can suffer from its effects and consequently will take precautions.

Injuries within the family

Expectations of conduct of husband and wife amongst Bena couples are concerned with gardening and husbandry skills and the ability to work hard, to be hospitable, to look after the in-laws well and to take care of children and the household. Both women and men made statements which indicate that women are required to adhere to customary taboos, especially in relation to menstrual pollution, and that traditionally obedience (*harim tok*) was regarded as important as was co-operation in building a man's name (and consequently enhancing the family's reputation). Husbands were required to show strength in battle, work hard, own plenty of gardens and pigs, show hospitality, not beat their wives often and to satisfy their social obligations by contributing in exchanges and brideprice.

Most of these virtues are expected today and many marital disputes stem from the perceived failure of either the husband or wife to fulfil the ideal role. The disputes which result from these failures place pressure on marriages and often lead to injuries. Frequently the pressure comes from in-laws who scrutinise their daughter-in-law's behaviour to assess whether the brideprice paid has been worth the investment (see also Dickerson-Putman 1986). In-laws can exert pressure on their son to 'correct' his wife's 'failures' and if they withdraw their support for a wife, marital problems often follow including domestic assault. Expectations of behaviour can also be rhetorical since people can point to breached expectations whenever disputes arise. The disappointed expectations act as ready-made issues to which appeal can be made. It seems many husbands and wives will tolerate breaches of expectations when there are no pre-existing disputes, however, when a dispute exists these become targets for reprisal.

Marital violence frequently occurs when men believe that women are not satisfying marital responsibilities, or through jealousy when men attempt to take additional wives and as a result of men's use of alcohol. Men and women say, in the modern day, there are many pretexts for domestic assault but failure to follow traditional taboos, belief that a woman is barren and failure to pay brideprice (resulting in great shame for the wife and her family) cause much discord in families. Women nowadays usually have the option of returning to their relatives when the violence is considered excessive and unwarranted. Women's and men's statements indicate that they consider it legitimate to punish a woman when she fails to conduct herself as a 'good wife' but that 'excessive' violence, 'causing deep cuts', is considered wrong by the community and people will gossip about such a man. When a man exceeds this limit, villagers say, his family will chastise him and his wife's relatives have the right to demand compensation.

Fights between women

Traditionally, disputes between women arose when jealous co-wives fought one another over their husband, when men attempted to take on additional wives, over pigs spoiling gardens, through rumours and gossip, and over a woman failing to perform reciprocal work for other women who have assisted her in communal gardening activities. These disputes persist in the modern day.

Sexual jealousy

Langness found that about 25 per cent of marriages were polygynous and that fights between co-wives were 'frequent, disruptive, and violent' (1969:49). Co-wives often fought because one believed she was not receiving equal attention from the husband in terms of work assistance and sexual attentiveness (Langness 1965:268). Today, co-wives become angry for the same reasons although money is often a factor. When fighting, nowadays and in the past, women use weapons (sticks, knives, stones in string bags), pull each other's hair, tear off the other's clothing and scratch and bite. According to one Bena woman, traditionally, co-wives were expected to fight ritually with one another and then settle down and co-operate together. The ritual fighting took place to reinforce the first wife's position and her accompanying rights. Nowadays, women who follow this traditional practice are taken to court in order to seek a compensation order (Banks 1993:72).

Occasionally women are seriously injured or killed. A Goroka National Court prosecution involving a woman convicted of murdering her husband's first wife with a knife (1995) and another case in which a wife attacked and killed the woman her husband was having an affair with, also using a knife (1988), are illustrative (Public Prosecutor's Office, Goroka). Probation Service

statistics for a 22 month period between 1987 and 1989 show that 11 Bena women were convicted of assaulting other women and 2 were convicted of using abusive language (Banks 1993). All of these cases occurred after the offender suspected her husband of becoming involved with the attacked woman. In the view of one Lower Bena woman, nowadays, it is the exception and not the rule for co-wives to live peacefully with one another. When this does happen, she noted, the two women will assist each other in the garden and house and help care for each other's children. She attributes the success of these latter relationships to the husband's ability 'to control the women and to ensure that they receive equal attention and treatment'.

Most women I interviewed said they feel angry when their husbands stay away all night drinking because they do not know where the men are or who they are with. They often feel suspicious and if they discover their husbands have given money to other women they will often attack the women. These confrontations, they explained, begin as a verbal attack and frequently result in physical assault, both occurring in public. The objective of the attack is to shame the other woman in public as well as to send a clear message to her to end the affair. Public shaming is also cited as a motive for physically attacking adulterous husbands in public. One woman recalled how she first hit and scratched her husband at his office and then fought with him all weekend at their house after she was told of his affair. Usually, assaults result in demands for compensation by the assaulted woman.

Women's statements indicate that whilst most disputes are settled privately, a wife will take the matter to court when the other woman persists in pursuing a relationship with her husband. Women say that widows and divorced women are closely observed by other women because they suspect their intentions. One woman revealed that she became suspicious once when her husband gave peanuts to a divorcee, who accepted the gift. She explained that actions such as looking directly into a person's eyes, buying food and giving it to a divorced woman, or accepting a gift of food were clear signs of adulterous intentions.

A wife whose husband attempts to take a second wife may run away to her own family. Because of brideprice, the family will often encourage her to return to her husband up to four or five times before they relent and assist her to take steps to divorce him or to lay adultery charges (Simbou, 1995, Welfare Officer, EHP, pers. comm.). Older women say that, both in the past and today, women attack younger women rumoured to be consorting with their husbands. Nowadays, older women 'gather in gangs', locate the young woman and 'bash' her. Sometimes the women use weapons such as sharp knives and occasionally someone is killed. The women assisting the injured wife to retaliate are from her community and include relatives and those for whom she has previously

shown support (not necessarily in similar circumstances). The women offering assistance can in turn expect support from the other women involved when situations arise which require assistance or a retaliatory response. Those who do not return the support given previously cannot expect any future assistance.

Interviews with the Goroka Public Prosecutor's Office, however, indicate that the serious cases which come to the higher courts almost always relate to unpremeditated 'violent' attacks arising from jealousy when women are indicted for 'violent' offences. In almost all reported jealousy cases, one woman attacks the other woman, although in a few cases a woman will attack her husband. One manslaughter case (1988) involved a woman who killed her husband's lover with a knife after she was told of their affair. She told police that she intended only to fight the woman but in her anger used a knife she carried in her string bag. During the altercation she severed an artery causing the victim to bleed to death. She was given 18 months imprisonment because she had already spent 6 months in custody on remand. The court also considered the fact that she paid K2000 (US\$1500) compensation to the deceased's relatives.

Some women say they no longer believe that attacking the other woman is the 'Christian way' to deal with family problems and will instead deal with problems themselves by talking to the other woman and warning her to stay away or by returning home to their families.

Insults and gossip

Insults tend to heat up the feeling of hatred two women might have for each other. Describing body parts or suggesting that someone has eaten the vaginal juices of another is considered extremely insulting as is one woman lifting her skirt or *laplap* and exposing her bottom to the other. When insulted in such terms, a 'violent' reaction is provoked. Generally, women feel they have to respond to this kind of shocking injury to their pride and that they would be considered less of a person if they failed to act.

Gossip is regarded as an insult to one's reputation. In the past, older women explain that leaders also punished those who passed on the rumour to an individual because it was thought that the person was 'spoiling relationships' in the community and causing fights. One older woman from Samoga village, Lower Bena, said that such a messenger would be ordered to kill a pig as compensation. Today, the Summary Offences Act includes the offence of spreading false rumours (s11).

Destruction of property

Destruction of property often results from arguments within the lineage and is viewed as an assault on the person. Fathers and sons sometimes argue over work (not helping with fencing or digging ditches in the garden). Two young

men suggested that young men become angry when fathers 'don't give us brideprice for our wives'. Others said they sometimes get angry when their parents do not cook food for them and may react by kicking and destroying household property (saucepans and plates). Some men explained that they become angry with their fathers over land or over business matters concerning coffee plantations and trade stores. They may argue or fight and sometimes a son damages his father's vehicle, or business, or even burns the house down, depending on the strength of his anger. In some cases the matter is taken to the Village Court or community leaders may try to solve it. However, most said that such injuries were settled amongst family members through compensation and restitution for the damage.

Some men destroy household property when they become angry with their wife or when they wish to punish a wife who has run away to her relatives in her attempt to avoid his 'violent' attacks. Women also destroy household property and garden crops to express their anger in marital disputes. An example was provided by one woman who said that her mother recently destroyed the bed, chairs, television, radio, and windows, and threw her husband's clothing out of the house after cutting it up. She did this because he was seeing other women and giving them money.

Shaming

The use of court as a response to injury

Statements made by Bena men and women throughout this chapter indicate that in most cases they attempt to settle real or perceived injuries amongst the disputants and their relatives and clans without resort to the formal court system. However, their statements also indicate that they choose to use the formal system of Village Court or District Court when the injury received is considered severe, especially involving loss of blood or after serious insults or attacks on their reputation. They will also use the court system to exact payments of compensation when the offender has not been forthcoming with what is seen as a reasonable settlement.

Although I was unable to obtain Village Court statistics I spoke to two Village Court Magistrates and one Peace Officer. The Village Courts in Lower Bena at Monmegue and Siokie villages meet two days a week. Both Magistrates report that they hear on average between five and ten cases per day. Generally the cases dealt with include adultery, assault (including marital fights, fights between men and fights between women over men), stealing from gardens, pigs spoiling gardens or pigs killed, young girls having children without brideprice arrangements being made, tribal fights and sorcery. The two

magistrates observed that the most common cases dealt with in their courts are stealing from gardens and disputes over pigs.

Village Court Magistrate Mr Teve Famenena reported that he dealt with one or two assault charges per month laid by women against husbands. These cases were usually settled by the court ordering fines and compensation of amounts between K20 (US\$ 16) and K50 (US\$40) depending on the circumstances. He noted that in his experience, alcohol is often involved in domestic assault cases.

Summary

Responses to injury among the Bena arise within two general contexts. The particular response to an injury will vary according to the nature of the relationship between the injured person or clan and the aggrieved person or his or her clan. Injuries occur between clans and districts (inter-clan) and within the clan (intra-clan). In the past, relationships with people from outside the clan tended to revolve around warfare, the development of reputations, sorcery and in a few cases trade. Relationships within the clan were interdependent and required more attention to the maintenance of good feelings amongst individuals who depended on one another for group survival. Thus, acts of 'physical violence' within the clan, although they certainly occurred, were more restrained and aimed only to cause injury rather than death. Nowadays, warfare still occurs and sorcery and poison are used to 'bring people down' who are considered to be 'getting ahead'. Direct action is taken when responding to injuries both between close kin as well as when responding to disputes arising between clans and outsiders. The payment of compensation is a major factor in the settlement of injuries in all contexts except between close family members.

Conclusion

The material presented in this chapter in relation to the Motu and the Bena demonstrates that there are commonalities in responses to injury. Nevertheless, there are also strong contrasts in conduct. The Bena and the Motu live in the context of kinship relationships which are continually reaffirmed. Both groups need to express a sense of injury in a form which makes that injury explicit, thus requiring a response from others. The Bena act out their response to injury in an overt and direct manner. The Motu internalise the injury and then often follow ritualised behaviour, both to release anger and relieve the injury. Both the Bena and the Motu acknowledge responsibility for injury, the Bena through compensation payments and the Motu through confession.

Both societies place emphasis on prestige and reputation and are competitive in that respect. Both view the greater wealth and prestige of others as a potential threat to their own status and position. For the Bena, having 'a name' is a manifestation of strength, and to be strong means to possess resources and have the ability to call upon the support of others and upon their wealth and resources. Strength also means having the power to act and to lead and it therefore has a physical expression. The Bena externalise their anger through physical acts. In contrast, the Motu, for whom offence can induce illness, choose not to act, and instead internalise their anger. A subsequent illness is seen as a physical expression of that choice. This antithesis highlights what seems to be one of the basic differences between the two societies. The Bena, as one woman said to me, see themselves as a people who are 'known for what they do, not who they are'. The Motu feel themselves to be 'in the centre of a web of personal and spiritual relationships' (Kopi 1979:17) which are capable of imbalance at any time.

Although the methods followed by each society in responding to injury do differ, the Bena being direct in an often 'violent' display of strength, and the Motu indirect, for example through sorcery, the motivation appears similar. The common objective is to cause harm, misfortune or even death to the injurer in an act of retaliation. An appropriate response from the injurer is called for, such as an additional share of brideprice or a payment of compensation. This will appease the victim and stop the retaliatory process.

The payment of compensation is common to both societies. Once again, the Bena act directly through offering and receiving a settlement which constitutes an explicit admission of liability and an external recognition of the relationships involved. The Motu concept of compensation is different, encompassing an act of prestige-seeking through the distribution of additional brideprice or funeral payments; it is similar to that of the Toaripi society in Gulf Province (Hasu and Morauta 1981:32) in that the amount given is decided by the donor, not by the injured party, and that the size of the donation reflects the prestige of the donor and hence enhances his or her reputation. Seligmann (1910) suggested that in the past villagers paid compensation to other villagers in the case of accidental death, obviating the need for fighting, but that compensation might be refused if the death was caused by an outsider and retaliation through warfare might follow. Nowadays, the Motu say they do not expect compensation unless it is ordered by the court. Despite the differences, both Bena and Motu methods operate to make explicit the intentions of the wrongdoers.

Both societies have expectations of appropriate behaviour for men and women within marriage and between kin. It is expected that people will conform

to those expectations and failure to do so is a common cause of injury. Responses to injury reveal the nature and content of those expectations. Defending the expectations and abiding by them works to enhance a person's reputation. Thus, when women fight over men, they are essentially fighting to defend and maintain expectations which place a high value on the integrity of marital and kin relationships. Some women now see the court system as a means of protecting the requirements of appropriate conduct, or adopt what are considered Christian methods of responding. Flouting these expectations can be a deliberate insult and provocation. If a woman were to fail or neglect to defend, she would not only lose the respect of other women but the respect of men because both would consider that the woman did not care sufficiently to act. Thus, women are obliged to respond. In the context of violence towards women in the family therefore, both Bena and Motu women acknowledge that within certain well defined limitations, it is correct to defend those values. Furthermore, when men fail to meet the prescribed expectations, they are censured through gossip, resulting in a loss of reputation and prestige. In light of the changes to Bena and Motu society, especially in the urban areas, these expectations are continually under pressure and this exacerbates tensions within the family even further.

This examination of responses to injury in Bena and Motu societies provides insights into expectations of conduct. The nature of responses to injury, the motivation underpinning those responses and the process of reparation all reflect sanctions on behaviour which these societies emphatically defend and maintain. Discussion of mechanisms helps to render explicit the expectations of each society. Modernisation is shown not to have substantively changed the mechanisms through which these groups repair injuries. There are commonalities in responses to injury between the Bena and the Motu, but it is also essential to take note of the differences, to appreciate properly the distinctive characteristics of each society's responses.

This chapter has illuminated some of the tensions and expectations which arise when Motu and Bena people respond to injuries from inside and outside the group. Establishing the social context of responses to injury, particularly with regard to the complexity of relationships involved, is essential to any examination of Melanesian responses to injury. It is only by considering the range of responses that we can understand and appreciate any particular response. In a broader context there are implications for the State in the sense that an understanding of the underlying processes in the causation of injury and in the means of redressing that injury give valuable insights into the informal processes of social control. Generally, the State would benefit from the

incorporation of that information into justice policy. Rather than simply applying introduced systems of social control a more appropriate response might be formulated, derived from that insight and understanding.

Notes

- 1 I gratefully acknowledge the support given for my research from the Smuts Memorial Fund, the Wakefield and Lopez-Rey Scholarship and the Social Sciences and Humanities Research Council of Canada. The co-operation and assistance given by the many Motu and Bena men and women who kindly gave me their time and shared their stories is greatly appreciated. My gratitude also goes to Ms C. Ashton-Lewis of the Goroka Public Prosecutor's Office for allowing me access to all Bena files between 1984 and 1995. Both older and younger men and women were interviewed. Questions focused on both traditional and modern day responses to injuries or to perceived injuries. In Hanuabada, all the older villagers had memories from the 1920s or 1930s and had some sense of the old ways. Bena men and women were less clear about their age. In establishing the context of older people's experience, I attempted to ascertain their stage of life at World War II. The dominant agent of change for both groups appears to have been the Second World War. Traditions began to change more significantly subsequent to the war. Therefore, I am dependent for contemporary accounts of traditional society on the writings of the original missionaries, anthropologists and explorers. Having first reviewed those works I was unable to ascertain the degree of familiarity of those interviewed with tradition. The younger villagers were from a range of educational and employment backgrounds. Some were homemakers while others were employed in the towns. A number of women who had taken family matters to either the Village Court or to the District Courts were consulted.
- 2 Oram writes '...antisocial behaviour, such as killing, fighting, theft, sexual assaults and adultery occurred in villages...A murder or assault might lead to retaliation, a wife and her lover be killed or beaten, male thieves assaulted and female thieves raped' (1976:8). However, he offers no sources for this passage and it is not clear if he is talking about Motu/Koitabu groups or whether he is including other coastal groups within the Port Moresby region in this general statements.
- 3 Official statistics collected for Hanuabada villages from the Port Moresby Police Sexual Offences Squad reveal that in 1993 there were three reported rape cases of carnal knowledge. Between January and August 1994 the records show only one rape case reported from Hanuabada.
- 4 The types of behaviour toward kin that ancestors find offensive include, 'rudeness, sullenness, meanness, disrespectfulness towards elders, negligence of the aged, the sick and the crippled, inhospitality, quarrelsomeness or other causes...The ancestor may feel he is being neglected, that respect has not been shown him or that his relatives have failed to make rituals on appropriate occasions' (Kopi 1979:37). Failure to perform mortuary rituals appropriately would also incur ancestral anger and require atonement (Pita et al.1975:26).
- 5 The common cold is not viewed as something which is caused by ancestors or sorcery and therefore not a matter for concern. Kopi suggests that, "common sense explanations are only accepted in circumstances without much emotional content and when the treatment applied to a sickness shows result" (Kopi 1979:24).

- 6 *Babalau*'s diagnose the cause of a person's illness through 'intuitive insight' or dreaming with the spirit *devasi*'s assistance and through analysing symptoms. Once the cause is ascertained the *babalau* uses herbs, massage and the extraction of foreign objects from the body together with magic spells to affect the healing (Kopi 1979:52–60). Payments are given to *babalau* for their services, however the amount depends on the effectiveness of the cure. Those unable to cure those with prolonged illnesses are paid less (1979:26).
- 7 Sorcery can be categorised into two types, *vada* or *vadari* (Kopi 1979:46–51). *Vada* is intended to kill the victim while *vadari* is used to cause harm or injury. *Meamea* or magic spells must be combined with 'medicine' *muramura* to effect either *vada* or *vadari*. Traditionally various ingredients such as certain types of leaves, roots, ginger, bark, lime, pebbles or human bones are mixed by sorcerers (*vada taudia* or *vadari taudia*) to achieve the intended result.
- 8 Between January and September, 1994, Elevala Village Court heard cases which included destruction of property (13 cases, 7 of which involved family members), adultery (6 cases), sorcery (3 cases), insulting language (15 cases, 7 involving fights between women over men), assault (13 cases, including 4 involving fights between women, 3 domestic assaults by men against older male relatives, 2 cases of fights between sisters), fighting (6 cases, 2 involving sons and fathers), and disturbing the peace (12 cases) (Elevala Village Court records).
- 9 Discussion of injuries within the family both for Motu and Bena appear only in summary form and will be given greater attention in another paper.
- 10 In the Bena, land is owned by those who have cultivated gardens and who reside on it (as well as those who have rights to the land but are not residing on it). Bena women cultivate in the name of their husband and a man might own seven or eight such gardens in his lifetime. The garden plots a man most recently cultivated at the time of his death were the ones which were passed on to his sons and these were closest to the hamlet where he resided at that time. Due to the abundance of land in the past, disputes seldom arose and those that did were adjudicated by proving who first planted a garden on the land (Langness 1964:47–8). Uncultivated land was viewed as clan land and could be claimed if someone took steps to cultivate it (Langness 1975:83). This view has changed with the advent of coffee gardens and cattle projects since land has become more valuable with the prospect of its new found cash earning opportunities. This would explain the increase in land disputes which, according to all those interviewed, are common in the modern day.

CHAPTER THREE

EVERYONE (OR NO ONE) A WINNER: GENDE COMPENSATION ETHICS AND PRACTICES

Laura Zimmer-Tamakoshi

Staggering land compensation claims, armed rebellions at mine sites, and landowners wanting payoffs for each and every planned development—be they essential for the nation (e.g. an expanded road system) or locally useful (e.g. building pylons for the electrification of remote villages)—have caused Papua New Guinea's government and business communities frustration, embarrassment, even rage (Hyndman 1994; Oliver 1991; Wesley-Smith 1992). In this chapter I answer the question, 'Is it possible to both develop Papua New Guinea and satisfy local landowners' claims?' in the affirmative. I begin by examining land compensation beliefs, ethics and practices among Gende speakers living in the mountains of southern Madang Province and, in increasing numbers, in the vicinity of a proposed nickel-cobalt-chromite mine in the Ramu region. Throughout the chapter, I argue that an understanding of the emphasis Gende place on achieving a balance of exchange in all their relationships and, in particular, the importance of this balance to concepts of personhood and individual worth is crucial if we are to make sense of what otherwise appears to be completely counterproductive and predatory behaviour, such as parents raising daughters' brideprices in order to offset losses in other exchanges (thereby contributing to brideprice inflation and the bachelorisation of Gende society) or exacting exorbitant returns from migrant children (thereby breaking down capital accumulations that might be invested in businesses and alienating many of their best and brightest offspring). Among the Gende, failure to achieve balanced exchange relations, to prove oneself the equal (if not superior) of others in similar status positions, always results in loss (lost prestige, lost land rights, poor marriage chances), and shame and anger (one's own and that of one's disappointed exchange partners). Their society now wracked by inequality brought on by their involvement in the wider world system and its unequal distribution of education, jobs and income, Gende men and women struggle

to balance their exchange relationships and to create ways of reducing the inequality, or at least its negative effects on society. One such creation is a parallel exchange system involving card games which redistributes varying amounts of cash, from wealthier to poorer villagers and townspeople, to be invested in productive enterprises (including future card games) and dissipates at least some of the antagonism between the haves and the have nots. An examination of the ethics of this card playing system is relevant in that it suggests ways local peoples and government and business agents can construct arenas of negotiation and exchange in which there are fair play, mutual responsibility, and profits for everyone—everyone, that is, who abides by the rules and is a legitimate claimant for being a part of the ‘game’.

Death, pigs and land

The most efficient means of delving into the complexities of Gende land compensation practices is to examine the post-mortuary rituals and exchanges known as *kwiagi* and their relation to land transfers between deceased and living persons. Following a general description of *kwiagi* and their function in land distribution, I outline a land dispute that turned deadly because of increasing competition over land and conflicting interpretations of ‘tradition’ and the relative worth and generosity of the two contestants. I then look at a second case in which men from Yandera and other Gende villages have been using the institution of *kwiagi* to establish land claims in their wives’ clan territories, land which not coincidentally is in the vicinity of a long-proposed nickel-cobalt-chromite mine site.

Among the Gende, the most spectacular exchanges of wealth occur during large pig feasts known as *poi nomu*. While many exchanges are reciprocal, with the hosts giving the same or just a little bit more than they had received from exchange partners at earlier *poi nomu*, aspiring and reigning big-men use *poi nomu* as showgrounds to demonstrate their generosity and superiority over lesser men and competitors by the large size of their personal networks and the amount of pigs and other wealth they distribute. To insure a successful *poi nomu*, the hosts must first settle any post-mortuary or other outstanding debts associated with recently dead clan members or their deceased wives. In the weeks before a *poi nomu* there are usually several *kwiagi* (death payment parties) given by different groups in the host village. With the explicit intention of preventing ancestral ill will and malicious intervention in the *poi nomu* as well as ‘making women happy’, the main *kwiagi* hosts—most often the deceased’s children and grandchildren—give large amounts of cooked pork and other gifts to their mother’s brothers and father’s mother’s people. If their mother and father’s

mother are still alive, children will see to it that they too receive part of the giveaway in partial reciprocity for their hard work and support of the deceased's interests. Depending on the nature of their involvement with the deceased when he or she was alive and/or their interest in inheriting land used by the deceased (see below), father's sisters and their husbands may be *kwiagi* recipients or givers or both.

A second function of *kwiagi* is the transfer of land rights from the deceased to the *kwiagi* donors. The expected transfer is from father to sons with daughters retaining use-rights unless they fail to make a significant contribution to the *kwiagi* and/or are 'bought out' by their brothers. Sometimes, however, either because they are not yet grown and raising pigs of their own or because their finances are already compromised, children are unable to host their parents' *kwiagi* in time for *poi nomu* and so must rely on others to help them. Such 'help' may be intended as a loan or an outright purchase of land rights. In recent years, some of the more affluent Gende migrants and their village kin have greatly extended their land holdings in both their own and their mothers' and wives' clan territories by contributing large sums of cash to others' *kwiagi*. In some cases, their assistance has been unwanted, the children of the deceased unable to match or better their helpers' contributions because they have been less fortunate in finding work (or less provident) than their competitors. Suffering humiliation when they must lease land from their 'helpers' and, perhaps, knowing that there is little likelihood they will ever recover the lost land rights by paying back the new landowners, the partially or wholly dispossessed 'victims' may harbour deadly resentment towards the individuals who supplant them and the system that fails them.

One such individual is Andrew, who several years ago killed one of Yandera's most important big-men—Ruge Angiva—over a land dispute the two had been embroiled in for ten years previously and other tensions emanating from Andrew's jealousy of his older cousin's greater material advantages and authority. As Ruge's father was the eldest of several brothers—Andrew's father being one of them—Ruge and Andrew called one another 'brother' in keeping with Gende kinship terminology. The dispute first erupted in 1982, the year I began my Gende studies. Earlier that same year, Andrew, who had been away from the village for thirteen years working as a mechanic for several large coffee plantations, returned to Yandera expecting that he and his second wife would plant gardens and coffee bushes on land his deceased father had set aside for him when he was not yet a youth. When Andrew returned to find one of Ruge's wives already using 'his land', he appealed to his father's brothers to help him oust his cousin's wife from 'his land'. His uncles, however, were

indebted to Ruge and his wives for helping them with Andrew's father's *kwiagi* and, because Andrew had not kept up with his exchange commitments to them during his long absence from the village, unsympathetic to his plight. When Andrew frustratedly pulled out some newly planted sweet potatoes from his cousin's wife's garden, a fight broke out between him and Ruge, with the two men hitting and shoving one another and Ruge angrily reminding Andrew that, 'We [Ruge and his father's brothers] have always looked after you and bought two wives for you. But you have not thought of us nor given us anything in return for our labours'. Eventually, after several more fruitless and violent altercations, Andrew acquiesced when Ruge said they could 'share' the land and allowed Andrew's wife to make gardens on a portion of the disputed land. Andrew's hatred of his cousin simmered for years, however, as he was forced to adopt a submissive attitude in his dealings with other villagers in order to remain in the village and, to get ahead of the game, accepted help from his cousin—such as becoming the driver of a truck owned by Ruge's oldest daughter (Zimmer-Tamakoshi 1994 for more details on this case and its fatal conclusion).

Andrew's misapprehension of his rights to inherit land used by his father was based on a number of things. First, although he was aware that wealthier villagers and migrants were grabbing up village land as the possibilities of developing it increased its value (one reason he returned home when he did), he seems not to have been aware of how far the process of land alienation had progressed. Whereas in the past there was more than enough land for everyone who wanted to plant gardens and young men felt fewer pressures (unless they had political ambitions) to pay off older men and women who had helped them with *kwiagi* and brideprices, in 1982 there were quite a few villagers and former migrants (who had been unable to make a go of it in town) who were paying 'rent' for the garden land they were using, often to absentee owners. Usually the rent was in the form of pigs which the owners then made good use of in *poi nomu* and other village ceremonies they might attend on their visits 'home'. The land in question was not being used for anything other than gardens, but having the use of it did allow Ruge to plant coffee on other land he had.

A second, not uncommon, misjudgement Andrew made, was to assume that his uncles would see the dispute from all sides, including his own, and, therefore, judge him less severely than they did. Many migrants suffer from the same fate as, often poorly or inadequately paid, they struggle to make ends meet under expensive living conditions (e.g. having to pay rent for housing and buying all their food) and the inflated expectations of village kin hoping for huge returns on their investments in the migrants. From Andrew's point of view, he had at least partially repaid his uncles' past help by entertaining and

feeding them for months at a time whenever they and their families had visited him at his workplace. His uncles, on the other hand, conveniently forgot this expense whenever they accused him of failing to reciprocate their 'generosity', remembering only that they had not received *tupoi* (the return of the brideprice investment) from Andrew and his first wife or any other formal repayment and that, as a result, they had been unable to reciprocate some of their own debts to yet other exchange partners. Ruge, himself a past migrant, had avoided this kind of no-win situation by returning to the village long before most of his clan brothers and, with the assistance of his uncles (who gave him the needed brideprice and land), setting up each of his three wives and widowed mother to raise pigs not only to repay his own debts but also to redeem his clan brothers' debts and contribute pigs to their brideprices, thereby indebting them to him (and his wives and mother) and laying the foundations for his future leadership. Needless to say, Andrew resented what he saw as Ruge's guile and unfair historical advantage over himself and others like him.

Finally, in spite of (or more likely because of) increasing economic and social stress, even mundane social interactions among the Gende are rich in the rhetoric of sharing and reciprocity, of village and clan members being 'one family' who look after one another's welfare in the manner of 'caring parents' and 'loving children'. It would appear that for a time, at least, Andrew accepted this rhetoric at face value, deluding himself into thinking that his return to the village was going to herald the start of a more prosperous and happy time for him. This delusion was directly fostered by Ruge, who encouraged Andrew to return home to take part in future developments and, along with his new wife, to begin raising pigs to pay back his rather substantial debts to Ruge and others. At the time it was expected that a road would soon go through linking Yandera with urban coffee markets, and Ruge felt that Andrew, with his skill as a driver and mechanic, would make a useful component in his own economic strategies. Eventually a road did come through in 1986 and Ruge's daughter then hired Andrew to work for her in an ill-fated coffee buying business. In 1982, however, Andrew began to realise that with no such opportunities then available and with insufficient land he could be no more than Ruge's lackey, and he blew up. While Gende rhetoric defined him as Ruge's 'child', the truer situation he faced is expressed in Tok Pisin as *boi*, someone, usually a grown man, who works for someone else for little remuneration, in the past the *mastas*, now increasingly other Papua New Guineans. The fact that Ruge was neither his 'real' father (someone in his father's generation) nor his 'father' in sentiment, but rather an older clan brother who had finessed his way to the top of his age category, served to increase Andrew's cynicism regarding his own situation and Ruge's motives.

That Gende land rights are fluid and today a source of competition is further illustrated by the case of *lapun* Gene ('old' Gene) who cleverly used *kwiagi* to establish strong claims to land in one of his wives' home villages, located near Kurumbukare. Kurumbukare is the site of a proposed nickel-cobalt-chromite mine and by moving his family there and gaining title to the land, *lapun* Gene hoped to be in a position to receive compensation for the land should Highlands Gold Limited begin mining in the area. The stage was set in 1978 when the wife in question, Gene's first wife, left Yandera to make gardens near Kurumbukare. Childless and with few obligations (such as childwealth payments) to her brothers, this wife had built a store of credit in her home village (by contributing generously to local brideprices, *poi nomu* and *kwiagi*) such that she 'owned' quite a bit of land. Hoping to take advantage of his wife's prosperity and with inside information (from the manager of the mining exploration camp in Yandera village) on the development possibilities of his wife's home area, Gene and another wife and their children joined the first wife early in 1982. Soon after, Gene returned to Yandera to announce his retirement as Yandera's oldest and most influential big-man and, along with Ruge (who aspired to Gene's status), to set the date of Yandera's 1982 *poi nomu*.

At his retirement party, Gene received many pigs and a large sum of cash from his sisters and their sons. He also received gifts of cash from nearly everyone in the village (including myself). His sisters' gifts were presented as tokens of appreciation and as security for land rights in Yandera. Given what follows, however, it is likely that Gene's sisters (some of whom are married to Kurumbukare or other Ramu men) and their sons were also attempting to counter Gene's efforts to lay claims on the Kurumbukare land. At a *kwiagi* held just before the *poi nomu*, Gene gave this accumulated wealth, along with many other pigs raised by his wives and daughters-in-law, to the brothers of both his deceased mother and his four wives (one deceased). His purpose was to pay off all his debts to his maternal and affinal kin and, particularly in the case of his first wife's brothers, to indebt them to himself and his wives and to lay claims to any land they owned. With their large contributions, Gene's sisters and their children diffused his claims, but only to a degree. Gene is now dead but many of his adult sons and grandchildren are living in the Ramu area, working to keep on top of *kwiagi* payments related to his death and the land he laid claim to, and awaiting the development of the proposed mine.

The losing game

Since the Gende were brought into contact with the outside world in 1932, each much-touted 'development' has brought disappointment and disturbance

to Gende society and not the hoped for prosperity for all that mission, government and local entrepreneurs claimed for their innovations. In reviewing these developments and their impacts on Gende exchange performances, I demonstrate the importance of balanced exchanges to Gende concepts of personhood and individual worth. Placing *kwiagi*, land transactions and other important lifecycle and social exchanges in the historical context, I make sense of many Gende's fears that they are playing a 'losing game' and their often predatory and counterproductive reactions to those very real fears.

When I first visited the Gende in 1982, fifty years after they began leaving home to work in other parts of New Guinea, the Gende were asking themselves whether they were 'pigs' or 'humans', and if they were 'humans', why was it that 'money' controlled their every move rather than they who bossed money like their ancestors had bossed pigs (Zimmer 1984)? What the Gende were concerned about was labour migration and an inability to control the consequences of their involvement in a cash economy. Ever since Western goods and cash were accepted into the Gende exchange system, their uneven distribution among the local populace has been a factor in high rates of permanent and temporary labour migration. By 1982, disparities in wealth and ability to participate in the exchange system had become so vast that it was no longer possible to describe most migration as voluntary. While their plight can be interpreted as a problem of inequality, the Gende saw it as a question of morals and identity.

Like other Melanesians, the Gende are engaged in a system of reciprocity and competitive exchange which mediates kinship, marriage, land, prestige and personal identity. Within this system, individuals reveal themselves to be more or less 'human' on the strength of their exchange performances relative to others both within and outside their clan. Men who are successful in promoting the affairs of their clan through exchange are known as 'big-men' or 'big-humans' (both are glossed as *wana nambaio*, *wana* denoting 'man' or 'human', *nambaio* meaning 'big'). Big-men often have two or more wives to assist them in their efforts: buying brides for younger men, giving child-wealth to children's matrilineal kin, redeeming land lost to non-clan members, and ensuring the physical and spiritual well-being of a clan by sponsoring pig feasts at which large amounts of pork are given to other clans. Lesser men do the same things as big-men but on a smaller scale. The range of their exchange relationships rarely extends farther than immediate kin and in-laws, and one or two big-men. The lowest form of men are called 'rubbish-men'. Lazy or too weak to attract wives, they have little wealth to invest in their clan, and must work and move around like women and pigs, in the service of real men.

While the Gende believe a person's identity is absolute unless tampered with by sorcerers (Zimmer 1985:Chapter 4), they also say it is difficult to be certain a man is what he seems to be. This is not surprising given that a man's status and moral worth is judged relative to others and is dependent on the outcome of endless competitions between members of his own and other clans. In any particular competition, some men, and even whole clans, may reveal themselves to be less than human, 'like pigs' or 'imperfect humans'. This happens when there is a serious imbalance in the exchanges of two clans, and the clan which is deemed less 'human' is forced to relinquish children to the winners (possibly the children's mothers' clan) in place of pigs. Ordinarily, it is individuals rather than clans who are in danger of making 'pigs' out of their children, and it is big-men (and their wives) who save the day by becoming 'fathers' (and 'mothers') to children whose parents do not fulfill their exchange obligations, as well as 'guardians or owners' of any land the children may have rights to.

Women, too, engage in exchange and aspire to recognition as 'fully human', 'good persons', although calling a man a 'woman' is an insult and tantamount to calling him a 'pig'. Women are metaphorically equated with pigs because of their close association with pigs, and the fact that they both move about at the whim of men. Or so men (more often a woman's husband and his clan members) say and like to believe. Because of this and because post-marital residence is often patrilocal, women—especially young women—are suspect creatures and must work harder than men to prove that they are not 'pigs' or inhuman sorcerers. Knowing this, a woman's kin will try to send her off in marriage with her own starter herd of pigs and, in many other ways, empower her to survive and succeed in her new family (Zimmer-Tamakoshi n.d.). Moreover, a woman who pays backs her brideprice, raises many pigs for her husband's clan and erases all debts to her own clan for the children she bears her husband, is free to exchange pigs like a 'man' and to enjoy a measure of prestige as 'mother' of her husband's clan. She too, of course, is subject to relative standards.

In 1932, Catholic missionaries were the first Europeans to enter Gende territory. Located on a trade route, along which shells and other valuables passed between the north coast and central highlands, the missionaries had little trouble securing labour to build a mission and airstrip in exchange for shells and steel axes. Big-men worked alongside rubbish-men and boys in the hope of retaining their positions as middlemen in the shell trade. Within a few years, however, the shell trade collapsed as mission and government airlifted tons of shells into the highlands. Soon, men were travelling far from home as mission helpers, native police and contract labourers on coconut plantations and the Bulolo goldfields. During World War II, Gende men served as carriers and orderlies for allied

forces in the Ramu Valley. After the war, many headed south to the new towns of Goroka, Kundiawa and Mt Hagen, where they worked as cooks and domestic servants or joined construction gangs.

The effects of this early migration were profound. Exposure to the wealth and power of the Europeans produced an ethnic inferiority complex which remains a factor in migration and efforts to achieve equality with the foreign big-men. The trappings of Western civilisation became symbols of progress in this direction, and migrants who distributed Western clothing and mirrors to grateful villagers were looked upon as the forerunners of a new breed of men who would replace a generation of 'pigs'.

In the late 1950s and 60s, there was every indication that the changeover would be rapid. In 1958, an English boarding school was opened by the missionaries. One of its graduates has a PhD and currently teaches history at the University of Papua New Guinea. Others include doctors, secretaries, bank clerks and even an acting director. In 1964, a multinational company discovered copper near Yandera village. Local men were trained in a variety of capacities, and it was a Yandera man who first found gold at the Ok Tedi site in Western Province. Other men, along with their wives and children, poured into the highlands towns and coffee plantations to work as drivers, mechanics, hotel cooks and unskilled labour.

It wasn't long before the nastier side effects of migration and unequal involvement in a cash economy surfaced. Abandoning gardens and pigs to chase after the elusive rewards of association with white men did not relieve men and women of their obligations to exchange partners. Some men, like Ruge, took advantage of this situation by returning to the village to marry several wives and invest pigs wherever necessity was greatest. Men with less vision, like Andrew, returned home after years of ignoring their debts to society to find themselves dispossessed and the 'children' of their 'brothers'. As disparities in wealth increased, it was possible to be a rubbish-man even if one had pigs. For many individuals, migration became less of an option than a necessity. Men who had both money and pigs, because they were lucky enough to be the fathers and mothers' brothers of wealthy migrants, or because they combined work at the mining camp with helping wives in the gardens, put pressure on the fathers and sons of poorer families to migrate in order to balance their exchange relationships, or to be able to afford the inflated brideprices of girls whose fathers were trying to solve the problems of inequality in their own way (Zimmer-Tamakoshi 1993). Although coffee was planted as a cash crop, income from coffee never amounted to much until recently because the nearest markets were more than a day or two walk away over extremely rugged mountains. In

1986, a road connecting many of the Gende villages with the Highlands Highway was completed, and, although it is impassable during much of the rainy season and dangerous at the best of times, it has afforded greater coffee incomes for some Gende families. Around the same time a cardamon plantation opened up near Bundi providing work for hundreds of men, women, and even children. While it brought prosperity to its workers, it was too far away for Yandera and other upper Bundi villagers to likewise benefit from a steady source of income, and within months the brideprices Yandera families were asking of plantation workers were skyrocketing in attempts to even things out, and plantation workers wondered if it was worth their effort as inflation rippled throughout all exchange payments. Several years after its inception the plantation was in decline as workers lost interest. And today, it is more the poorest, landless families who work there.

Added to the strain of inequality and inflation was the crippling effect of uncertainty. Laid off in times of recession, or fired over conflicts with fellow workers, even responsible migrants played havoc with villagers' exchange plans. Work for the mining company was equally unpredictable since deposits rich enough to warrant full-scale operations have yet to be located. The effect was to make villagers reluctant to invest in any but the wealthiest families, often at the expense of their own children and brothers. During a pig kill in Yandera, a young doctor became the absentee owner of eleven tracts of garden land for his generosity to four uncles. At the same pig kill, less than half of all adult absentees contributed money or beer, and even fewer came close to satisfying obligations to support the event, which was considered a failure by both hosts and guests. The relatives of non-participants spent most of the month-long festivities at the edge of the crowd, seething, or hiding in their garden houses in shame. Several such families left the village shortly after, to escape harassment and accusations of sorcery. And many young men left, some with the honorable intention of helping their unfortunate parents but with little assurance they would find gainful employment, and others because they were considered deadbeats and told to go.

In 1982, the social costs of inequality were obvious and many. Each village had scores of 'missing persons' for whom there was no place in the system: old maids still hoping to find rich husbands; many young and middle-aged men without wives; women who returned to their own villages when their in-laws blamed them for their husbands' failures to make good in town; children who had never been in the village because their parents were afraid of sorcery attacks from men and women they had disappointed; unemployed school leavers ashamed to return home after their parents' sacrifices to pay their school fees; and old persons willing to face urban poverty in order to get away from the

insatiable demands of creditors (Zimmer 1987b and 1990; Zimmer-Tamakoshi 1993). In 1982 (and today), less than a third of Gende males between the ages of 18 and 34 were married, an explosive situation made worse by the facts that their parents had supported the marriages of more eligible bachelors and that increasing numbers of Gende women were marrying non-Gende men from wealthier regions of Papua New Guinea (Zimmer-Tamakoshi 1993:86–90). Associated with these changing marriage patterns are increases (both perceived and real) in inter-generational violence and domestic violence (Zimmer 1987b and 1990). With, for example, marriageable daughters an increasingly valuable resource, conflicts between parents and daughters over a young woman's romantic aspirations can lead to her flight to town or her abuse at the hands of angry parents or other relatives—most notably brothers hoping to benefit from a girl's brideprice (Zimmer 1990; Zimmer-Tamakoshi 1993).

The loss of so many persons from the villages and the tensions and violence that permeate their lives does not sit well on the Gende conscience. Caught in a bind between merciless competition, and a desire to be generous 'fathers' and 'mothers' who build rather than destroy their clans, they are plagued with a sense of inadequacy and doubt. In the words of one old man, 'The Gende are like pigs. They think only of their own bellies while their children go hungry and are the cargo boys of men with money. Things were different in my father's generation. Those men were strong men who could fight all day and run up and down mountains without losing their breath. They were good men who were always thinking about others. Their children never went hungry and they grew up quick. They even gave food to rubbish-men. It is different now. Now there are no men in our villages, only a few. The rest of us are rubbish-men. Now money bosses us, and we throw away our children to get it. If money says, "You go there!" we go. If money says, "You stay here!" we stay'.

Everyone a winner

While the Gende have experienced many trials and disappointments in the years since they were first contacted and began participating in a cash economy, they have also had triumphs of their own making in preserving internal social relations and protecting their society from total breakdown and exploitation from the outside. One of their more clever innovations is a card playing system, described in detail in other publications (Zimmer 1986 and 1987a). The primary purposes of the system are to distribute cash from those who have to those who have not, thereby alleviating tensions engendered by inequality and keeping the social relationships of card players alive and well. What is truly ingenious about the system is that everyone can participate and no one ever

loses. Card games, as played by the Gende, operate as a parallel exchange system in which losers in the regular exchange system can be winners and, moreover, take their winnings and invest them in regular exchanges (such as brideprices) or other income-producing investments (such as tradestores).

A closer look at the card playing system reveals that the Gende's favorite games are *tri-lip* ('three-leaf') and *seven*. *Tri-lip* is a version of blackjack which has the capacity of quickly breaking down large stakes and redistributing them among the players, who often go on—individually—to start secondary and tertiary games, thereby spreading the money over a wider network of players. On one occasion, for example, a prosperous young migrant who had missed Yandera's 1982 pig kill but had come home afterwards for the Christmas break initiated a game of *tri-lip*, inviting big-men from several villages to be his opponents. After a day of play, he had 'lost' over K1,000 received as part of his sister's brideprice. Not yet married but comfortably employed in a steady job in town, the young man viewed his 'gaming losses' as an investment in future brideprice support (he claimed he was in no particular hurry to get married) and a secure position in Gende society. The big-men took their winnings back to their own villages and initiated games of their own, in turn 'losing' fairly large sums of money to select opponents. Many games later, the money was distributed among hundreds of players, but by that time, a week later, the favorite game was *seven*, a much slower-paced rummy kind of game in which winnings were small and took more skill (than luck) to achieve.

Most Gende are quite proud of their card playing system, calling it *gutpela wok bilong mipela* ('our good work'). At first dubious about players' claims that nobody loses at cards and that it was a good way to spend a part of every day, over time I came to see that, from the perspective of regular and willing card players, they were right. Players whose luck is against them or who are not skilled at *seven* are supported by other players giving them small stakes to re-enter the game or helping them out in other ways, such as loaning them money or holding off on demanding returns on regular exchanges. Wealthier players sleep better at night, believing that others feel less hostility towards them and not fearing as much as they might the sorcery attacks of those with less money and opportunities. Players look down on those few Gende who refuse to participate in the game network—allegedly because it is against the law and church policy, turning their backs on them when they need help and taunting them for being selfish and uncaring. Players reserve their greatest contempt, however, for persons who enter the game network to others. In such situations, regular players will gang up on the interloper, making sure they lose and forcing them to play well beyond their means.

Gende card playing, then, is a highly moral affair, informed by more general ethics of reciprocity and 'goodness'. Among the Gende, a good person (*wana moger*) is generous, always thinking of others. A good person does not 'eat' his own wealth like a bad person (*wana briki*) but gives it to others who, in turn, will later think of the donor's needs. Card players do the same things. A wealthy player, for example, will work hard to 'lose', not by throwing a game, but by persisting until his luck runs out or the other players, supporting one another's strategies and stakes, win. For this he will be praised as a 'good-man', a 'big-man', who makes money come 'alive' as it moves from player to player in the game network, much the same way as pigs and more traditional forms of wealth circulate throughout the web of interpersonal relationships which constitute Gende society. Just as the exchange of pigs and food sustains social relationships and contributes to the well-being of others, so too does playing cards. This was borne out by a survey of interhousehold exchange I carried out after Yandera's 1982 pig kill. From the results of that survey, done during the rainy season and very lean times, I discovered that card players who had won big during the Christmas card games showed a higher level of sharing than non-players. Winners bought bags of rice and canned fish and invited other regular players to share meals with them. They rarely invited non-players. When some of the greedier non-players showed up anyway, the hosts quickly hid the food, relying on child spies to warn them of the imminent arrival of freeloaders.

While there are distinct parallels between Gende card playing and their regular exchange system, Gende card playing goes a step further and complements rather than simply copies traditional exchange patterns. The really 'good' or clever thing about card playing—the neutrality of the game network—allows players of any sex, age, kinship or clan affiliation to play with any other person, working out their own solutions to the problems of inequality and uncertainty as need dictates. Close relatives or spouses may play against one another, for example, as one or the other tries to balance some inequities between them. Often misunderstood by non-players, this flexibility nonetheless helps prevent income differences from stopping the normal flow of wealth which upholds the system of traditional exchange relationships it seemingly disregards. Thus, a woman in need of cash to add to her brideprice repayment may challenge her in-laws—even her own husband—to a card game, perhaps winning enough cash to invest in a small tradestore operation, through which she eventually earns the needed cash. By constructing such a card playing system, the Gende have shown themselves to be more in control of their lives than they might otherwise have been. Many card players know this. As one woman told me:

'We live in the bush and have no money, just pigs. Money comes [from town] and wants to boss (control) us as if we were pigs. But when we play cards, we boss money. This is good'.

Card playing is not the Gende's only 'good work'. Evidence that the Gende are concerned to promote the general welfare as well as their own individual purposes comes in many ways, one of the more dramatic being the 1983 'Bundi Strike' (Zimmer 1985:Chapter 10). As satisfying and useful as card games are, the Gende know they cannot get at the root causes of inequality. Early on the morning of 28 March 1983, a plane carrying invited national and provincial government officials landed on the tiny airstrip at Bundi. Within minutes, several thousand Gende, many of them armed with axes and bows and arrows, surrounded the delegation. The organisers of the demonstration (dubbed the 'Bundi Strike') stepped forward and delivered a list of grievances and demands. Foremost was the request for sufficient funds to complete the road connecting Bundi with Madang and the Highlands Highway. Challenging the officials to treat them like 'men' or face the consequences, the Gende also threatened to secede from Madang Province in favor of returning to the 'way of the ancestors' or joining a neighbouring province (Chimbu). Having disbanded the local government council and posted sentries at the district headquarters to prevent police interference, the strikers' threats were taken seriously and the Gende Council received cheques from the shaken officials for K25,000 (worth approximately US\$37,500 in 1983) and promises of more government support in the future.

The immediate cause of what was an unprecedented display of tribal solidarity for the Gende, was a news broadcast earlier in March, in which the Madang regional member of the National Parliament made the statement that, due to the lack of funds, it would take five more years, possibly longer, before all sections of the Madang-Chimbu Road would be completed. Allegations that money that had already been set aside for the road had been mishandled or stolen by local officials ignited Gende passions. And after 20 years of working on the road with hand picks and shovels and seeing themselves fall behind other sections of the country in terms of development, the Gende stopped blaming one another for all their problems long enough to ponder on the 'treachery of the big money men, who took their taxes and their children and gave little in return'. In the same manner that partners in a card game set aside mutual antagonisms in order to defeat a common opponent, the Gende banded together to challenge the government to assist them in completing the long-awaited road, setting themselves in opposition to those who would deprive them of their earned rights, as responsible men and women, to control their own lives.

Symbolising development and the way back home for the hundreds of Gende vainly seeking prosperity in town, the Gende's dream of a road of their own inspired them to call a time out from their daily activities (and games) to play for the biggest stakes of all—their well-being and integrity as a people. Organised in little more than two weeks by several politically ambitious college graduates, the 'strike' appealed to both young and old, but for different reasons. Having spent more of their time shuttling back and forth between village and town, younger Gende seemed less impressed with the power of the Government and anxious to take the lead in village politics and planning away from what they saw as overly conservative (and fearful) older leaders. For their part, older men and women were afraid of losing gains they had made in the larger world (e.g. as church leaders, councilmen) by challenging authority, but equally anxious as the young to have a road of their own so that, in the words of several older men and women: 'My granddaughter [who was born and raised in town] would not be ashamed of me and would be able to visit her grandmother without crying because her legs hurt her to walk a long way over the mountains'; 'My son and his family would come to see me more often'; 'I would be able to make enough money to pay back my brother for all he has done for me'; and 'Our children would not have to leave home and become rascals'. Such sentiments reveal a far less selfish side to most Gende than some of their behaviour might suggest.

Discussion

In the foregoing pages I have tried to show that while the Gende's unequal involvement in the cash economy and the failure of many Gende to fulfill their exchange obligations have generated some very negative social consequences (such as the loss of land rights for some Gende and intra-clan violence), the Gende's situation is neither hopeless nor is their exchange system to blame for the fix the Gende are currently in. The Gende's traditional exchange system is an intricate 'game', designed to uphold and evaluate Gende society and the game's players. As we have seen, it is a serious (sometimes deadly) game and the main arena in which individuals and groups demonstrate their humanity and achieve values and rewards vital to both physical life and emotional well-being. Informing Gende exchange, however, and what gives it grace, is an interest on the part of most players in keeping the game going and in including as many successful players as possible, successful being men and women of good intentions and good actions. That today there are many Gende who are unable to play the game adequately, through no apparent fault of their

own, causes good men and women pain (and fear) and is a primary motive behind their card playing system. When a player (like Andrew) openly disregards the game and takes advantage of others' leniency, however, or seems (as Ruge did to Andrew and to some other Gende) to want to promote themselves far above the rest, the Gende will resort to harsh measures to bring down such an opponent.

That systems of exchange and compensation are moral systems, engaging the hearts and energies of their players and producing impressive and sometimes spectacularly frightening behaviour, is documented throughout Papua New Guinea and in other parts of Melanesia. Papua New Guinea highlanders are renown for their fearlessness on the battlefield and their readiness to fight over a variety of insults and perceived injuries to their well-being (Meggitt 1977; Strathern 1977, 1992 and 1993b). And the Kwaio of Malaita have waged a determined and sometimes armed struggle for over 120 years against encroachment on their tribal autonomy (Keesing 1992). Yet, throughout Melanesia the most respected tribal leaders are rarely the bravest fight leaders but rather men (and sometimes women) who manage a group's exchanges in ways that promote local peace and prosperity (Sillitoe 1979; Strathern 1971; Weiner 1976). The Kwaio's struggle is imbued with righteous purpose: their ongoing demands for compensation redressing the brutality of British colonialism (e.g. the 'Malaita massacre') based on both a desire that wrongs be righted and a desire to establish a basis for negotiation and to put the Kwaio and the government on the same footing (Akin 1995), or in the same 'game'. Even the Tauade Papuans, described by Hallpike as hostile and given to violence for violence's sake, reserve their highest respect for peacemakers, skilled in oratory and exchange, and with a capacity for love and compassion to balance the darker side of Tauade passions and revenge (Hallpike 1977:239).

Similar evidence for a bias towards peaceful solutions and fairness all around are to be found in the Law and Order literature. In his introduction to the Law Reform Commission monograph, *Customary Law in Papua New Guinea*, Scaglion (1983) characterises customary law as flexible and changing, and designed to ensure equitable solutions through the involvement and consensus of all the relevant parties. The same conclusions are drawn by Gordon and Meggitt, who view the social ends of Enga law and collective violence as primary in Engan considerations (1985:13). These insights into the nature of traditional legal and exchange systems have carried over into debates and studies on contemporary Law and Order and development issues in the region: Scaglion, for example, favouring Village Courts styled along the lines of traditional legal systems with their stress on participation, consultation, and

compromise (1983:vii); Polome and other writers in the 17th Waigani Seminar collection, *Choices in Development Planning* (Hughes and Thirlwell 1988), likewise calling for more involvement of local landowners in any developments concerning them, seeing such involvement as both beneficial and in keeping with Somare's 'Eight Goals' for the development of Papua New Guinea (Polome 1988:207); and Filer (1993) reflecting on the futility of any mining venture that does not consider indigenous landowners as a force to be reckoned with.

From these examples and the Gende material I can now expand upon my affirmative answer to the question, 'Is it possible to both develop Papua New Guinea and satisfy local landowners' claims?' First, anyone wishing to negotiate land deals with the Gende must consider the wider social and ethical meanings of land 'ownership' and exchange for the Gende, and be prepared to join the game as socially responsible players. As sophisticated and moral players, company representatives might, for example, set up land tenure compensation boards, staffed equally with local leaders, company personnel and government officers. Members of this board would decide on just compensation terms and the mutual and varied responsibilities of all participants. Local leaders would mobilise the cooperation of landowners and help in identifying the actual landowners in the vicinity of a proposed mine (that is, persons who have earned the right to certain lands through the appropriate exchanges). Company representatives would promote fair play by giving proof of understanding local processes and demonstrating a willingness to help all 'good' Gende to prosper (just as the company is expecting the Gende to help them to succeed). In other words, what is being negotiated is not a simple business contract but a social commitment and, ideally, a 'win-win' situation. The role of the Government is also to recognise the legitimacy of local compensation and exchange ethics and to assist businesses through recommending locally experienced anthropologists and other experts to act as consultants or to set up education programmes for members of the land compensation boards.

Second, important considerations in any successful negotiation experience are, first, for all sides to recognise that 'winning' is not everything unless all or a significant number of players also benefit and, second, that today's winners may be tomorrow's losers, and vice versa. Big-men like Ruge achieved their statuses by considering the needs of many persons and not only their own ambitions. Although Ruge benefited (in land) as a result of Andrew's failures and losses and had no obligation to continue an active relationship with Andrew, Ruge was astute enough to realise that Andrew might regain the initiative one day and so continued to include him in his close network of exchange partners and in his (and his daughter's) business projects. That Andrew and many other

Gende never came close to winning as much as Ruge and his family did in the development 'game' was extremely unfortunate for both them and Ruge. For this reason, any company who wishes to work in the area would do well to keep these kinds of pressures and disappointments in mind when they do set up negotiating teams, paying attention to the Gende's entire situation—not only their immediate relations with the company—if they are to understand and respond correctly to the reverberations of social and exchange imbalances coming from within and without the company's immediate zone of influence. An effective land compensation board could be helpful in this regard, including in its scope the need for ongoing social impact studies and more general observations, assisted when necessary by outside mediators and trained observers.

Finally, while it may be a 'scary' proposition for some company personnel to engage in a more holistic and personal way with local landowners (the reverse is also true!), examples like the Bundi Strike and, more pertinently, the Bougainville and Ok Tedi crises (Hyndman 1994; Oliver 1991; Wesley-Smith 1992) suggest that it may be the only way to play the 'game'. While the Gende's 'strike' netted them only a portion of their demands, they were energised by the Government's recognition and willingness to continue cooperating with them. At Ok Tedi, on the other hand, obvious, and to the Papua New Guinean workers and landowners, painful status distinctions between the Europeans working or living at the mine site and themselves have fueled resistance to the company and added to increases in compensation demands, again and again (Hyndman 1994:Chapter 7). And on Bougainville, environmental destruction of a kind unenvisioned by the landowners and, from their perspective, inadequately compensated for by the company has for years resulted in extreme distrust of the company on the part of many Bougainvilleans, the breakdown of company-landowner relations and the cessation of business.

CHAPTER FOUR

LANDOWNER COMPENSATION: POLICY AND PRACTICE

Tony Power

This chapter attempts to uncover the Papua New Guinea Government policy regarding compensation in resource based developments. In lieu of any comprehensive stated policy or philosophy in any government planning document, to the author's knowledge, an empirical approach is taken to uncover and analyse and intuit and extract policy from actual practice. This is the methodology employed by Justice Barnett in his celebrated enquiry into the Forest Industry in Papua New Guinea. Barnett argued that if it is in actual practice, then this in itself indicates policy, stated or otherwise.

In this chapter compensation is used in the simple meaning of the word: as the payment or provision of some benefit to someone in return for the provision of something or other. In resource based industries the obvious beneficiaries of such compensation are landowners since virtually all resources in Papua New Guinea are on privately owned land. This chapter will deal primarily with mining, petroleum and forestry, though the same approach could be taken to some aspects of fisheries, power and water supply and basic infrastructure.

Certain facts and underlying principles associated with the 'Melanesian world view' need to be kept in mind to appreciate compensation in Papua New Guinea. Papua New Guinea is made up of thousands of small scale societies lumped together willy nilly by colonial intervention a hundred years ago. In 20 years of independent nationhood not a lot has been done to create a real sense of nationalism apart from the external symbols of flag, anthem, parliament etc. The imposition of colonial rule and the emergence of statehood at Independence did nothing to recognise and address the fundamental and long established Independence of the small scale societies, the land groups. The colonial power had limited understanding and little time for full consideration of the overwhelming diversity of Papua New Guinea. National politicians since independence have assumed that their government has legitimacy simply because the

trappings are there, handed to them on a plate by Australia. The author has learnt from many years firsthand experience at the village level that the legitimacy of the National Government is superficial and tenuous. This fact is demonstrated in a tragic and spectacular manner in Bougainville.

This reference is outlined in detail since it underlines a fundamental attitude towards compensation demonstrated by landowners in all dealings with the State or government-approved investors in all projects in Papua New Guinea. The State claims the right of eminent domain over all land and water in Papua New Guinea. The State claims ownership of all minerals and petroleum in Papua New Guinea. Landowners do not accept this, or at least have great difficulties in reconciling this to their ancient world view. How far the State goes in reconciling this clash of views will emerge in this chapter, not by virtue of any philosophy but by dint of practice.

Direct dealing in land by outside investors with landowners is prohibited by Section 73 of the Land Act (Land Act, Chapter 185, *Revised Laws of Papua New Guinea 1996*). However the Mining Act and Petroleum Act allow foreign companies to deal directly with landowners in the controlled situation of government issued exploration and development licences (Mining Act, Chapter 195, *Revised Laws of Papua New Guinea 1992*; Petroleum Act, Chapter 198, *Revised Laws of Papua New Guinea 1982*). Forest legislation puts many more foreign companies into the field under the guise of 'forestry' and the reality of non-renewable timber extraction. A competent Department of Mining and Petroleum controls and monitors foreign investors, which for the most part are consortia of transnational companies, here for the long haul, and partly regulated by themselves, their partners and their home governments. The Forest Authority, try as it might, so far fails to regulate adequately forest companies that are not self regulated, not transnational, not here for the long haul and replete with instances of regulatory non-compliance. These factors set the climate for compensation.

Existing practice

The analytical method used in this chapter is as follows:

- any aspect of practice that could be construed as relating to compensation will be detailed;
- from this an attempt will be made to intuit the underlying policy and philosophy;
- the responses to these activities by other stakeholders such as provincial governments, developers and landowners will then be examined; and
- finally some recommendations will be made for changes to policy, practice or legislation.

Mining and petroleum projects

Table 4.1 illustrates the types of exchanges that flow from production and the sale of non-renewable resources. The numbers are different in mining projects where different tax regimes apply but the same conditions exist in regard to types of cash flows, types of benefits and stakeholders.

Participation by the State

The Figure 4.1 scenario is based on the assumption that the State owns the minerals. The State attempts to secure the best revenue scenario possible for the benefit of the country as a whole. The State thus sets taxation types and levels, royalty rates and negotiates state equity. The State then has set up some sharing mechanisms with other stakeholders.

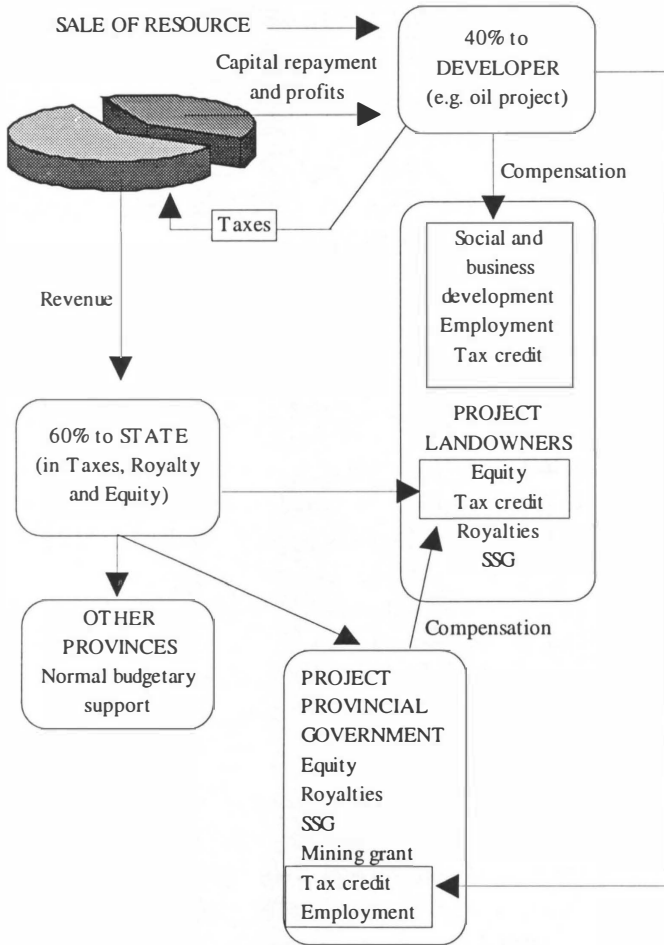
Participation by Provincial Governments

1. Royalties are identified as a provincial government revenue.
2. Special Support Grants (SSG) are made to resource provinces as budget support for infrastructure development. (Both royalties and SSG are related to the concept of a Derivation Grant being a revenue source for the provinces, spelled out in the Organic Law on Provincial Governments).
3. Infrastructure grants or mining grants are made to provinces to assist them to provide goods and services to the project landowners and to facilitate the development and operation of the project.
4. Provincial governments are provided with a share of the state equity.

Participation by landowners

1. Landowners enjoy the promise of equity sharing in the resource project by way of shareholding in the state nominee company, e.g. Petroleum Resources Kutubu (PRK) for the Kutubu Petroleum Development Project.
2. Landowners enjoy the benefit of infrastructure in their district constructed with funds from SSG and by the developer under the heading Mitigation Projects and under the Tax Credit Scheme.
3. Aided and abetted by the State the project landowners now receive at least 20 per cent of the royalties accruing to the provincial government. Landowners negotiate for an additional share during the pre-project negotiations called the Forum Process. For example, the Kutubu landowners receive 40 per cent of the royalties from Kutubu petroleum and the Southern Highlands Provincial Government retains the 60 per cent remainder.
4. Landowners get the following benefits from the developer:
 - Mitigation projects (usually social infrastructure such as schools, aid posts, village roads).

Figure 4.1 Compensation in mining and petroleum projects



- First preference by way of employment.
- Project Community Relations extension support covering the fields of community development including primary health care, business development, land mobilisation.
- Enhanced education and training opportunities, and support for cultural and sporting activities.
- Preferential treatment of landowner companies for business spin-off activities.

Participation by developers

The Developer is required to extract the resource and sell it on the world market. Taxes of all kinds (including a 50 per cent tax for petroleum projects) added to the equity for State nominee should mean the State receives 60 per cent of every kina of export income. The developer receives the other 40 per cent to pay back the huge capital invested and to return a profit to investors. The developer is required to provide a range of benefits to the inhabitants of the project area as a normal part of operating expenses. The Tax Credit Scheme also involves the developer in constructing infrastructure in the province to an agreed sum for agreed projects in lieu of tax.

Forestry projects

By way of contrast the forest industry presents a dismal picture for compensation, particularly from the point of view of the landowners whose forest patrimony is exhausted, to be replaced, so far, by no sustainable industry.

Participation by the State

The State admits that land is privately owned in Papua New Guinea and that the trees belong to the landowners. The State prohibits landowners from harvesting their forests other than by way of the Forestry Act (Forestry Act, Chapter 216, *Revised Laws of Papua New Guinea 1991*). The State acquires control of the resource and parleys its extraction and sale. The State, frustrated by lack of income tax receipts from forests operators, has introduced a turnover tax in the forum of a species specific export tax ranging from 20 per cent to 46 per cent.

Participation by landowners

The State has made provisions for landowners to be involved in forestry projects. Companies have been formed by landowners and these have secured a variety of business activities associated with the forest operator. Landowners receive royalties for timber harvested. Efforts are under way by the Forest Authority to draw down a premium (being part of the stumpage belonging to tree owners), to be paid to tree owners in a project area in the form of additional social and physical infrastructure.

Participation by provincial government

Provincial governments are entitled to a Derivation Grant pro-rated to 1.25 per cent of the value of export logs leaving the province.

Participation by logging companies

Logging companies are required to provide social and physical infrastructure as part of their permit conditions. Logging companies are also required to adhere to certain environmental guidelines.

Underlying principles

Eminent domain

The State clearly is exercising its rights of eminent domain over the land of Papua New Guinea by way of its declaration of ownership of minerals and petroleum.

Distributive justice

The State fulfills its responsibilities under the rubric of distributive justice using revenue derived from each resource project to fund general development throughout the entire country.

Melanesian distribution

The State recognises the expectations flowing from Melanesian landownership concepts in giving special recognition to the landowners of resource projects.

Fiduciary responsibility

The State has advised that at least 30 per cent of landowners' cash income from royalties must be devoted to a trust for future generations. The provision of goods and services rather than cash to landowners is also seen as the exercise of fiduciary responsibility. The same is true of the Implementation and Monitoring Committee of the Finance Department.

The State's massive intervention in the privately owned National Forest Estate is presumably justified under this heading.

Enlightened self interest

The developer promotes the well-being and development of the project area inhabitants and attempts to create a community of interest with them to protect the operation of the project.

Evaluation

Mining and petroleum projects

Like many things that were set up with admirable foresight in Papua New Guinea, when it comes to implementation, serious deficiencies occur which deny the intended result. Blatant theft and corruption at the provincial government level in some provinces have denied landowners their expected and entitled share of benefits. The Monitoring and Implementation Committee of the National Department of Finance and Planning does not have the resources or the mandate to take a tough line with the provinces. The result is that today

the provincial governments owe the landowners millions of kina worth of projects.

Blatant theft and corruption in landowner companies has similarly denied the flow of benefits to the Landowner Company shareholders. Some LANCOs have been set up in such a way that benefits would flow to a select few and not to the majority grassroots. In others (in petroleum projects), every effort has been made to align shareholding to Incorporated Land Groups (ILG), but this style of LANCO has not been in operation long enough for adequate evaluation (Land Group Incorporation Act, Chapter 147, *Revised Laws of Papua New Guinea* 1992). Even with the heavy hand of the developer and ILG shareholding, LANCOS can still be run corruptly because the lack of education of the shareholders leaves them in a position of relying on the very leaders who are corrupt.

Provincial attitudes

In some provincial governments both politicians and bureaucrats show a strong feeling of resentment and jealousy towards project area people, even when their provincial budget is full of project related revenue that other provinces do not enjoy. This leads the bureaucrats to shrug off responsibility for the delivery of goods and services, and leave it to the developer, even though they are told time and time again that the developer does not have this responsibility. In some cases this attitude adds to the 'couldn't care less' attitude regarding the required sharing of SSG funds in the project districts.

National attitudes

The National Government has for a long time applied a double standard to resource projects. Mining and petroleum projects are exposed to a great deal of regulation and effective monitoring by a reasonably competent Department of Minerals and Petroleum. These companies are performing well with 100 per cent compliance, to the best of their ability. Even in the controversial matter of environmental damage they are complying with the conditions of their permits. Any deficiencies there may be are the responsibility of the respective government departments as the standards were set during overall negotiations at project inception. The Department of Environment and Conservation is less active, but still monitors activities, through handfed information supplied by the mining and petroleum industry.

The Departments of Labour and Employment and Foreign Affairs also receive total cooperation regarding work permits, training and localisation from the mining and petroleum industry. This is not to say there are no deficiencies in these matters, but the deficiencies come from corporate

philosophies, deficient from Papua New Guinea's point of view rather than from any intention of the multinationals to avoid compliance.

Forestry projects

The forest resource industry on the other hand is seriously deficient from almost every point of view. The majority of forest industry participants are really only logging companies, since very few have invested in processing or fostered a resource that is sustainable. The Forest Authority is endeavouring to persuade major participants to establish processing facilities and harvest sustainably. There does not seem to be any shining example so far. One participant who has been in Papua New Guinea for years, and who has replanted and processed timber, is now under siege in the courts by frustrated landowners aggrieved by environmental damage.

The majority of forest industry participants are not multinational companies and are not joint ventures so they are not self regulating. Some act as though they are not here for the long haul but only so long as there is still untouched forest to cut. They do not have a good reputation for compliance with their conditions of permit. Almost daily there are news reports of breaches of laws or permit conditions, including those relating to immigration, employment, Investment Promotion Authority registration, environment and mitigation. Some certainly do provide some social infrastructure and social benefits to the project area people.

The state's fiscal arrangement in taking a large slice by way of export tax is a sensible fiscal measure to make the logging companies pay. The State still loses by way of fraud but has taken measures to reduce this by contracting a surveillance company to quantify survey log exports.

Unfortunately the heavy export tax is at the expense of the resource owners who are not getting the returns for their trees that, for example, land-owners in Australia or Switzerland would get. This tax could possibly be construed as unconstitutional by way of being unjust deprivation. Landowners are the big losers in the logging business. Their forest and their environment is degraded and they do not get anything like a fair return. If there is no sustainable development replacing the forest then clearly the returns are not fair. At the very least the State is failing in its fiduciary responsibilities.

The forest industry landowner business arrangements also suffer from the same weaknesses as those in the mining and petroleum industry. The silent majority of owners do not receive the benefits that they are due, and the few managers and directors of the companies manipulate the system for their own benefit. Some logging companies actually promote inequity by fostering a

group of so-called leaders, usually as company officials, who corruptly receive benefits in return for blind acceptance of the logging company's policies that are not to the advantage of the resource owners. The Forest Authority, through the Forest Management Planning Project, has made a big effort to address these issues but progress is slow and indeed a lot more needs to be done to close the gap between talk and action.

The problem with successive governments and ministers is that private greed stands in the way of good government. Too many so called leaders do not want the Forest Authority to work well. Certain management improvements have been put into place only to wither on the vine due to budget constraint. How can you have a legitimate budget constraint imposed on a so-called Statutory Authority that is responsible for hundreds of millions of export funds and many millions of revenue? An authority which has assumed fiduciary responsibility for billions worth of kina from resources owned by the rural citizens of the country.

Recommendations

1. Forest revenue systems should be scrutinised by an international organisation, such as the Food and Agriculture Organisation of the United Nations, to report on the actual return to Papua New Guinean tree owners as compared with tree owners in developed countries.
2. Constitutional lawyers should examine the legality of the export tax imposed on logs. (The tax should be collected by the State on behalf of tree owners.)
3. LANCOs should be recognised under the Companies Act as a special species of company. Shareholding must be confined to ILGs from the specific project area; primary ILG shares must not be traded; audit must be compulsory. Such companies would have certain privileges and certain responsibilities.
4. Further to this the State should expand its fiduciary responsibility towards landowners of resource projects to ensure that LANCOs and other landowner associations follow the letter of the law. This could be done by requiring some form of state representation (by perhaps the Finance Department or Investment Promotion Authority or Small Business Development Corporation) on LANCO Boards. Corrupt, so called landowner leaders (LANCO executives), should be prosecuted speedily. Trusts for future generations should be established and monitored.
5. The Monitoring Committee of the Departments of Finance or Planning (the Infrastructure Committee) should have sweeping powers to ensure

that provinces which fail to execute their responsibilities towards project landowners entailed by receipt of SSG funds be speedily corrected.

6. This Committee should also have a purview of forestry projects and offenders should be speedily corrected. Clear penalties for breach of permit conditions should be spelled out and easily implemented. Permits should place the onus on the resource extraction company to report progress towards defined milestones.

Some of the above recommendations have implications for law reform. Others could be accomplished by determined administrative reforms. Law reform is suggested to try to give the initiatives some continuity that may not flow from administrative measures.

The most important consideration from this investigation is the overwhelming evidence that resource owners or landowners or landholders in Papua New Guinea, for a variety of reasons are not getting the returns that they should be. If they do not convert their patrimony into sustainable development, then the more development that takes place, the less developed they will be. This will place great strains on a country that is already overburdened by law and order problems.

CHAPTER FIVE

TWO SIDES OF THE COIN: THE CASE OF FORESTRY

Hartmut Holzknecht

It is appropriate, some years after Papua New Guinea's Independence, to look back at developments in the country since 1975, to take stock of the current situation and to analyse likely future developments. In terms of the theme of this volume, it has become an increasingly noticeable trend in Papua New Guinea that demands for compensation in a wide range of modern sectors rarely, if ever, link these demands with the partner to rights (the other side of the coin), namely 'responsibility'.

That such a linkage has validity is shown most clearly in Papua New Guinea customary social control systems (e.g. Epstein 1974; Tuzin 1976). In the modern context, such explicit customary linkage between protagonists in a potential compensation situation is to an increasing extent being ignored, is gradually vanishing. This development has consequences, amongst other things, for social control and Law and Order, as well as for controlled and productive resource management.

The aim of this chapter is to explore some aspects of the two sides of this 'coin' in the context of the exploitation of forest (and, by implication at least, other) resources in Papua New Guinea. The background to the industry and its current situation will not be set out in great detail here since this has been done in some recent publications (Holzknecht 1995a and b; 1996; Holzknecht and Kalit 1995) and has been a subject of major national and international attention over the last few years. It will also become clear why it will not be possible to set out detailed case studies here to illustrate particular points.

A recapitulation of the national goals and directive principles, as promulgated in the 1975 Constitution, is followed by a summary of some impacts of forestry exploitation in Papua New Guinea. I then consider characteristics of the articulation between aspects of societal change. The chapter concludes with a discussion.

National goals and directive principles

The preamble of the Constitution of the Independent State of Papua New Guinea, 1975, declares, *inter alia*:

WE, THE PEOPLE OF PAPUA NEW GUINEA...

- acknowledge the worthy customs and traditional wisdoms of our people—which have come down to us from generation to generation
- pledge ourselves to guard and pass on to those who come after us our noble traditions and the Christian principles that are ours now

AND WE ASSERT...

- that all power belongs to that people—acting through their duly elected representatives
- that respect for the dignity of the individual and community interdependence are basic principles of our society
- that we guard with our lives our national identity, integrity and self respect... (Papua New Guinea 1975:1).

The Constitution then sets out the 'National Goals and Directive Principles' (complete details for each of these are set out in the Constitution):

1. Integral human development

We declare our first goal to be for every person to be dynamically involved in the process of freeing himself or herself from every form of domination or oppression so that each man or woman will have the opportunity to develop as a whole person in relationships with others...

2. Equality and Participation

We declare our second goal to be for all citizens to have an equal opportunity to participate in, and benefit from, the development of our country...

3. National Sovereignty and Self-Reliance

We declare our third goal to be for Papua New Guinea to be politically and economically independent, and our economy basically self-reliant...

4. Natural Resources and Environment

We declare our fourth goal to be for Papua New Guinea's natural resources and environment to be conserved and used for the collective benefit of us all, and be replenished for the benefit of future generations...

5. Papua New Guinean Ways

We declare our fifth goal to be to achieve development primarily through the use of Papua New Guinean forms of social, political and economic organization...(Papua New Guinea 1975:2–5)

This is followed in the Constitution by a statement of 'Basic Rights' and 'Basic Social Obligations'. Parts of the latter relevant to this discussion include:

WE HEREBY DECLARE that all persons in our country have the following basic obligations to themselves and their descendants, to each other, and to the Nation:

- (a) to respect, and to act in the spirit of, this Constitution; and
 - (b) to recognise that they can fully develop their capabilities and advance their true interests only by active participation in the development of the national community as a whole; and...
 - (d) to protect Papua New Guinea and to safeguard the national wealth, resources and environment in the interests not only of the present generation but also of future generations; and...
 - (f) to respect the rights and freedoms of others, and to cooperate fully with others in the interests of interdependence and solidarity...
- (Papua New Guinea 1975:5-6).

These 'National Goals and Directive Principles' set out, in an ideal but nevertheless clear fashion, a number of approaches and expectations, not only for the State but also of its citizens. The State's contract with its citizens at least implies that it will always act in the best interests both of the State and its citizens, and that its laws, institutions and due processes will protect citizens from exploitation and intimidation.

In the cold light of hindsight it is quite clear that in many ways these ideals, goals and principles have been breached rather than observed, especially over the last 10 to 15 years. A number of questions arise as a consequence: What went wrong? What happened to these ideals, these goals and principles when subsequently translated into practice? How has it happened that a number of customary resource rights have been taken over and manipulated by a few individuals for their own benefit? What (and whose) rights and responsibilities are involved in these changes and what avenues for redress and/or compensation do exploited communities and individuals have for foregone benefits from this kind of resource development situation? Where was the State while these developments were taking place and why was it not able to act in the best interest of its citizens, given that it had enshrined a number of quite explicit national goals and principles in the National Constitution, and therein given specific recognition to customary rights (including resource rights)?

The case of forestry

Forestry development and exploitation in Papua New Guinea is a particularly appropriate context in which to examine some societal developments and the

associated inherent conflicts. Issues of compensation usually do not arise at this level, although the manipulation and exploitation of the rights and responsibilities of a large percentage of Papua New Guinea's resource owners by a quite small group of individual beneficiaries suggests that perhaps some thought be given to such an approach. This section summarises some of the changes in the forestry sector.

The tempo of forest exploitation has increased dramatically since the early 1970s, with increasingly rampant and widespread corruption, evasion of taxation and other statutory requirements (through then standard practices such as transfer-pricing, misdeclaration and undervaluing of the species being exported, inadequate governmental monitoring (Barnett 1992)). Other practices included major environmental destruction through bad logging activities and non-existent minimum standard logging practices, non-sustainable logging activities, no attention paid to or interest shown in ensuring adequate forest regeneration and consistent practices to cheat and manipulate resource owners (often through a client 'landowner' company).

In May 1987 the Government set up a Commission of Inquiry into Forestry Matters under Judge T. Barnett to review the operations of the timber industry and to investigate a number of the allegations of widespread impropriety and corruption. Concerning forestry activities in New Ireland Province, for example, Barnett wrote:

It would be true to say, of some of the companies, that they are now roaming the countryside with the assurance of robber barons; bribing politicians and leaders, creating social disharmony and ignoring laws in order to gain access to rip out and export the last remnant of the province's valuable timber (Papua New Guinea 1989a).

Since the Barnett Inquiry reports and recommendations were handed to government there has been a delayed but now general tightening up of the industry, including the following:

- April 1990: World Bank-sponsored Tropical Forest Action Plan Roundtable meeting out of which was developed the National Forest and Conservation Action Programme (NFCAP).
- A new National Forest Policy was unveiled in 1991. In spite of this policy being focused almost exclusively on production forestry, and therefore not broad based, it did explicitly have a stated focus on 'sustainable yield management'.
- Out of this policy a new Forestry Act was developed and approved by Parliament in 1991. The gazettal of this Act in 1992 repealed the old Forestry Act, the Forestry (Private Dealings) Act and the Forest Industries Council Act. At the last minute a clause was inserted into the Act exempting current logging projects from the requirements of the new Act. The National Forest Services came under a new statutory authority, the Papua New Guinea Forest Authority, which was established and began operating in 1993.

- The new Forestry Act gave explicit recognition and preference to customary resource owners and sets out a procedure for the identification of such persons and groups using an innovative piece of legislation, the Land Groups Incorporation Act 1974. This Act essentially gives recognition and a modern legal identity to appropriate customary groups (Fingleton n.d.; Holzknicht 1995b; Holzknicht (ed.) 1995; Power 1995).
- Previous to this period of inquiry and institutional change at the top, so-called 'landowner companies' were being formed in order to become the licensees for logging projects. Such a company then usually brought in an overseas based logging firm to undertake logging and marketing activities in an area.

A landowner company was typically formed around a provincial or national politician or a former (or present) senior public servant. This leading figure and his faction or in-group then became the principal (sometimes the only) shareholders in the landowner company, also holding the executive management and board of director positions. In approaching the government and the (then) Department of Forests and pressuring to be granted the timber permit, such landowner companies put themselves forward as being truly representative of all the resource owners in an area. As one of many examples, in the Arawe area of West New Britain Province there were at one time three 'landowner companies' claiming to represent all resource owners in that area, each with its attendant foreign logging contractor.

- These landowner company management bodies and boards, in most cases, persuaded by various means (but usually by many promises) the majority of people with rights to the forests to go along with plans for logging. These bodies and boards then become a protective front between the logging firm on the one hand and the majority of the people in the project area on the other. The loggers do business only with the landowner company management and board who are also, typically, the recipients of the loggers' largesse, gratefulness, bribery—call it what you will. This kind of patron-client relationship is well-known and documented in detail in other countries and often in relation to resource exploitation.
- Management and board members in turn manipulate and exploit their own people for their own and the loggers' benefit—in other words, they always side with the logger because that is where their current income is derived. This same clique also controls the use of and benefits from the funds which come into the landowner company but, in turn, is continually financially manipulated by the logging firm. International and national travel (among many other benefits) are typically offered to management and board members as inducements by the logging company, but costs subsequently

subtracted (often at a premium) from fees or royalties payable to the landowner company.

- Other provincial and national personnel (some very senior in provincial government, some provincial police and their staff, some senior as well as junior forestry officers, etc.) become actively and progressively entangled in these logging webs as the logging companies' needs expand. For instance the need for approvals, for the waiving of legal requirements of various kinds (but especially in environmental and labour requirement matters), turning a blind eye during inspections of export logging ships, suppressing complaints from resource owners concerning environmental and other damage due to logging (including charging individuals in court to try to decrease their influence with their fellow resource owners). The list could go on and on.
- In fact, the situation in the logging and log export industry since the completion of the Barnett Inquiry can best be summarised as being much more blatant and greedy in its disregard for the law of the land (in different sectors in both the customary and formal legal spheres) and in the buying of influence. Logging companies have now branched out into newspaper ownership, into operating wholesale and retail outlets, into real estate and a host of other business activities. It is not by coincidence that measures related to establishing stronger controls over foreign loggers and their activities in Papua New Guinea have always had great difficulty in being approved by the required majority in National Parliament; in this way the patron-client relationships also affect the workings of government.
- Since the establishment of the Papua New Guinea Forest Authority, a great deal of work has been carried out to retrain foresters, to put into place new requirements, procedures and appropriate methods to work with resource owners. Nevertheless, it should be clearly noted that none of these new requirements for sustainability and for involvement of resource owners through properly representative organisations can be forced upon current logging projects which are specifically exempt from such requirements; they apply only to new projects. Even the intention, as set out in the Forestry Act 1991, to require all landowner organisations to register with the Forest Authority, indicating their proper representativeness through membership lists (etc.) has been vehemently opposed by puppet landowner organisations (set up and funded by loggers) and others.
- Since commercial logging and log exporting activities began in Papua New Guinea, gradually increasing under the Australian colonial administration and exponentially since then, there has always been an underlying assumption that the Administration (and thereafter the State) undertook to purchase the timber rights in any particular part of the country and then to secure the services of a commercial logging operator to 'develop' that

resource, in the best interests and on behalf of the people of that area and country as a whole. In turn it was to have provided for the people of the area access to services and infrastructure such as schools, medical aid-posts and roads.

In the 1970s and 1980s, government agreements with logging companies stipulated that specific services and infrastructural improvements which met certain established standards (e.g. for roads) had to be provided. However, other than having perhaps a forester or two in place, government has abrogated its direct responsibilities to the people in favour of commercial interests. It has purposely withdrawn from such natural resource development projects and in so doing has allowed such companies to become 'quasi-government' bodies in conjunction with their normal commercial activities. In whose interests were and are these resource projects developed if government does not play its expected role in being an intermediary between resource owners and commercial interests? The State has also not fulfilled other aspects of its proper role in acting for its citizens, for instance the proper and ongoing monitoring of such commercial activities in remote, and not so remote, parts of the country.

The notes set out above attempt to give the reader a sense of current and developing tensions, the ferment and the agendas of different interest groups in the Papua New Guinea forestry sector.

Problems in societal articulation

Developments in the forestry sector in Papua New Guinea, needless to say, did not take place in a vacuum, but against distinctive historical processes, moving from colonial times to the end of the colonial era, into Independence as a nation-state; moving from a community's focus on the integrated, traditional, local and/or regional level to an orientation in the world outside these spheres, moving from a predominantly subsistence, barter economy to a gradual but inexorable encompassment by capitalism and the cash economy, even in the most remote parts of the country.

Pre-contact local economies with their critical division of production between different communities, with ownership of rights to real property, and with distribution systems through trading partnerships and ceremonial (usually competitive) exchange, dispersed local products throughout a region. Key elements of such systems depended on kin and quasi-kin relationships through which leading personalities controlled production and circulation by controlling individuals and groups of people in various ways.

People manipulated kinship systems in order to gain access to important aspects of the production and circulation of goods, by using strategies such as

the arrangement of marriages and adoptions, committing themselves virtually as clients to a particular leader-patron. The articulation between these various spheres of daily living and acting produced various patterns of group structure and process, leadership, economic activity etc. Such articulations were not fixed but were responsive to changes in each society and its environment, although it seems that in pre-contact times such changes were small and relatively slow (Carrier 1992).

With the imposition of colonial administration, the gradual changes in many such a traditional power-wealth control nexus had important effects in rural communities. They became increasingly oriented towards the world outside: increasingly dependent on government support and the increasingly penetrative capitalist economy. The old articulated local and regional systems of locality, production, kinship and circulation were gradually replaced as the *loci* of significant sources of wealth moved out of the region and out of the control of village societies (Carrier 1992:133).

Colonisation and its effects did not directly change the underlying ideologies of kinship and ownership. Nevertheless, there were major changes: leading men were able over time to exert less control over younger men by controlling marriage and affinal arrangements or exchange and trading relationships. New systems of wealth production, through education, migration and remittances (Pomponio 1992; Carrier and Carrier 1989), gradually replaced the old while still retaining the idiom and structures revolving around kinship. Note that each community or group of communities has responded and is responding in its own ways to being infiltrated by capitalism, ways in which it accepts or resists such influences or uses them for its own purposes (LiPuma 1995).

Through this still continuing process of change and rearticulation of systems, commoditisation of certain elements of Papua New Guinea culture and environments has gradually emerged, elements to which in the past no specific or direct value was ascribed since they were always available and accessible for use.

Forest resources are a case in point. In most Papua New Guinea societies, it is only economic trees (for example, breadfruit trees, nut trees such as *Canarium* and *Terminalia* spp., canoe trees, betelnut palms, pandanus) which are owned by individuals. They plant and look after them and also have the right to pass the ownership of them on to particular persons on their death. Heavily forested areas will fall within the territory of a particular group, usually a clan, although people from other groups in the community may, with permission, hunt or garden or collect wild foods or housing materials or other products from these areas.

There was never a reason in the pre-colonial past for forest areas to become commoditised and they were not seen from this point of view during most of

the colonial period; they were basically a 'common good', a common resource, with rights to specific economic trees owned by individuals, but the remainder of the forest accessible to everyone holding direct or temporary usage rights. As the country of Papua New Guinea became increasingly drawn into the world economy, and external values were placed on timber species. Resource owners increasingly became targeted by foreign interests seeking access to these resources, whilst being undermined by entrepreneurial local and national interests wanting to arrange such access for outside exploitation for personal gain.

Papua New Guinea tropical timber species have become increasingly sought after on world markets as export restrictions, or total log export bans, have progressively come into force in other timber producing countries to the north. Early logging activities during colonial administrations required loggers to leave in place tree species which were listed on a schedule attached to the logging agreement, these usually being the economic trees in terms of subsistence in an area. Loggers who breached this aspect of the agreement were required to compensate tree owners according to a scale of compensation values fixed by the Valuer General, and this practice continues today (although on the official scale of compensation, values remain very low).

Discussion

The data above have set out a number of aspects showing how the forestry sector has developed and changed over the years and how it can serve as a particularly compelling case study of the progressive disengagement of rights from responsibilities,¹ both by the State and by local and national leaders (details of specific cases and examples have not been presented for cautionary reasons).

Policy reform and the implementation of new procedures and measures set out in the 1991 Forestry Act, which were intended to bring about more State control of the sector (Holzknecht 1995a and b) are now gradually having this effect. However, it must be clearly understood that these reforms are in reality so far having little broad impact on the ground, since the Act also exempted all existing logging projects from adopting the reforms—the new legislative requirements apply only to new projects. In addition, the new forest policy as a whole suffers from being directed almost entirely towards large scale commercial logging operations, ignoring the whole range of forest values and forest uses for societies which by and large are still maintained by subsistence agriculture and the regular use of a very wide range of forest derived products.

Also of concern is that government policy makers and implementers still have not understood the ramifications of the constitutional endorsement of and support for customary resource tenure and use systems whereby control lies in private hands. This cannot be changed by legislation at this stage in Papua New Guinea's history. A particular implication of resource management remaining under resource owners' control is that more information and unbiased advice has to be made available on a regular basis to customary resource owners. A re-empowerment movement needs to be implemented, if not by the Government, then by non-government organisations and resource owner representatives themselves (which could also have a number of quite dramatic and long term effects). Current practices and approaches to resource exploitation in Papua New Guinea (not just in forestry but also in sectors such as agriculture, fisheries and the management of water resources) are not acceptable to the majority of resource owners who have been duped, manipulated and lied to by their own leaders for personal gain—wealth, power and influence—and to aid foreign resource exploiters.

There have been only two major changes in thought and approach in the forestry sector. The first stems from a legislative commitment to pursue sustainable development and sustained yield management of forest resources. What exactly this means in practice has not yet been properly operationalised. Some consequences of this commitment include that new (or revamped old) projects will need to be much larger in area in order for an adequate cutting cycle to allow natural regeneration to take place. This means that disparate groups of resource owners will have to be able to work together in the same framework agreement for a project, introducing heightened possibilities for friction and dispute.

The second group of changes relate to the proposals for more active involvement of resource owners. This is to be achieved through targeted awareness programmes and by implementation of the Forestry Act's preference for resource owners to be organised through the procedures set out in the Land Groups Incorporation Act 1974. The procedures set out in this innovative and much neglected legislation formally identify customary social units (e.g. the clan) which control access to customary land and other resources; the Act gives this unit recognition and standing under modern Papua New Guinea law, subject to certain conditions pertaining to incorporation, registration and operation (Holzknecht 1995a, 1996; Holzknecht (ed.) 1995).

Neither the Forestry Act of 1991 nor any of the other resource-related Acts of the National Parliament attempt to recreate the previous traditional linkage between rights and responsibilities. This linkage is necessary precisely because of the nexus between action and consequence in customary belief and practice,

which applies in many respects up to the present, and the specific recognition of such custom and practice by the State through the National Constitution (Donigi 1994).

Does the disregard for this linkage and nexus, and its regular flouting, constitute accidental or premeditated negligence on the part of the State and on the part of Papua New Guinea's local and national leaders? What kind of redress do resource owners have, either as individuals or as groups, if actions taken by the State or by particular individuals (from outside or within these communities) infringe, or even ignore, the customary rights of others?

These are particularly pertinent questions if individuals or groups have not been party to negotiations establishing a resource exploitation regime, or if they have been opposed to it all along. If a part of the community, for whatever reasons, opposed a proposed logging project, why was it not able to put a stop to the project? What happens to community members who lose their resource birthright through no fault of their own and for no benefit of any kind?

This chapter is not the place to answer such questions. My purpose here has been to present data relating to the conjunction and disjunction between rights and responsibilities, mainly in a forestry context (although wider social, political and economic issues in development clearly loom behind this narrow context) and to tease out some of the connections between actors and developments which have taken place. These disjunctions in reality highlight themselves, yet plans have proceeded regardlessly and have been implemented, usually with very widespread social, environmental and economic disruption following hard on the heels of project activities.

The questions remain to be asked again and again. Does only one side of the coin I have been describing have value? Is only one side of the coin legal tender? Can the two sides of the coin, representing community involvement in and control of its own natural resources for the benefit of the community as a whole, compete with the individualism, power, influence and self-centeredness, represented by only one side of the coin?

Note

- 1 Some aspects of these developments have interesting resonances both with the 'enclosures of the commons' (which began around the 15th century in England, continuing well into Tudor times) and with the takeover by the Teutonic knights of the Baltic timber and fishing trade (around the 13th to 15th centuries), and with the consequences of some of these and related series of historical events (also, for example, Hardin 1968, McCay and Acheson 1987, Ostrom 1990).

CHAPTER SIX

CHEQUES AND BALANCES: COMPENSATION AND MINING IN PAPUA NEW GUINEA

Richard Jackson

Compensation issues are of daily and immense practical significance in Papua New Guinea. The breakdown of compensation arrangements on Bougainville almost brought the whole country to its knees whilst recent court action against Ok Tedi Mining Limited (OTML), if successful, will have enormous repercussions not merely for the north Fly area but for the national economy as a whole. In this chapter I wish, however, to focus on some of the underlying intellectual issues involved in 'compensation for resource development' and leave it to others to work out better practical arrangements.

I believe that three concepts need to receive rather basic consideration before any ongoing, satisfactory compensatory systems can be put in place:

- What is the purpose of compensation?
- What and to whom, at different moments in time, is a resource worth?
- The art of mining; note that I believe that mineral exploration (and exploitation to a lesser degree) is very much more of an art than a precise, technology-based science than is commonly believed.

My basic point is that the values assigned to resources themselves change their nature over time relative to different interest groups. They can never be universally defined at any one moment in time for any set of different interest groups. Over time their definition becomes an impossibility. Thus compensation for resource loss cannot itself be fixed as in, for example, a Valuer General's handbook of kina values.

I shall try, in this chapter, to examine some aspects of the changing concept of compensation in Papua New Guinea; to highlight, with the use of Papua New Guinea examples, the ways in which resources change in value over time; and to show how the inexactitude of mineral exploration makes it virtually inevitable that any pre-mining agreements on compensation must always remain open to renegotiation.

Key issues

Compensation: bringing back balance

Over the years I have come to be extremely harsh with any of my students who, at the start of an essay, insist on defining the terms in their subject title (usually with the help of a grossly oversimplified dictionary). But here I wish to commit that same sin deliberately, and possibly more appropriately, since legal draftspersons, above all other writers, always start off any Act or Statute with a long list of precise definitions (which, incidentally, worry me; how can precisely defined laws serve imprecisely behaving humans?). 'Compensation' in its original, and continuing underlying, sense means 'to bring matters back into a (previously assumed) balance'. In the mechanical world it meant, amongst other things, the additional of weights on either side of a fulcrum or to the motor device of a clock (the pendulum) so as to achieve a new or restored balance.

In social terms this mechanical definition retains, I think, great usefulness even if it is not a perfect analogy. Melanesian societies have long used carefully calculated levels of compensation as a means of maintaining (or restoring) social and political balance in, and between, societies. Such compensation did not always succeed in its objective. There is ample evidence of theft of land, wars of extermination and outright invasion which no amount of compensation could prevent (or rectify) amongst Melanesians, even before the great colonial and neo-colonial land and resources grab. Moreover, even discounting the many cases where compensatory mechanisms were rendered entirely ineffective, it is axiomatic that even when such mechanisms did create relative harmony they did not always *restore* the previously existing situation, since if that had been the case how could any form of social change have occurred? Thus, it seems to be futile to expect compensation to act as a complete restorative; even in pre-colonial society it appears to have acted as a brake on too rapid a process of change, even though in day-to-day affairs it worked remarkably well as a means of retaining social cohesion.

In some ways, changing socio-political circumstances, brought about by the intrusion of non-Melanesian forces into Papua New Guinea, have been grappled with by modern Melanesians so as to incorporate new forms and methods into pre-existing compensation processes. A colourful, if fairly trivial, example might be the poles to which paper money is now pinned as an integral (and decorative) part of many peoples' brideprice (or 'compensation for loss of labour and reproduction') ceremonies.

However, the 'pendulum' analogy is also inadequate for several reasons. First, because adaption to socio-political circumstances, in *all* societies, is

always slower than the rate of change in those circumstances themselves. For example, most nations which have deregulated their financial markets, thus allowing capital to move instantaneously and freely around the world, still act as if their political leaders 'controlled' a closed off national economy. In a completely different area, demographic change usually leaves social custom in its wake. For example, as medical services improve so the life expectancy of women increases faster than that of men, and women begin to outnumber men in the population. Yet marriage patterns (including male polygamy and males marrying females younger than themselves) and the role of women in society continue to reflect an era when demographic circumstances were quite different. In those areas of Papua New Guinea most affected by mining developments, objective economic changes have been so rapid and so large that it is not surprising that even dynamic 'traditional' values have not been able to digest such changes within pre-existing sets of behavioural codes. Mining is tending to force the pace of social change at a rate which is unacceptable to many communities.

A second reason why the 'pendulum' analogy is inadequate arises out of the fact that for compensation to work, just as in any sort of trade, a set of equivalent values have to be agreed upon between parties involved in any situation generating the need for compensation. Such a set of equivalents is extremely difficult to establish if one party's values are principally associated with use and the other's are those of exchange. 'Use values', in simplified terms, are the values put on objects, skills, behaviour which are consumable ('used') by their creator/producer; 'exchange values' are those values put on objects, skills, behaviour which, whilst of no direct use to the producer, can be exchanged, bartered or, most frequently, sold to others who *do* have a direct use for them. The process of exchange then provides the producers with the wherewithal (usually cash) to obtain goods which are of direct use to them. Obviously, as global trade expands so exchange values have spread at the expense of use values. Subsistence or semi-subsistence societies are, by definition, dominated by use values; the commercial world deals only in exchange values.

The situation is complicated by the fact that in almost all Melanesian societies many items 'cannot' have an exchange value—and land is the most obvious of these—even inside a particular society. User rights may, and often are, exchanged or granted much to the confusion of outside anthropologists or geographers or employees of mining companies trying to work out to whom any set of rights over one parcel of land belong. But such systems cannot easily, or sometimes *ever*, absorb the idea of 'everything has a money price' which is

the hallmark of global capitalist society. Mineral exploitation poses especially severe conflicts in compensation because it brings together what are often extremes of use and exchange values. Because many mines are located in what were, previous to operations, extremely remote areas they are often, therefore, impacting on societies with limited knowledge of commercial practices, immobile use values and very limited markets. By contrast the companies operate on a global scale in which their product and input process vary only marginally from one part of the world to any other at any one moment in time.

Under such circumstances anything resembling the pre-mining balance cannot possibly be achieved by any form of compensation. Even if operations were closed instantly and restoration work then thoroughly undertaken, the shock of new knowledge to prior socio-political systems could never be removed. In such circumstances therefore, if compensation is taken to mean restoring a previous balance then it is hardly conceivable that it could occur. Even if it means creating a new balance then such a balance must entail trauma, for the pre-existing system, in many areas, will have been rendered invalid by the incoming operations and it will always take years or generations for that socio-political adjustment to be made.¹

In short, therefore, I remain pessimistic that, in the face of the massive changes wrought by modern mining investment in areas of, at best, semi-subsistence societies, compensation can do anything to restore a pre-existing balance—even if any such balance in fact existed. The best it can hope to do is create a new, mutually acceptable balance.

The fact that mutually intelligible value equivalences so rarely exist between villages and mine operators also means that where attempts are made by one side in the argument to accommodate the values of the other within its thinking, those attempts often result in what are seen as grotesque demands by the opposing party. The Bougainville Revolutionary Army (BRA) demanded of Bougainville Copper Limited (BCL) more compensation than the total value of the copper mine's production throughout its life, for example. To BCL this was entirely grotesque. But to the BRA, BCL's activities over the years had been equally grotesque.

Slippery resources

The situation is not made any easier when it is remembered that not only is any attribute, thing, product or other resource not universally accepted by all societies at any one moment in time, but that what is a resource now (to any one society) may not be a resource in future. There are many reasons for rapid

changes in resource evaluation and these will be examined shortly. However, before that I wish to give a local, rather dramatic set of examples and to make a general point.

The first example, of mineral interest, concerns the quarries of stone prized for the making of axes in the highlands area of Papua New Guinea in pre-contact times. Hughes (1977) showed how these limited supply points of a high value commodity, often situated in, what are today, remote locations became focal points of trade routes and all the socio-political paraphernalia which accompany trade. The landholders of such areas who controlled such resources were sought-after individuals—marriages were arranged so as to give outsiders privileged access to the axe stones. Of what value is the previously highly valued resource today? A second, much more speculative example may be of interest: how do we know that gold, for example, will be a highly prized metal in future? There is no particularly essential use for gold and certainly no rationale to justify its current price. Gold is valuable not because it is useful but because people believe it is valuable. What if, tomorrow morning, the world woke up and collectively decided that the price of gold should reflect its actual use? Almost every gold mine in the world would close down since gold, to all intents, would no longer be a resource. A third, real example: exactly what are the copper/gold resources of Ok Tedi? No one knows, for reasons to be discussed below; what is certain is that in 1979 the mine's feasibility study suggested that the total mineable gold content of Ok Tedi was 11.2 million troy ounces and there were 2.76 million tonnes of mineable copper. At the end of 1989, after six years of mining, there were estimated to be 11.0 million troy ounces of gold and 3.7 million tonnes of mineable copper at Ok Tedi. Ok Tedi's resources had actually increased with mining. Exactly why is an issue we will address shortly.

These examples raise the general issue: if compensation is to be paid for mineral resource extraction, but what is or is not a resource can fluctuate so wildly, how can any forecasts of compensation ever be made or levels of future compensation negotiated with any certainty?

Let us briefly run through some of the things which can cause variations in resource values. Essentially the three broad, interlocking influences are: social values, technology and world prices. That changes in social values alone can render what was a valuable resource valueless can clearly be illustrated in many areas of Australia where bans on the extraction of minerals and other previous resources from areas determined by society in general to be worthy of preservation for environmental reasons, have rendered such minerals worthless. Coincidentally, such changes in social values in Australia have caused the value of, for example, Ghana's mineral resources to be upgraded. This is because

several smaller Australian mining companies, seeing their future threatened by ecological preservation orders at home, have shifted their activities overseas and many have moved to Ghana to sites previously considered worked out and worthless. Two general points arise out of this which I think are rarely if ever considered seriously: if society should be paid compensation when a resource is extracted, should a potential or resident 'extractor' be paid compensation when their resource is rendered valueless by social action? Or, if an 'extractor' through its activities gives value to what was previously considered worthless by a society, what, if any, compensation should the 'extractor' have to pay to that society?

One reason why Australian mining companies have found Ghana's mineral resources attractive,² aside from reduced environmentalist pressure, was that whilst Ghana has been a major mining area for hundreds, even thousands, of years its mining was based, since 1880, on deep shaft underground mining whose products, rather crudely extracted, generated large quantities of tailings.³ Fifty years ago extraction technology meant that only ores with high metal content could be considered useful resources. So, for example, ores with less than 5 per cent copper content, especially if not in easily accessible locations, would be ignored. The technology of extraction has today progressed to the point where Ok Tedi went ahead in 1983 under the assumption that its average copper content (or 'grade') was a mere 0.67 per cent—and in one of the (then) remotest locations in the world. Australian companies in Ghana today are not interested in deep mining but in opencast surface extraction of low grade ores or the reworking of tailings from previous mining eras. Technology has made a resource of what was earlier societies' 'waste' product. This, by the way, is a reason why, quite aside from any environmental considerations, it is highly desirable that all mining operations retain tailings 'waste' rock as close to site as possible. It was an argument forcefully put by Pintz (1984) in the Ok Tedi case.

However, while improved technology means that what was 'waste' (unusable) has now become a resource (useable) in the global market place and whilst things which were not resources in earlier years, because the technology to make them useful did not exist, now have become resources, the advance of technology also means that vastly larger quantities of waste and tailings are now being produced. In mining—as I suspect is true in almost all modern commercial activities—the problem is *not* that resources are running out; technology is creating new ones all the time. The real problem is how to dispose of greatly increased volumes of waste. Whilst human ingenuity has consistently shown itself capable of avoiding a Malthusian resources/population crisis, it has not paid sufficient attention to the issue of waste disposal.

The art of exploration geology

A third problem for matters of compensation lies in the very nature of geological exploration. Many people outside the mining industry (and some within it) think that when a mining project actually starts production, after years of exploration, the mining company knows accurately what minerals are in the ground and where they are. If this were so then it would be entirely reasonable to assume that, since the extent of the resource was known, the main problem in assessing how much of its value should be devoted to compensation would rest in factors considered above, that is, fluctuations over time in the resource's monetary worth. Unfortunately, this assumption, held by many, is not valid: when a mining project starts operations, exploration has only discovered the roughest outlines of the ore body. The degree of accuracy of geological knowledge prior to mining does vary with the type of ore body—one which has high value concentrations in small spaces, if hit by a drill hole, will be more known than one with diffuse distribution and patches of higher grade ore. Nevertheless, in almost *no* mining project is the quality of ore known before mining commences.

This raises at least three questions:

- Why does the company not know more beforehand?
- How on earth does the company know whether to proceed?
- What effect does this inaccuracy of prior knowledge have on companies?

The process whereby an orebody is 'proved' appears at first sight to be extremely sophisticated. Certainly it utilises high-tech methods. However, essentially its methods are simple. In the early phases of exploration samples of soil and stream water are taken. If analysis of these shows interesting results then more detailed sampling of the geochemical and geophysical characteristics of the area both by ground survey and remote sensing (by satellite or air photography) usually follows. If these surveys also show interesting results, the exploration geologist may then bring in drilling equipment and take rock core samples, to 200 or 300 metre depths, at a couple of locations. If these, in turn, are 'interesting' the exploration geologist hands over to a project geologist. The former wanders off into the bush (exploration geologists are wild creatures) to start again on soil and stream samples in a new area. The project geologist then maps out a series of drill holes in a grid arrangement. Each drill hole, usually, is located at one corner of a square with 320 metre (say) sides.

Thus each drill sample is 320 metres from the next. The drill core itself abstracts from the earth a tubular section of rock whose diameter may be 5 centimetres or so and whose length depends upon the project geologist's guess as to how deep the best ores are located. The key factor, for the purposes of the

present argument, is that the diameter of the core is 5cm and thus it has a surface area of $3.14 \times (2.5)^2$ (Pr²) or around 20 square centimetres. Remembering that the drill holes are 320 metres apart, this represents a sample of 20 square centimetres of an area of 32,000 x 32,000 square centimetres or of 1 in 50 million. This is an incredibly tiny sample: imagine a political pollster using such a sample size to forecast an election result.

Of course, if this drilling is 'interesting' it is also possible that a denser grid of drill holes is established. However, it is very unusual for such a grid to have holes closer than 20 metres apart over a significant area. A 20 metre grid would give a sample of 1 in 200,000. Even though this information is by no means all that the project geologist has to go on, it still means that the interpretation of the nature of an orebody prior to its mining is in many ways more of an art, depending on the experience and intelligent guesswork of the project geologist, than it is a true science where all is exactly known.⁴ The orebody is only known very crudely when the decision to mine is taken. It is the job of the mining geologist to keep on exploring within the site once the operations have started.

How then does a mining company take the decision to proceed? With difficulty and caution, is the answer. Though others may be cynical, the cry of the miners that theirs is a risky business is still correct. Whilst politicians, landowners and environmentalists want firm guarantees that this or that will definitely happen, or not happen, the miners are faced with fundamental uncertainty. Levels of taxation, royalties or compensation agreed to before mining commences are almost certain to be revealed as too generous or inadequate as operations progress. Almost everyone seems to be agreed that the earliest Bougainville mining agreement turned out to be too generous to the company. One doesn't hear many people arguing that the early Ok Tedi packages were too hard on OTML; but I think a rather good case could be made for arguing that they were too generous to the Fly River Provincial Government, especially when one considers what others have gained (or not gained) from the project.

The effect of this uncertainty on mining companies interests me. Companies, in coming to agreements, are understandably conservative; they do not wish to commit themselves to large outgoings when the size of their resource is so vague. This can make them appear stingy at best and, if the project turns out to have better resources than was at first thought, duplicitous at worst. More interesting, however, is that one might have thought that such companies would aim to get contracts with governments which were flexible, allowing for renegotiation at regular intervals for particular clauses, if not the whole agreement, so as to allow for re-evaluations of the resource. This does not

appear to be the case in Papua New Guinea where many agreements, especially those on compensation, have locked companies into a contractual cage in which, it seems, they are quite happy to stay.

Compensation as an indicator of strength in governance

A feature of mining ventures in almost all parts of the world is that they are located, very frequently, in remote areas. Unlike many other businesses which can disappear into virtual anonymity in capital cities, mining companies are usually the dominant, if not the only business in their region of operations. It is absolutely essential to the success of mining operations in such locations that they get on well with local people who will be their day-to-day neighbours throughout the life of the project. It is no use having a sealed agreement with a government hundreds of miles away, whose agencies in the mining area are weak or absent and whose implementation powers are nugatory by comparison with the pressures local organisations are able to bring to bear.

Events at Mt Kare and Bougainville in Papua New Guinea in recent years show just how false is the notion that local people are powerless and mining companies all powerful when their interests conflict. These events, and many more less dramatic ones, also indicate how feeble the National Government really is in terms of brute imposition of its political will or, alternatively, how weakly developed that political will is in the first place. This is a harsh thing to say but, in spite of the overt and indeed brutal force exerted by Papua New Guinea to partially recapture Bougainville, it is accurate in its basic assumptions. In essence, local communities demand and government, to greater or lesser degree, accedes in all areas where large mines operate for the simple reason that government needs, or believes it needs, the miners more than local people do. In the early 1980s, Mr Isidore Kaseng, then a North Fly activist—later Premier of Western Province—used to point out, with great effect, that he could easily keep on eating sago if Ok Tedi didn't go ahead, but Port Moresby could not. There is always, it seems to me an 'Isidore Kaseng' in every mining project because there is always this imbalance in need.

What does differ is the ability of central government to exert the physical control necessary for its needs to be met. In Ghana, a military dictatorship redrafted the country's mining laws a decade ago. In doing so they eliminated the right of local chiefs ('stools') to receive royalty payments—a right that had always before been present in such laws. But Ghana's newspapers were not, thereafter, filled with threats from local Isidores to close this or that, for the simple reason that their capacity to object was muzzled by the law makers'

ability to muster physical force on its side—and have society accept its ‘right’ to so impose its laws. In the redrafting of Ghana’s laws no specific levels of compensation were mentioned (at least, not in 1991); these were left for individual operations to arrange. In one instance, that of a nationally owned diamond mine, the devaluation of the *cedi* and the lack of any revision of decades-old compensation schedules, meant that the owner of a mature orange tree uprooted by the miners (and since the mine is operated by scraping off large areas of alluvial gravel many such trees were being removed) would receive one-fortieth of one US cent in compensation for the destruction of each tree. Yet the diamond mining areas did not secede from Ghana (however much they might have disliked this situation). This, of course, is not held up as an example for Papua New Guinea to follow. In fact even in states with very much more central authority than Papua New Guinea (but less than in Ghana) governments often have great difficulty in implementing their part of bargains made with investing mining companies; the Philippines for example, finds its agreements difficult to implement on the ground partly because lack of funds seriously impedes its regional or provincial officers from carrying out the functions assigned to them under such agreements. So Papua New Guinea is far from being alone in its government’s seeming inability to enforce negotiated agreements.

So what...?

So, then, what processes can be put in place to improve what many feel are anarchic compensation conditions in Papua New Guinea? In some ways experience has led to several steps forward already. For example, the development forum concept introduced by the Namaliu Government seems to have had several advantages, principally that of making sure that local and provincial leaders and their views are embedded in the negotiation process prior to development. This, it seems to me, relates to one essential principle for any compensation process which inevitably arises out of the political geography of mining in Papua New Guinea: given the day-to-day relationships between mining companies and local people, the latter must be part of the negotiation process from exploration onwards. This is not radical nor even liberal; it makes good business sense since it is evident that in Papua New Guinea a mine will be less than optimally profitable if local people’s needs are not addressed and their satisfaction assured.

A second principle, which is, I believe, equally in the interests of all parties, is that compensation must be site specific. That is, since quite different values are put on the landscape and environmental products in different parts of Papua

New Guinea so too the monetary compensation awarded should vary. Eventually this 'use value compensation' will evolve into a regular exchange value compensation but in the first years of a new mining venture compensation payments must be tied to local usage.

A third principle I would support is that of flexibility in the form of agreement review (as far as compensation is concerned) on a biennial basis—with the proviso that compensation levels could fall, as well as rise, as a result of such a review.

A final principle might be that compensation should be aimed at specific targets, for example, that it should be adequate to bring the provision of infrastructure (health, education, power, water supply provision etc.) up to a given level. Such a level should be relative to the rest of Papua New Guinea. It is clear to me, at least, that the very idea of compensation for mining in Papua New Guinea is not aimed at bringing back into balance old relationships but at developing new ones. It is very important that those new relationships be carefully considered as part of the mine planning process.

Notes

- 1 On the lighter and brighter side, one might note that when Placer Pacific was making its plans for the Porgera operation in 1986 local residents, with the help of inside information, frequently planted 'compensation gardens' where none had been before on land they knew was the likely site of infrastructure for the mine's development. Thus, the balance is not inevitably tilted in one direction.
- 2 Interestingly, there is a direct connection between the Papua New Guinea and Ghanaian mining industries in their legal aspects. Akilagpa Sawyer, previously Professor of Law at the University of Papua New Guinea, had a major role, on his return to Ghana around 1985, in the re-development of Ghana's mining laws. These bear a striking resemblance to Papua New Guinea's laws in this area.
- 3 'Tailings' are the product left after all the metal that can be, has been extracted. 'Waste' is that material at a mine site which is not processed because its mineral content is considered too low to make such processing worthwhile, but which must be mined if the processable ore is to be accessed.
- 4 A well-known mining industry joke goes as follows: The Board of Directors of a mining company had a dispute about what 2 x 2 came out as. So they called in the drilling supervisor and asked him. His reply was, 'Why ask me? I didn't go to university like all the geologists'. So the geologist was called and he responded, after a lot of thought and sketches with coloured pencils, 'It's somewhere between 2½ and 5½. (The story goes on that the mining engineer thought the answer was 3.978999 and that when the geophysicist was asked he locked all the doors, closed the curtains and whispered to the Board members, 'What would you like it to be?').)

CHAPTER SEVEN

THE PRINCIPLES OF COMPENSATION IN THE MINING INDUSTRY

John Burton

The purpose of this chapter is to cover the basic elements of compensation in relation to the mining and petroleum industry in Papua New Guinea, a subject that has spawned a surprisingly thin literature since 1990, which can be taken as both the end of the 'old' era when it was finally realised that Bougainville would be shut for some time, and the start of a 'new' one, with production starting at Porgera, the first of several major projects to get underway since the construction of Ok Tedi in the early 1980s.

Interests of previous writers

A review of compensation issues at the end of the 'old' era was that of Togolo (1989a and b); his emphasis was on revenue sharing arrangements and on matters of provincial policy; he was himself a provincial planner. In retrospect, Togolo's work can be read with a fair amount of nostalgia, for it concerns an institution in Bougainville—the provincial government—most notable at other projects as a non-participant and an irrelevance, and at worst an argumentative thief (see below).

Another author of the same period was Corren (1989) who, as an employee of Bougainville Copper Limited (BCL), was a co-recipient of the April 1988 Ona-Serero letter which demanded K10 billion compensation for the damage caused by the Panguna mine in Bougainville, and its translator into English. It was his view (1989:22) that 'the demands appeared to have been bolstered by an environmental study conducted by Applied Geology Associates of New Zealand...the report was sympathetic in many ways to the Landowners and called for increased compensation'. In other words, Corren believed that impact studies could essentially 'create' landowner demands for compensation (he

was certainly not alone within the industry). A companion view to this, which I mention later, is that greed among landowners is blamed by some for causing a breakdown in community cohesion; I hope to dispel this.

A good deal of literature has arisen out of the Bougainville crisis itself (for example, May and Spriggs 1990), but only recently have speakers at seminars begun to focus on the detailed implications of Filer's (1990a) contention that village societies are not easily able to redistribute new forms of wealth, and that this failure continues to disillusionment and social breakdown. Indeed, one writer has fought so vigorously against this point of view that vital parts of the debate have been in danger of sinking without trace (Griffin 1990). However, Filer's proposition now seems much better established than it did after he first presented it and it is now time to turn to what prescriptions might be offered for the future.

Compensation: the details

Compensation is a broad topic and, as will be seen, has a narrower than usual meaning in relation to the *Papua New Guinea Mining Act*. However, I am concerned here with compensation in its overall sense, that is, payment by way of a fixed rental of land under traditional ownership, for the sharing of profits, if any, with landowners, and lastly (the narrow meaning) payment as means of recompensing landowners for the loss or the alteration of the natural state of their land.

In general, mining lease agreements cover land used for mining, but in practice there are also impacts outside the various kinds of mine leases. It will be seen that there is no discernible difference in approach between compensation dealings within a lease and outside one, say in the case of a pipeline leaking outside its easement or some unexpected bush impact at a distance from a set of mine leases.

A thornier problem is how to relate to claims from people who are neither the owners of land within leases ('the landowners') nor of impacted land, livestock or property outside leases. It might be said that these 'political' claims have no standing, but evidently some consideration must be made because provincial governments in Papua New Guinea have historically laid claim to up to 95 per cent of royalty payments earned off land in customary ownership. Thus, if provincial governments can do this, why not community governments, or even non-governmental progress associations? Does the power to do this reside only with the State and, if so, which particular manifestation of the State?

The law

Early mining in Papua New Guinea, discussed by Nelson (1976) and Davies (1992), took place with scant reference to landowner interests. It is extraordinary to us today that when the technical manner in which the Edie Creek leases were pegged was referred to a Royal Commission, no mention whatsoever was made of native ownership (Commonwealth of Australia 1927). But in Papua, at least, legislation mentioning compensation for landowners (Nelson 1976:Tables 1 and 14) dates to the *Mining Ordinance of 1907*, which

...required any person about to mine on land 'owned and occupied by natives' to inform the warden, who assessed the probable damage, collected the money and held it for later payment to the owners of the land. The warden was to prevent any mining likely to cause 'substantial damage' until the owners of the land and property gave their consent (Nelson 1976:Table 1).

These provisions were incorporated in New Guinea legislation in 1922 and 1928 and, in more specific form, are essentially the basis of Part VII of the *Mining Act 1992*, 'Compensation to landholders'.

The key section is 154, 'Principles of Compensation'. Subsection (2) contains the description of what may amount to a complaint:

...landowners are entitled [to] compensation for

- (a) being deprived of the possession or use of the natural surface of the land;
- (b) damage to the natural surface of the land;
- (c) severance of the land or any part thereof from other land held by the landholder;
- (d) any loss or restriction of a right of way, easement or other right;
- (e) the loss of, or damage to, improvements;
- (f) in the case of land under cultivation, loss of earnings;
- (g) disruption of agricultural activities on the land; and
- (h) social disruption.

Subsection (6) adds land outside leases:

Where any land or improvements, adjoining or in the vicinity of the land the subject of a tenement, is or are injured or depreciated in value by the exploration or mining of the tenement, the landholders of that land are entitled to compensation for all loss and damage sustained...

One mine and its leases, Ok Tedi, has its own legislation in the form of the various *Mining (Ok Tedi Agreement) Acts*. It may be that specific provisions may apply over and above Subsection (2), but where a situation is not covered, Subsection (2) will apply (or the similar wording in use prior to the 1992 Act). *The Sixth Supplementary Agreement* at Ok Tedi steps outside the leases to

deal with impacts on the river system below them, but there is no difficulty in arguing that responses to any circumstances not foreseen by this agreement, or interpretations of parts of it, should follow and be consistent with the principles expressed in Subsection (6).

A fallback for aggrieved landholders, in the unlikely event of a failure to interpret damage outside leases as covered by Subsection (6) would be to bring a complaint in the civil courts on the grounds of a simple wrong being done. However, this would certainly be against the spirit of the Mining Act, which calls firstly for an agreement to be arrived at by the tenement holder and the landholders or, failing that, the Mining Act's prescription that the mining warden decide what level of compensation is appropriate. As a last resort, the parties may lodge an appeal with the High Court.¹

This means that the first principle of compensation at and around mines is that it is a matter for negotiation, though within the confines of what the Mining Act allows landholders to claim for.

Unfortunately, legislation does not set out the procedures to be followed in evaluating a claim. Subsection (3) merely states:

Where applicable, compensation shall be determined with reference to the values for economic trees published by the Valuer General.

There is inconsistency here because the things mentioned earlier, the 'deprivation of the surface of the land', 'loss of earnings', 'loss of a right of way' and 'social disruption' are not things given compensation values by the Valuer General.

'Compensation' versus royalties

The Mining Act's discussion of compensation uses the narrow sense of the word, excluding royalties and occupation fees. However, practice in Australia and elsewhere makes it clear that the distinction is quite blurred in terms of the overall package. Royalties *can* be used as the principal means of compensation. Rates vary enormously (McGill and Crough 1986) from a top of 50 per cent of profits in a small mine on Indian land in North America—set in advance, this did not apparently deter the miner—to flat rate payments or lows in the 1–4 per cent of production range.

For example, North Flinders Mines entered an agreement with the Central Lands Council (Northern Territory) to pay A\$55,000 every six months, with a bonus if the price of gold stayed over A\$400 an ounce for the period, up to a maximum of 1.5 per cent of the value of production. An up-front payment was also made, but separate 'compensation' (as understood in Papua New Guinea) was not paid (Howitt 1991:124).

In the Ranger agreement, up-front monies of A\$1.3m were paid in stages, followed by royalties set at 4.25 per cent, the initial recipient being the Northern Land Council (Levitus 1991:156, 159).

At Argyle (Western Australia), CRA signed an agreement (the Glen Hill agreement) giving the traditional owners regular payments for the mine life in return for the dropping of opposition to continued mining and exploration. CRA did not term the payments 'royalties' but framed the package in terms of a 'good neighbour' policy (Dillon 1991).

It should be noted that the Papua New Guinea royalty rate of 1.25 per cent, pre-dating all of the above, set in relation to Panguna was adopted as the standard rate for other projects until 1995. The precise origin of the figure itself is unknown to me, but it seems to have been an arbitrary choice.² Landowners at all projects have now negotiated a larger cut of royalties than the 5 per cent (of the 1.25 per cent) then obtained, indicating that the fixed legislative distinction between 'compensation' and 'royalty' does not provide the latitude needed in practice for negotiating landowner packages. (In 1995, landowners at Lihir won a change in the rate to 2 per cent of production.)

Occupation fees as a part of 'compensation'

While royalties depend on the value of what is mined, occupation fees depend on the unimproved value of the project land. Consequently, occupation fees are probably best seen as one half of a two way bet; they guarantee an income even if the price or mill output fall below what was predicted. Also, as already seen, agreements typically reached in other countries may have a flat rate component and a production or profit related component.

The principle difficulty with occupation fees as paid in Papua New Guinea is that only ad hoc arrangements guide the valuation of project land. The fees have been set at extremely low rates in the past—starting with A\$1.00 an acre in Bougainville for prospecting in 1966 (Bedford and Mamak 1977:12) and only reaching K20 a hectare in 1989 (Papua New Guinea 1989b)—on the dubious assumption that 'unimproved' bush land has a very low value in monetary terms even if badly damaged or lost for good. Higher rates have been set since 1989.

The size of a lease and the density of settlement (or ownership) can affect the usefulness of an occupation fee independently of land valuation as a means of providing an equitable compensation package to landowners. A Special Mining Lease (SML) may be quite compact, as at Lihir (proposed at approximately 1,200 hectares), or displace very many people, as at Porgera (approximately 500 households were relocated). In these cases, the guaranteed income that occupation fees provide may be comparatively low even if the

occupation fees average K60 or more. It will be noted that the rates for occupation fees at Porgera do not form a part of the Porgera Agreements (Derkley 1989); they were arrived at later.

At Ok Tedi the combined SML and several Leases for Mining Purposes (LMPs) are about the same size as the whole of Lihir island, but have many fewer owners than the examples just used. In 1991, occupation fees amounted to nearly K650,000 and must have provided individual owners with incomes of over K550 a year and, logically, families with total incomes in the range of K2,000–K3,500. The predominant factor here is not particularly the land valuation, but the sheer size of the leases.

Alas, these basic comparative calculations do not seem to have been made within the industry in discussing agreements. Mine managements are from rival companies and, except in a few instances of individuals moving from one to another, have a natural tendency to stress the differences in their styles of negotiation. The 'miner's culture' is the ethic of exploration—they go it alone. It has to be said that this is rarely pulled up by the Papua New Guinea media who, not noted for their use of their own cuttings libraries and sound archives, invariably focus on one mine at a time.

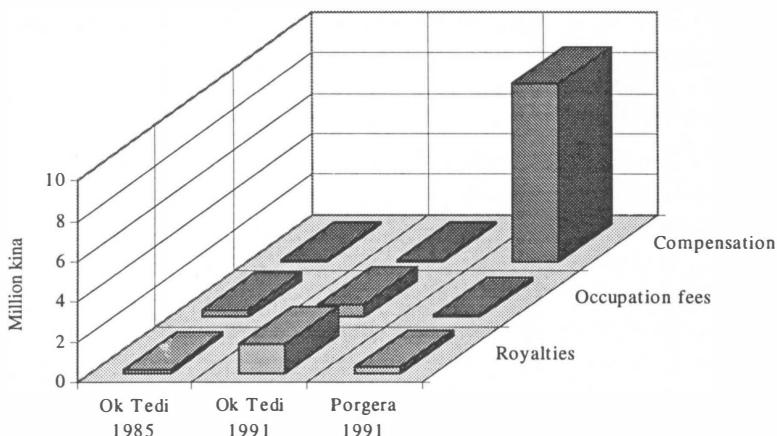
This tendency, and the physical differences I have just discussed, make it inevitable that what may be termed 'structural equality' has arisen between different agreement packages in terms of the contributions of different kinds of benefits. Figure 7.1 shows the value of the packages at Porgera in 1991 and at Ok Tedi as it was in 1985 and after a renegotiation in 1991.

Compensation for damage and loss

Whereas compensation for damages, loosely conceived, is a common enough topic covered in the national media, the matter of what actual procedures should be used for calculating compensation at resource projects has received very little attention by commentators. This is regrettable, because compensation payments dominated the package of benefits to the leaseholders at Porgera during the peak year of construction (Figure 7.1), whereas the public focus during the Namaliu and Wingti administrations was on quite different things: the issue of state ownership of sub-surface minerals and how much equity the government should buy or be given by project developers. Long after the end of construction at Porgera, compensation payments, then for dump leases, by far exceeded the contribution of royalties to landowner benefits.

The lack of debate on compensation procedures means that there is little guidance on how to interpret the legislation as it may apply to new or unexpected circumstances. As seen above, the Mining Act only mentions compensation for economic trees; it offers no help with 'social disruption' and the like.

Figure 7.1 Structural inequality between projects under different agreements and at different stages (n.b. Ok Tedi 1985 at constant 1992 kina)



Cases at Panguna

Bedford and Mamak (1977) give the fullest discussion of compensation matters on Bougainville. Between 1966 and 1969, at least 350 cases were heard in the Mining Warden's Court. In one example they give, the plaintiff won cash compensation for loss of crops, cash compensation to buy rations for 22 months while waiting for a new garden to grow, and restitution in the form of CRA Exploration (CRAE) agreeing to prepare a garden site (1977:31). However in *Benggong vs Bougainville Copper* a test case was argued up to the High Court of Australia. In his original determination, the mining warden arrived at a figure of A\$35 per tree based on an extended discussion of Martin Benngong's anticipated earnings from harvesting the cocoa. However, he then ordered the amount for his 110 trees to be paid over a period of 42 years, at A\$7.70 a month. BCL believed the warden to have exceeded his powers in doing this and initially won a reversal in the Supreme Court of Papua New Guinea. However Sir Garfield Barwick and three judges allowed an appeal by the Public Solicitor on behalf of the mining warden (Bedford and Mamak 1977: Appendices I.6, I.7).

Barwick's judgement was in relation to the mining warden's powers, not to an interpretation of the law concerning compensation *per se*. Nevertheless, the case had the practical effect of forcing BCL to negotiate higher rates of compensation for coconut (A\$15), and cocoa and coffee trees (A\$13.50).

By 1974, BCL had paid out about A\$1.8m in various kinds of compensation payments (but not including resettlement costs). Bedford and Mamak were able

to find payment records for A\$1.6 million. It is puzzling that they say this worked out at about A\$10,000 per person over the period 1968–74 (1977:57–8), but as this may have been *per claim on behalf of a group* it seems likely that individual receipts would have been much diluted after distribution at group level.³

Cases at Porgera

Compensation payments are well documented at Porgera, because the practice has been for company staff to carry out lands work on behalf of the government and write up all claims on Department of Lands letterhead, lodging copies for signature at the District Office in Porgera.

The amounts paid are higher than at other projects by a considerable margin. Banks (G. Banks 1993:12) located 619 payment records for 1992 and these ranged from K1.50 for an occupation fee in a remote part of the (high altitude bush) Waile Creek LMP to K520,000 for the loss of 40 hectares of forested land required for a waste dump. The twelve largest payments accounted for K1.5 million, which was more than half the total amount paid in that year. The peak year for compensation was 1991, with K8.77 million paid out, and the total paid to mid-November 1992 was K22,679,919 (Banks 1993:Table 6; F. Robinson pers. comm. 1994). By 1995, the payout on all claims had risen to K35 million (Banks 1996).

An examination of the K520,000 claim shows that 27 recipients signed for the money, with senior men receiving K10,000–K20,000 amounts, and other family members, K500–K4,000 amounts. In addition, K330,000 seems to have been disbursed in two cheques for group purposes. The survey plan and claim form clearly indicate ‘bush area’ and a size of 40 hectares paid at a rate of K13,000 per hectare (Department of Enga 1992a).

The Porgera Special Mining Lease is covered by a compensation agreement (Placer 1988; cf. Derkley 1989); the 2228 hectare SML is broken down into several usage categories: areas of nuisance only, cleared land, damaged land, and lost land. In the terminology of the agreement, progressive rates for ‘land compensation’ will apply for the life of the mine to each category, applied on top of a basic K5 per hectare ‘occupation fee’. (I will lump these together in discussion under ‘occupation fees’.) In the first year the inclusive rates were in the range K15–K60 per hectare.

This, of course, was separate from compensation for loss of economic crops, trees and improvements. According to Banks (1994:Table 4) 60 per cent of the SML was untouched by the mine up to 1993. But about 12 per cent (266 hectares) was lost completely. The typical rate of compensation paid for unimproved bush was K15,000 per hectare; where land was under active

cultivation and had many crops and improvements, the rate rose as high as K35,000 per hectare.

Compensation outside leases

As already discussed, the question of compensation outside leases ('tenements') is met by the Mining Act. The Act prescribes negotiation first, then recourse to the mining warden if agreement cannot be reached between company and landowners.

Clearly then, attention should focus on negotiations. Three principal matters would seem to arise:

- the question of damage to crops, economic trees and harvestable resources;
- the question of damage to bush and the surface of the land, considered as the environment which harbours the above;
- the question of whether benefits already provided by a mining company, e.g. the erection of classrooms or the allocation of money to public roads, should count towards the terms of an eventual settlement.

Crops, economic trees and harvestable resources

These things are generally classed as 'improvements' to the land, though there are some grey areas. Compensation is not hard to calculate where the losses can be quantified. An inventory of the damaged crops, economic trees and harvestable resources must be made and a scale of payments drawn up. However, when losses occur outside leases there are technical areas of difficulty. A notable problem is that, being outside the normal ambit of impact monitoring programmes, the evidence—the damaged crops, trees, river bank graves etc.—is quite likely to have disappeared by the time a company or government officer makes an investigation. For example, documents in the District Office at Tabubil show that complaints of damage to certain gardens in the Ningerum area occurred up to four years before the mining warden issued a judgment concerning them in 1992; all affected crops would long have perished when the warden began his deliberations.

In this case, a logical substitute for not being able to see the fresh damage at first hand would be to estimate the value of lost crops in a garden by valuing another garden of the same type, with crops growing in it, and to pay an average rate on the basis of area. At Ningerum in 1992 the mining warden adopted a figure of K270 per garden, a flat-rate figure that: (a) fails to specify a benchmark area in hectares for 'a garden'; and (b) does not distinguish between types of gardens containing crops or fruit trees of widely differing values. If the warden did not see the inequality in this, there is no doubt that villagers did, as on 8 August 1992, within three days of the payments, those

who were underpaid, or not paid at all, erected a roadblock on the Tabubil-Kiunga highway.

In my own work in the Ningerum area I discussed the value of flood damaged sweet potato gardens at a place within the Ningerum station boundaries (i.e. on government land) called Alice Farm:

In one part of the land that was not affected by the flood, 81 mounds were found in a 10 metre x 10 metre square. Nominally this is 8,100 mounds per hectare, but allowing for wasted space a realistic figure might be 5,000 mounds per hectare. The Valuer General's rate for matured sweet potato is K2.00 per mound, giving a value of K10,000 per hectare of mature crop. Another way of looking at it is to take a yield estimate of 15 tonnes per hectare. To be worth K10,000, this harvest would have to fetch a market price of 66 toea a kilo (Burton 1991:27).

My discussion postdated the Porgera compensation agreement (Placer 1988) but predated the availability of actual examples of the agreement in action, as discussed above, so I was forced to give a fairly lengthy justification (Burton 1991:27-8). But as the actual figures from Porgera show, my calculations were quite accurate for the value of crops on land as intensively gardened as Alice Farm was.

In relation to the mining warden's judgment, a modest sized garden might be 0.25 of a hectare (or 0.5 of an acre). A quarter hectare plot of sweet potato would be worth in the vicinity of K2,500. Another type of garden with other kinds of crops, typically taro and bananas in this area, would have a different worth. But it is still hard to imagine any kind of garden with a value as low as K270 if circumstances allowed the crops to be counted and the mining warden followed the Valuer General's rates properly, or if he had had sufficient experience and knowledge to carry out a similar exercise to the one I did in 1991.

The conclusion I draw is that the inexperience of the mining warden, the lack of training specifically in compensation matters, and weak (or non-existent) co-ordination between the mining warden and the project liaison officer (these are in different branches of the Department of Mining and Petroleum) at Ok Tedi was letting both village people and the project developer down. No advantage was to be gained from low and long delayed payments; on the contrary, poor attention to procedure in the Kilometre 96 area (of the Tabubil-Kiunga Highway) was the cause of a serious confrontation with landowners.

Cases at Panguna

The subject of compensation for loss of fish and for pollution in rivers adjacent to the Panguna project in Bougainville was first raised in the warden's court in 1970. The plaintiffs, a clan, wanted an annual payment for loss of fish in the Kawerong River because such a loss would be felt for as long as the river was

polluted, even by those not yet born as the resource was one 'held in trust for future generations'. Negotiations between the Public Solicitor and BCL hinged on how much fish was in the residents' diet, the expected price of tinned fish to replace it, etc.; a payment formula was arrived at and accepted in 1971, backdated to 1968 and with a review in 1973. A similar annual compensation agreement was reached for the Pinei River in 1974, backdated to 1970 and with provision for annual review (Bedford and Mamak 1977: Appendix I.10).

Compensation for damage to bush land was refused by CRAE after 1966. The company's legal adviser argued that 'natural growths' on the land were part of the 'unimproved value' and therefore could not be compensated for. But again, essentially following the principle that bush not actually in use by an individual for some more specific purpose belongs to future generations, arguments for bush compensation carried weight from 1971. A figure to apply was deferred until an occupation fee could be settled. When a preliminary valuation of A\$50 an acre was agreed upon, this was expressed as a fee over 40 years of A\$1.25 an acre, or A\$3.09 a hectare. (A final settlement was not reached for years after this.)

Cases at Porgera

Outside the leases (as they existed at that time), Sullivan et al. (1992) considered how a high sediment load and the red discolouration of the water in the Porgera and Lagaip rivers might be compensated. They recommended a Tailing Disposal Easement in the upper half of the Porgera River, with an annual lease payment. The purpose of the proposed easement was to allow access and monitoring as much as to help allay community fears of impact.

In arriving at this recommendation, Sullivan et al. cited Ok Tedi Mining's Lower Ok Tedi-Fly River Development Trust as a precedent with money being paid as replacement for the assessed average annual income of villagers prevented from gardening their land by the deposition of sediment. In point of fact, Sullivan et al. were in error here, as the stated reasons for payments of Village Development Fund (VDF) money by the Ok Tedi Trust did not include the term 'compensation'; the published data also show that the amounts given out are different by an order of magnitude to true mining compensation. In the end at Porgera, a modification of the recommendations was adopted, with a one-off payment of compensation being the main benefit, as I understand it (G. Banks, pers. comm. 1994).

Cases at Ok Tedi: natural versus artificial hazards

At Ok Tedi, the river system has also borne substantial mining impacts, similar to the case at Porgera of Maiapam Creek (below the Anawe plant site), the

Pongema/Porgera River it flows into, and the Lagaip River below that. Along the Ok Tedi, also known as the Alice, land used for gardening has been affected by over-bank flooding, tributary creeks have experienced a backwash of sediments and, in some cases, the pattern of islands and anabranches in the river has changed. Alice Farm, mentioned earlier, is one of the largest channel changes; a small creek I mapped as Ok Taviblad in 1991, on Ningerum Station land, has now become a main channel of the Alice here. Other changes of varying importance can be found the length of the Ok Tedi, beginning above Tabubil.

It might be reasoned that landslides (in this area the 1977 Ok Kam and the 1989 Vancouver Ridge failure are examples), natural erosion and natural channel migration happen frequently, that nature is capricious, and humans invest effort in areas subject to such changes only at high risk. However, this line of argument should be tempered with observation. For example, a cluster of islands in the Lower Ok Tedi have remained in a stable position for a minimum of 70 years, as we can see they were named and sketched in the present position by Leo Austen in 1922, and in reference to navigation in the Upper Fly, consultants ruled out 'channel avulsion' as a likely change (OTML 1988:36). Similarly, some villagers maintained cemeteries at certain points along the Ok Tedi (e.g. at Km 96, where claims for loss were met by the mining warden); it would be invidious to argue that they were reckless in their choice of burial ground.

The point here is that most arguments about causes and factors in unexpected environmental events/disruptions will be based on historical observations or sources we cannot select in advance (the evidence used in Blong 1982:chapters 10–14 exemplifies this). There are few absolutes in assessing the meaning of these observations (if there were, we would rarely be surprised by 'accidents'). For the mining industry, the policy implications are that a responsiveness to circumstances is essential and that better mechanisms need to be in place to allow timely negotiations to occur, following the precepts of Subsection (6) of the Mining Act, than are currently provided for. My arguments in the next section add to this.

An asymmetry of value: value without valuation

At several points the question of damage to bush, and what are sometimes called 'spontaneous growths', and damage to the surface of the land arises. There may be some doubt as to what resources to include in this. Are stands of sago not actually planted by a knowable person and 'spontaneous growths'? An interesting class is that of landscape features created or brought into their present state by culture heroes. The Kiomgwam sacred sago stand near Ningerum in the origin myth of the Awin Grupe clan is a case in point: the

myth says a night-hawk dropped a stone from its talons at this place and a woman called Suwe came out and founded the clan (Burton 1993a:90). At least three approaches would seem open: (a) to ignore any possible distinctions between different kinds of culture hero (e.g. semi-human, human, super-human, etc.) and treat all as human ancestors whose property and works can be inherited, (b) to ignore the culture heroes as legal identities and to consider the oral history which deals with them as a form of documentation of ownership or 'title deeds' for living people, or (c) where physically substantial enough, to treat culture hero sites under national cultural heritage, or even environmental, legislation (in practice the resources have never existed to do this).

Theoretically, a distinction could be made between 'spontaneous growths' on the surface of the land, such as the casuarina seedlings which are collected for replanting from the sandbanks of rivers in many parts of the highlands, and those whose harvest or manner of exploitation plays a role in their renewal. However, this would be invidious. Land theorists are unanimous in highlighting the importance in all indigenous tenurial systems of the trusteeship which owners are charged with to take care of their land and pass it on to their descendants in a form fit for the indefinite reproduction of their society. In Papua New Guinea, a legal pointer is the Kawerong River case where a resource 'held in trust for future generations' was compensated with annual payments, not in a once and for all settlement.

Sullivan et al. (1992) say that in the case of the intense colouration of the Porgera and Lagaip Rivers, 'there is no actual monetary value of the amenity lost through the tailing discharge'. This is true in the sense of a sale or rental valuation, but 'no value' cannot thereby be inferred. There is an asymmetry of valuation in these matters: where there is a saleable or rentable value, the Valuer General has issued a valuation; where there is none, and no valuation has been issued, it is incorrect to assume a zero value and a consequently low level of liability for damage.

The Valuer General's silence on the societal worth of native land is more a reflection on the vagueness in Papua New Guinea's constitutional laws on the subject of what must be supposed to be minority rights—the term 'minority' being an awkward approximation for 'small ethnic group with slight economic participation'. Many parts of the Fly system, the upper part of which is affected by mine impact, have unusual features in the overall context of Papua New Guinea land use systems. Large tracts of sparsely populated bush lay between the militarily weaker Awin and Yonggom of the Upper Fly and Alice area, and the head-hunting Boazi, Zimakani and Suki of the Middle Fly, thus creating a buffer of safety for the former and definitely saving them from local extinction. A historical demonstration of this comes in the form of the massacre of the

‘Weridai’—probably the Warida clan of the modern day Aduru village in the Lower Fly—who lost 56 people in two Suki raids in 1926 and 1931; the survivors fled east into the estuary leaving their original home area uninhabited (Williams 1936; Hides 1938). Similar raids in the northern part of the river system are known to oral history, but are undocumented in a formal sense because they lay too far beyond frontier of contact.

In terms of modern land usage, the area is essentially *un-valuable* because of the lack of land use; in traditional times it was, we can say, *invaluable*, also because of the lack of land use. On many other counts, of course, it would be very hard to separate the nature of the land from the essential way of life of any of the peoples of the Ok Tedi and Fly rivers, whether Yonggom, Awin, Ningerum, Boazi, Zimakani, Suki or Kiwai, or any of the people of the other mining and petroleum areas: Porgera, Lihir, Kutubu and so on.

All this might seem so obvious that the discussion has no point to it. But in the case of at least two prospect areas, Mount Kare and South East Gobe, the lack of recent land use lies at the heart of landowner disputes. At Mount Kare this led to considerable violence. At South East Gobe, investigations continue.

Areas of complaint

There is a good deal of difficulty in collecting accurate, informed material because the natural inclination of the project operators is to act with commercial secrecy where matters to do with the detail of payments and accounting are concerned. Nevertheless, sufficient data are available to show that, exempting the obvious that compensation packages should be realistic, adequate, and comprehensive, the principal areas of complaint surrounding compensation packages in Papua New Guinea fall into four categories:

- benefits are insufficiently well targeted at the individuals, groups and group leaders who ‘own’ the losses compensated for and insufficient checks and balances are built into the method of distribution at village level;
- safeguards are not in place to guarantee the politically weaker sections of the society (e.g. women, the young, and those temporarily absent) their rightful share of benefits;
- the balance provided for by agreements on royalties, lease payments, compensation-for-loss, and sundry other income sources allows structural inequalities to build up between projects;
- the project agreements provide for a particular distribution of benefits to landowners, the district, the province and the national economy as a whole, but they are based on false assumptions about political and economic behaviours at each level.

Individualised or group benefits?

First, a compensation package must pay attention to detail, ensuring that benefits reach the right people. In the first instance this is making a correct land investigation or valuation of damage; this is done much better at current projects than at earlier ones, though, as I have shown, there are notable exceptions. But this task done, there is a striking disagreement among mining companies as to whether the benefits, of which there is more than one way of calculating and paying out, such as certain kinds of rentals, business spinoffs, and clan land compensations, should be paid to groups or to individuals. There is a Catch-22 here. On the one hand, if payments are made to groups, the company can be accused of being paternalistic for not trusting villagers with their own money. On the other, if it pays to individuals it can be accused of 'divide and rule' tactics, and of breaking down existing clan structures.

By and large, liaison officers have encouraged the former for business development purposes, feeling that it is better to bring development to the village as a whole and generally advising landowners that by pooling their money it can be invested for future benefit. It may also be true that this has generally fitted in with the desires of the big-man style of village leader, whose natural sphere of action is the orchestration of group labour and wealth production. Thus it has been convenient to interpret this favourable conjunction of circumstances as a true representation of 'what people want'.

However, group payments are inevitably the territory of the trust account and the thorny issue of using community leaders as signatories. As was notorious in Bougainville and also at Ok Tedi, in the case of the missing Special Support Grant millions (see below), money designated for community benefit runs the gauntlet of numerous hazards. The signatories to trust accounts can succumb to the various forms of Bumbuism,⁴ in which they knowingly divert community resources for their own benefit. Even if honest and well meaning, they may innocently become the target of intense back-biting and even physical attack, because, as Filer says, it is too much to expect customary means of redistribution to be able to cope with the stresses of dealing with the new wealth (Filer 1990a:90). Lastly, knowing the potential problems of dealing with their own money, trustees may hand it over to a hired business manager, and this has also met with failure in recent times, perhaps most ruinously in the collapse of Ipili Porgera Investments' construction business.

Understandably, the experience of most projects in the last 5 years has been an increasing desire for payments to individuals. Many company lands and liaison officers are confused over this. As I mentioned in the introduction, some within the industry blame personal greed among landowners for their

desire to take their money out of community schemes, thus, in this line of opinion, frittering away what was a reasonable lump sum of compensation into small amounts which cannot be invested into any worthwhile project. This may be true, but I hope I have shown that the cause is often quite the opposite of what is supposed; it is a justifiable lack of faith in group schemes.

A second point is the allegation that once solidary societies are caused to fragment into smaller and smaller groups, each with its own spokesman. But I understand this as a symptom that the original 'groups' of people selected to be treated together were not solid entities at all, but only appeared united when it was useful to lobby together in a certain phase of negotiation. Once that phase ended, the unity vanished too. This is clearly seen at Hidden Valley, where three landowner villages, Nauti, Akikanda and Minava, merged to act as one legal entity, 'the Nauti', in a 1988 court case. With the case won, the alliance of constituent groups has broken up, first into the original three villages, and then into the patriline within the main groups within the villages. The society has not changed at all—it simply did a contortion act for the purposes of the court case.

Safeguards for the weak and politically disadvantaged

It is well-recognised that all forms of land development run up against the problem that customarily land is not easily commoditised. However, this is what occurs in mining. The beauty of the inalienability of land is that the scope for loss of control in traditional usage is strictly limited. A subsequent generation can be fairly confident of inheriting it, for example. In some areas, land could change hands under custom, but in most ethnographic instances the exchange was for something else just as inalienable. Thus, in the Middle Fly land could be given to obtain a 'sister' who could be given in exchange for a wife (Busse 1987:351); in the Lihir custom of *erkuet*, a land parcel could be given in compensation for the customary strangling of a big-man's widow (Kabariu 1994). Land, if it could be exchanged at all, generally fitted into systems of 'restricted exchange'. Only rarely could land be acquired by straight purchase in traditional Melanesia (for example, Schoorl 1993).

The difficulty in mining is that land is swapped for a package of commodities normally handled in several different contexts, not one of them resembling the restricted exchange of tradition—money, business advice, relocation housing, schools, clinics, roads and the like. It is a common lament that money from mining vanishes: '*mani bilong gold i no save pas long skin*', an Engan with Mount Kare experience once told me. Obviously, this kind of money is different in nature from that which creates lasting obligations, such as is contributed to school fees or brideprices.

The implications for the weak and politically disadvantaged, such as women, the young, the unborn, the disabled, 'sisters' children' (in patrilineal societies), single mothers, temporary absentees, sections of landowner communities historically indentified as migrants, and more, are profound. Mining policy intends that the package of benefits is an adequate replacement for lost land in perpetuity, just like real land.

The currently disadvantaged will always have a share in the use of land; they cannot be dispossessed or cheated out of it. However, if the immediate beneficiaries of a mining package, foremost the village leaders and resident male family heads, do not behave as they would with real land—literally, to guard it 'religiously'—the assumption is violated. It should not be surprising to say that in practice they behave as they do with the same commodities that have come from other sources; current consumption is conspicuously the norm (Banks 1996). The weak have indeed been cheated if insufficient is left over for them to use later on.

In the very large payments at Porgera I referred to above, a prominent landowner leader received K12,610 under his own family but also K10,000 in a payment to another part of his subclan. If, as I suspect, he was simply a 'road person' (i.e. he helped organise the claim), his right to the extra payment is customary, but nonetheless inequitable. Another claim for K100,880 shows eight members of a family received amounts of: K25,220; K20,000; K15,000 (x 2); K12,610 (x 2); K300 and K140 (Department of Enga 1992b). The last family member, an infant, received not an eighth of the total but a seventh of 1 per cent. Does this mean that of the original, approximately eight, hectares compensated for, the infant would one day have needed about 100 square metres of real gardening land? I think not.

Without better facts and more cases to scrutinise, I can only allege that these kinds of internal distributions are unfair, but anecdotal evidence does suggest that the strong and vocal do indeed get bigger helpings than the weak or silent.

What safeguards are currently used to guarantee the rights of the weak? Unfortunately, few enough. The Children's Trust Fund at Porgera sets a good example, assuming that it is wisely managed in the longer term, as does the method of distribution of annual lease payments at Ok Tedi. Here, families are paid directly, not through clan leaders. But beyond this, it is generally considered the landowners' business what they do with their own money. Is this a correct attitude? I do not think so, if there are better structures that can be put in place to ensure fairness and foresight. At the Kutubu Project, the formation of Incorporated Lands Groups (ILGs) is a step in the direction of regularising, or perhaps inventing, ways of coping with individual rights within

a group framework. The concepts are proven and backed by legislation (cf. Power 1991; Fingleton 1991; Burton 1993c) and the watch-word of ILG management is that democratic decision making must prevail.

All the same, as ILGs have not been tested against a wide enough range of local organisational forms, there is still doubt as to their universal applicability. For example, the legislation has in mind situations where the groups used to form ILGs will be bounded entities ('groups') with non-overlapping memberships ('clans', 'subclans') that have primary land management functions. It is not hard to find 'network' as opposed to 'group' societies and, in the latter case, arrangements where groups form and reform with such ease, that they would seem likely to defy establishing ILGs with stable memberships. Elsewhere, I have put forward a generalised model for establishing and reviewing rights to land and benefits in the form of a 'Lands Trust system'; my model can allow ILGs to be incorporated but other representational systems are possible (Burton 1994). Time will tell how effective ILGs really are, notably in the forestry sector where they are most widely used.

Structural inequalities: a policy free zone

My third area of complaint is that structural inequalities are allowed to build up between projects, as I have discussed more fully above. This has certainly not been addressed adequately at a policy level. The mining industry has been keen to complain that cabinet, or the Prime Minister acting alone, has made up mining policy on the fly thus creating instability by constant rule changes. But at the same time, almost no advice appears to be taken by the different teams of negotiators on the best means of achieving equality between projects in terms of the shape of what is on offer. On the contrary, the initiative appears to be wholly with landowners. This is not surprising, given that a project developer may claim to have spent more than A\$100 million on a big prospect prior to deciding to mine it. At this point, the logic of the situation is that it is too late to negotiate in the true sense of the word.

The political scene

Much of what has gone before is actually underpinned by false assumptions about the political and economic behaviours of the various levels of government a project must deal with. This may sound trite, considering the few remaining expectations of government in Papua New Guinea. However, in the 1970s the National Planning Office was charged with designing the way the Ok Tedi project should become embedded in the regional economy and administrative structures about it (Jackson 1977). In this case implicitly optimistic expectations were made by all parties of the ability of the Fly River Provincial Government

(FRPG) to take on extra, mine generated revenues and bring about 'development for everyone else'. Why should this not have been so, when all political figures praised the project and said how much they would like to have it go ahead, so as to bring the first taste of development to areas which had seen none before?

In fact, the FRPG was doomed from the start, with no expertise of its own and no inclination to seek out and take notice of expertise available elsewhere in the country. It was soon suspended and the North Fly managed directly from Waigani. On the resumption of provincial government in 1988, a Five Year Plan drawn up by its public service departments was abandoned on political grounds before one year had elapsed. By 1992, all copies of the three volumes of the study had been lost by the Daru offices, and no plans were in train to begin a new one. A second period of suspension followed after senior figures had taken possession of a K3 million Special Support Grant cheque and disposed of it outside the budget (*Times of PNG* 10 October 1991).

Reviewing the project a decade after work started, Jackson remarked,

Daru town is very little different in appearance today from what it was ten years ago. There are no material signs of any great expansion resulting from increased administrative spending...(1993:60).

The [FRPG] has had a very poor record of overall expenditure and a worse one of productive expenditure: there is very little to show for the high level of financial support it has received from National Government and royalty payments to date... (1993:145).

With no participation from the province, and consequently no outreach by district services, it was not long before the mine became the focus of complaints related to the lack of development, except in the immediate vicinity of Tabubil in the Star Mountains.

In Enga, the provincial government had at one time the nucleus of a qualified staff; as a less developed area it was the subject of a long-running and thorough planning study (Carrad, Lea and Talyaga 1982). But by 1990, when the first gold was poured at Porgera, any pool of talent that it once may have possessed was largely dispersed and lawlessness stood to reverse almost all of Enga's previous gains. When the provincial government buildings were destroyed by arsonists in 1993, coinciding with the inception of the Infrastructure Tax Credit Scheme (ITCS), which made it financially attractive to mining companies to build infrastructure like roads and schools, the installation of Placer as the *de facto* service provider in Enga seemed complete.

Similar tales of provincial and district services dying away with the inception of mining projects abound from the other provinces. The net effect is to alter significantly the balance of benefits flowing to mine and non-mine parts of provinces in a way that was not anticipated—or even promised not to

happen—at the time of project negotiations. This means that substantial parts of the agreements fail to make sense, or later on seem downright inequitable.

In the Ok Tedi case, the imbalance has become so profound it has threatened the viability of the project at a political level. OTML had evidently sensed this by 1990, when it made a decision to extend benefits to villages outside its leases and formed the Lower Ok Tedi-Fly River Development Trust, giving it a budget of around K3 million a year to spend on water supplies, aid posts, classrooms and the like. At Porgera, the logistics of supplying the mine by road were threatened by roadblocks even before production began, and community relations programmes were extended far down the Enga Highway to cope with this.

How does this bear on compensation matters? Should these voluntary company efforts be recognised in some form in the formal negotiation of packages of mine benefits? The answers to these questions must be political ones. A practical discussion, indeed, cannot easily be made. For example, if provincial negotiators were to announce that they would be scaling down services as soon as a new project got underway, they would immediately invalidate their own mandate to negotiate. But since this is precisely what has happened, discussion might profitably turn to the loss of sovereignty and self-determination that occurs when responsibilities that are those of government are surrendered to mining and petroleum companies.

Conclusion, and an omission

Total fairness in the distribution of benefits within landowning communities and beyond them in the wider community, what I have argued here to be the basis of 'fair compensation', has yet to be met at any project. It may well be that mining by its nature will always overwhelm local political structures in developing countries. However, I hope to have shown here that there are more to compensation issues than 'how much?'—a vast amount of effort needs to be invested on matters of distribution and the better safeguarding of rights than has previously been thought necessary.

The key omission in this chapter has been the question of equity as an inclusion in the benefits package obtained from a mine project, such as was an option at Porgera and as has been won in greater proportion by the Lihir landowners very recently. As noted above, shares in profits have been a part of some projects in North America and Australia for some time. The advent of landowner equity in Papua New Guinea mine agreements may well shift the balance of benefits in a new direction; exactly how remains to be seen.

Notes

- 1 I wrote this paragraph in an early draft of the paper in August 1993, long before the lodging of writs in the Melbourne courts by aggrieved Lower Ok Tedi landowners. I have decided not to edit it with the benefit of hindsight. The topic of the weakness, indeed the possible negligence of the mining warden(s), deserves fuller treatment elsewhere and placement within the context of a wider discussion of the State's ability, or perhaps refusal, to adopt the role of a regulatory watchdog for the mining industry.
- 2 At an Australian National University seminar in 1994, C. O'Faircheallaigh said it originated at South Australian and Northern Territory projects and was then copied across to the Bougainville project.
- 3 CPI adjustments must be taken into account before comparing BCL's figures with those for more recent projects.
- 4 Bumbu was a despotic *luluai* in Morobe Province who stole Australian supplied rations from his own villagers after World War II and ran various profiteering rackets until discovered and disgraced (Hogbin 1951).

CHAPTER EIGHT

THE IMPACT OF COMPENSATION AND RELOCATION ON MARRIAGES IN PORGERA¹

Susanne Bonnell

Construction of the Porgera Gold Mine in Enga Province officially began in May 1989 with the granting of the Special Mining Lease. Prior to this the Porgera Landowners Negotiation Committee and Porgera Joint Venture (PJV) held lengthy negotiations which culminated in the signing of a Compensation Agreement (January 1988) and a Relocation Agreement (September 1988).

The Compensation Agreement specified the items for which PJV would pay and the payment rates for these items. The rates paid for loss of economic plants exceeded those established by the Valuer General. Nearly K20 million in compensation had been paid to landowners by the end of 1991 (G. Banks 1993).

The Relocation Agreement contained the details of other payments and benefits to landowners living in the area of proposed mining activity. This included providing those affected landowners with improved housing. This relocation programme was of a massive scale, unprecedented in Papua New Guinea mining history. The first landowners moved in February 1989, and by early 1993, 420 families had moved into relocation houses.

This chapter examines the impact of compensation and relocation on marriages of the Ipili people of Porgera between 1989 and 1993.

Marriage survey

Marriage problems have been a central concern of the Porgera Women's Association since the association began in mid-1989. The main concern was the increase in polygyny (a form of polygamy in which a man has more than one wife). Problems related to the polygyny issue include: men using compensation money to 'buy' new wives; deserted wives and children of polygynous marriages; adulterous relationships which lead to polygyny; and the Village Courts not following custom regarding polygyny and divorce.

It was already assumed:

1. that polygyny had increased as a result of compensation money paid by the PJV to landowners; and
2. that most of the new wives were non-Porgeran. Many Porgeran men received large amounts of money from the Mount Kare gold rush as well as compensation money from the PJV. However, it was generally felt that Kare gold rush money was spent on loose women while compensation money was used to 'buy' new wives.

A marriage survey was conducted to shed some light on these assumptions. The sample for the survey was the first 100 relocated married men. If one excludes widowers and single males, this represented approximately 25 per cent of all relocated men. Informants were asked:

1. How many wives did you have before relocation (which roughly equates to the time when the large compensation payments were made)?
2. How many wives did you marry after relocation?

Notes were made as to the place of origin of each wife, of the death or divorce of any wife and of wives who deserted their husbands.

Polygamy

Meggitt (1957) reported a 30 per cent polygyny rate for Porgera in 1957 based on a sample of 41 men. Kyakas and Wiessner estimated a 20 per cent to 25 per cent polygyny rate for Enga Province in 1992, and Banks' survey in Porgera in 1993 reported a figure of 8 per cent (however, as this figure is for households and not marriages it is not comparable).

The results of the survey indicate a dramatic increase in polygyny from 19 per cent before relocation to 43 per cent by mid-1993 (Table 8.1). Between

Table 8.1 Types of marriage before and after relocation

Type of marriage	Percentage before relocation	Percentage after relocation
Monogamy	75	41
Polygyny	19	43
Serial monogamy ^a	5	8
Polygyny/monogamy ^b	-	7
Single	-	1
Total	100	100

^a Having more than one wife, but only one wife at a time.

^b At one time had more than one wife, but at the time of survey had only one wife.

1989 and 1993 a further 7 per cent had been married to more than one wife, but were now in monogamous marriages due either to divorcing a wife, or wives, or to a wife or wives leaving the marriage (*meri i ranawe*). This means that at one time between 1989 and 1990, 50 per cent of the men in the sample were practising polygamy.

The 100 men in the sample had a total of 135 wives prior to relocation and acquired 75 new wives between 1989 and mid-1993, making a total of 210 wives. This means that the average number of wives increased from 1.35 to 2.1 in approximately 3 years. It is probable that this polygyny rate will decrease as there is an increase in the failure rate of marriages contracted after relocation. Of the 135 marriages contracted prior to relocation, 15 (11 per cent) failed: 13 divorces and 2 wives who ran away. Of the 75 marriages contracted after relocation, 15 (20 per cent) failed: 2 divorces and 10 wives running away. Nine of the post-relocation wives who left their husbands were non-Porgerans.

In the past polygyny was crucial for a man to acquire big-man status. Polygyny may also have had a practical function when the male death rate was high due to warfare. The economic basis of polygyny is the cultivation of sweet potato to increase the number of pigs. This required the efforts of women to garden. More wives meant more sweet potato could be cultivated to feed more pigs. Pigs were the essential means in the past for a man to increase personal wealth and prestige. However, even in the past the failure rate of polygynous marriages was high because of conflict stemming from the different interests of men and women.

For a man, marrying more than one wife was one of the roads to success...For a woman, having a co-wife meant sharing her husband with another woman, sharing the family's garden land and sharing the family's pigs to be given away in exchange between her relatives and those of her co-wife. The road to success for men thus divided the possessions and territory of women. Only wealthy leaders, skilled in handling social and personal relations were able to manage lasting polygynous marriages (Kyakas and Wiessner 1992:154).

Today highland men still wish to achieve big-man status through the practice of polygyny, but the cash economy has led to the distortion of the practice of polygyny which has had a further adverse impact on women and the family. Cash provides the means to literally buy wives. Men now marry for sexual purposes rather than the more economic purposes of the past. In Porgera men could only acquire second or additional wives if the first wife agreed or if she failed to have children. In addition there is now a very strong argument that men are using the Village Courts (an introduced institution) to rewrite custom in their favour. This is made possible because women have no traditional voice in the public arena.

Today throughout the highlands cash is being used for brideprice payments, either directly, or indirectly as when cash is used to buy traditional wealth. When cash only is used for marriage, Porgeran women classify that as an inferior marriage and say contemptuously, '*Emi i baiem long moni tasol*' ('He paid only money for her').

The churches have had no success in attempts to decrease polygamy. In fact a significant number of Porgeran pastors and other church leaders have entered into polygamous marriages since 1988.

As women have increasing freedom today to marry men of their choice, one may well ask why they agree to marry men who already have a wife or wives. A woman may either truly desire a man or merely want a rich husband with the idea that he will oust the previous wife or wives (the Western colloquialism 'gold digger' is particularly apt in Porgera). This may well work until the next wife comes along.

Women, although often victims, are not without power. A strong first wife can influence a husband to leave his second wife. For example one woman I knew left her husband after he took a second wife. She moved in with relatives with their children until (she said) he came to his senses. The new wife was felt to be no threat as she was 'lazy and only after money'. In this case the first wife won.

However the more common result in Porgera is the abandonment of the first wife (and her children) and/or increased domestic violence. Porgeran women also say that when a husband wants to take a new wife and get rid of the old one he will beat her so that she will leave and return to her relatives. According to custom, if the wife leaves, the husband does not have to refund the brideprice.

Although Porgeran women have been very vocal in their condemnation of polygyny, in principle they are not totally opposed to it (in spite of their professed Christian values) if the husband follows custom and looks after all his wives and children. I only met two women in polygynous marriages in Porgera who indicated they were happy with their situation. Both these women were first wives who maintained their prestige and were in charge of the subsequent, and much younger, wives. I do not know what the co-wives thought of the situation.

The relocation house adds further stress to the polygynous family. Often there is a dispute as to which wife occupies the relocation house. If more than one wife occupies the house this frequently leads to disputes between co-wives. This unhappy situation is common. In 1989, I tried unsuccessfully to convince a badly beaten woman to come with me to the hospital. She refused, as she said if she left her new relocation house, her husband would move in his new wife. She still has the house, but her husband lives elsewhere with his other wives.

Polygyny has also been a factor leading to overcrowding in relocation houses. An example of this in 1993 was an unhappy household with 12 occupants. They were the husband, his first wife and their 6 children; the recent young second wife whom the first wife disliked; and the oldest daughter's husband and their 2 children. Customarily a man would have separate houses for wives who did not get along, and married children would also have separate houses, all in the same compound. If custom had been followed there would probably have been only 7 people in this house.

Increase in marriage to outsiders

The results in Table 8.2 show that 64.5 per cent of the wives acquired after relocation (that is after receiving large compensation payments) were non-Porgerans and 64 per cent of the wives were from non-Ipili speaking areas. The greatest increase was for wives from the Tari district of the Southern Highlands. However, as previously mentioned, there has been a high failure rate for the recent marriages to outsiders.

While most Ipili marry other Ipili, it was also common for Ipili men or women to marry outsiders—especially their Huli or Engan neighbours. This was to increase their population for defence purposes, to help with customary obligations and to increase the potential for survival in a harsh environment. With the introduction of cash, the Ipili become attractive marriage partners and this customary practice becomes dysfunctional.

Table 8.2 Wives place of origin

Place	Before relocation		Additional wives		Total wives	
	No.	Per cent	No.	Per cent	No.	Per cent
Porgera	79	58.5	9	25.3	98	46.7
Paiela	25	18.5	8	10.7	33	15.7
Laiagam	14	10.4	13	17.3	27	12.9
Tari	8	5.9	22	29.4	30	14.3
Wabag	4	3.0	2	2.7	6	2.8
Kandep	3	2.2	7	9.3	10	4.8
Chimbu	2	1.5	0	0.0	2	0.9
Hagen	0	0.0	3	4.0	3	1.4
Kopiago	0	0.0	1	1.3	1	0.5
Total	135	100	75	100	210	100

Note: 'Before relocation' refers to the places of origin of all the wives the 100 surveyed men had married prior to this 1989 event. 'Additional wives' means the place of origin for wives married between 1989 and mid-1993.

Because Porgera is now an attractive place to outsiders, family members of the non-Porgeran spouse will take advantage of the marriage ties and move in. This leads to chain migration which compounds the outsider problem. Taken to the extreme this could cause the Ipili culture to be extinguished through marriage.

Divorce

Today, in Porgera, divorce in customary marriages is normally conducted through the Village Courts. Women claim that Village Courts are making it too easy for men to divorce. There is no mediation. This situation usually occurs when a man wishes to take a new wife. The most serious allegation has to do with the repayment of brideprice. Village Courts are making decisions for women to repay the brideprice to their husbands in a divorce. Failure to repay means jail for the woman. This is certainly not custom. Women do not pay their brideprices. According to Chris Ballard (pers. comm.) this trend is similar to what is happening in the Tari area, where men are divorcing their wives and obtaining a refund on the brideprice to finance a new wife. This is an example of men using the Village Court system to rewrite custom.

While men find it fairly easy to obtain a divorce in the Village Court, women do not. As women have no say in the courts when a husband takes a subsequent wife, they are forced to stay in polygynous marriages against their will and their religious beliefs. There have been cases of women being forced to stay in violent marriages. In one marriage, the wife either committed suicide or was murdered, which lead to a tribal fight. She had repeatedly gone to the Village Court to try to end this marriage.

There are methods of appeal under the Village Court Act against decisions which do not follow custom or where the aggrieved party was not permitted to present his or her case. Many women are still ignorant of the grounds for appeal. Even if appeals are lodged, the appeal system does not seem to work.

Conclusion

The introduction of cash from compensation led to an increase in polygyny amongst the Ipili of Porgera. However the increase in polygyny and the non-traditional manner in which it is now practised is also an increasing problem affecting women in other parts of Papua New Guinea.

Note

- 1 Most of this article is extracted from S. Bonnell, 1994. *Dilemmas of Development: Social Change in Porgera 1989–1993*, Thornlands (Qld): Subada Consulting Pty Ltd for Porgera Joint Venture (Porgera Social Monitoring Programme Report 2).

CHAPTER NINE

INDIGENOUS RESPONSE TO ENVIRONMENTAL IMPACT ALONG THE OK TEDI¹

Stuart Kirsch

We declare our fourth goal to be for Papua New Guinea's natural resources and environment to be conserved and used for the collective benefit of us all, and to be replenished for the benefit of future generations.

The Fourth Goal and Directive Principle of the Papua New Guinea Constitution (Papua New Guinea 1975).

Unrealistic landowner demands for compensation are often cited as a significant cause of Law and Order problems in Papua New Guinea. Resource development projects like mining and logging have increasingly become the subject of heated debates that threaten or lead to civil disorder. These conflicts are usually explained in economic terms, focusing on landowner dissatisfaction with their share of the benefits from the project in question. Landowner claims for compensation are widely regarded as 'out of control', creating an unstable climate for international investment in resource development projects.

There are two major problems with economic explanations of conflict between landowners and resource developers. First, purely economic explanations favour resource developers and place landowners at a disadvantage. Second, economic explanations obscure alternative points of view. From an economic perspective, all conflict between landowners and resource developers may be reduced to disputes about compensation. In the case of environmental impact, for example, it is assumed that it is possible to provide adequate compensation to landowners for damage to their natural environment and resources, regardless of the severity of the impact and the resulting disruption of their lives. This allows developers to continue business as usual in the face of landowner complaints about environmental impact, which are redefined as demands for increased compensation. Yet, ignoring landowner concerns about

environmental impact inevitably leads to conflict. Framing the problem in economic terms also allows developers to limit their liability to material claims, avoiding questions about moral responsibility to the people whose lives they have adversely affected. Finally, economic rhetoric about unreasonable landowner expectations actually benefits developers by devaluing landowner claims. This point was underscored by a story told to participants at a recent conference on investment in the Papua New Guinea mining and petroleum industries: if Jesus lived in Papua New Guinea today, the story went, and Judas were to betray him for thirty pieces of silver, it would be nearly impossible to find a landowner who would blame him for taking the money.² The crowd roared with laughter, embracing the stereotype of the greedy and immoral landowner.

In this chapter, I propose alternative ways of understanding conflicts that can emerge when landowners seek to limit the amount of damage done to their natural environment and resources by development projects. I illustrate my argument by delineating the response of the people living downstream from the Ok Tedi Mine to its impact on their environment. I use ethnographic examples to show how landowners frame their conflict with the mine in moral rather than economic terms. From their perspective, the mine has refused to take responsibility for its actions, and I discuss how landowners seek to hold the mine accountable for its effect on their lives. I also examine how the people living downstream from the mine interpret the resulting changes to their natural environment. The dramatic transformation of their landscape has resulted in fear of environmental 'collapse'. Significantly, the people of Bougainville have described the effects of the Panguna copper mine on their island in much the same way, and I briefly compare the two cases. In presenting this material, my goal is to demonstrate that the issue of environmental protection, and in particular, the environmental rights of people affected by development, must be given appropriate consideration in national debates on compensation.

Response to environmental degradation along the Ok Tedi

The Ok Tedi Mine is a massive open cut copper and gold mine located in the Star Mountains of western Papua New Guinea (Jackson 1982, Pintz 1984, Hyndman 1994). The mine releases all tailings and other waste materials that it produces directly into the Ok Tedi River, causing widespread deforestation, extensive fish kills, disruption of local food production, and a host of other problems. The Ok Tedi is a tributary of the Fly River, and the mine has adversely affected the environment downstream along the Fly as well, albeit to a lesser extent.

In this chapter, I focus primarily on the response of the Yonggom people to the mine. Approximately 3,500 Yonggom live in Papua New Guinea, mainly along the Ok Tedi River, where the effects of the mine on the river system are most pronounced (Kirsch 1989). Other Yonggom villages are located along the Fly River, north of the point at which the river forms the border with Irian Jaya, Indonesia. I have carried out ethnographic research among the Yonggom since 1986, including two years residence in a village on the Ok Tedi River (Kirsch 1991), and three return visits, most recently in 1994.

More than 15,000 Yonggom speakers live west of the border in Irian Jaya, Indonesia, where they are also known as the Muyu (Schoorl 1993). In 1984, 5,000 Yonggom refugees from Irian Jaya settled in Papua New Guinea in protest against Indonesian rule (Kirsch 1989). Most of the refugees continue to live in camps close to the border, where they compete for resources with the Yonggom villagers from Papua New Guinea.

The Yonggom combine traditional subsistence strategies with participation in the regional cash economy. The area in which they live is dominated by lowland rain forest cross-cut by narrow, swampy valleys. Their staple food is the starchy flour extracted from sago palms (*Metroxylon sagu*). They grow bananas in swidden gardens, along with small quantities of pitpit, sugarcane, greens, and introduced vegetables such as pumpkin and cucumber. Hunting, fishing, and gathering from the forests and rivers contribute an important portion of their diet as well. Villagers earn cash by tapping rubber trees, and by selling forest and garden produce in urban markets. In town, Yonggom men and women work in local stores and businesses, at the Ok Tedi Mine in Tabubil and the harbor in Kiunga, and in the public service (King 1983). Circular migration between the village and town is nearly universal; however, most adults still prefer to live in a rural setting, where until recently they had greater control of subsistence resources, and to which they maintain strong emotional and ideological ties.

Life downstream from the mine

In 1992, while I conducted research for a social impact study evaluating the effect of the Ok Tedi Mine on the Yonggom (Kirsch 1993), the people in the villages told me that they could easily 'see with their own eyes' that the 'river had gone bad'. I observed that in the three years that had elapsed since my previous visit, much of the rain forest fringing the Ok Tedi River had died along a corridor nearly 40 kilometres in length. Similar deforestation had occurred along the numerous creeks and streams that feed into the Ok Tedi.

Riverine gardens that once were fertilised by alluvial soil washed down from the mountains now lay submerged under several metres of sediment and other mine waste, increasing pressure on less productive garden land in the rain forest interior. According to the Yonggom, the few fish left in the rivers had 'no fat' and 'no blood,' they 'smelled bad,' and the people were afraid to eat them. The white sandbanks along the Ok Tedi River, where turtles once laid their eggs, had been covered by tailings and sediment released by the mine. In contrast with the past, few birds flew along the Ok Tedi River.

By 1992, it had become increasingly difficult for the Yonggom living along the Ok Tedi River to produce enough food using traditional subsistence techniques. In many of the villages, people told me that the sago palms growing along the river and affected waterways no longer produced the usual starch bearing pith. In order to increase their dwindling food supply, people living by the river had begun to experiment with a new kind of garden, using introduced root crops and cultivation techniques borrowed from elsewhere in the country (Kirsch 1993:27). This was the first time that I heard the Yonggom complain about food shortages, hunger, increased illness and malnutrition.

Holding the mine accountable

One group of Yonggom villagers asked me why international law did not prevent the mine from polluting their environment. They wondered why crocodiles and other riverine animals were not protected from the mine. They claimed that the government and the Ok Tedi Mine are *inamen ipban*, which means 'lacking sense'. People the Yonggom describe as *inamen ipban*, including sorcerers and those suffering from mental illness, are considered incapable of socially responsible behaviour. One man told me that if he were to die, the Ok Tedi Mine would be to blame. He used the expression *yi dabap kandanip*, meaning 'they will take the weight', an expression used to charge someone with complicity in an act of sorcery. Another man stated that since the mine began production, the people along the river have been forced to 'live in fear' (*une doberime*) because of the hazardous nature of the chemicals and other waste materials released by the mine into their river system. 'Live in fear!' is what people used to shout to their neighbours after a sorcery killing.

As these examples suggest, the Yonggom compare the mine and its impact on their environment to sorcery and its harmful effects. In Yonggom society, illness and death are usually explained as the consequences of sorcery (Kirsch 1991). Sorcery is a form of negative reciprocity in which social relationships are abrogated (Munn 1986:232-3). Sorcerers violate the basic principles of

Yonggom society in acts that bring harm to others. To the Yonggom, the mine is irrational and dangerous, like a sorcerer.

The Yonggom also take this analogy between sorcery and the impact of the mine one step further. Illness, injury and accidents that in the past would have been attributed to sorcery, are now explained in terms of the destructive impact of the mine on their environment. The following three cases illustrate this process of explanation.

Case 1

The loss of a finger

One day in June of 1992, Awi Dowon took his canoe and went fishing at Ok Kobom, a heavily silted creek along the Ok Tedi River. He caught a catfish, but cut his finger on its sharp whiskers. On his way home, his hands were exposed to water from the Ok Tedi. Dowon later concluded that the river water, which contained copper *marasin* (copper chemicals) from the Ok Tedi Mine, caused his finger to become infected.

The finger became swollen and very painful. Several weeks of treatment in the village were unsuccessful, leading Dowon to seek assistance at the regional hospital in Rumginae. There the doctor promptly scheduled surgery to amputate the finger. According to the attending physician, the toxin from the catfish spine caused necrosis in the lower tendons of the finger; this was an unusual occurrence, but not without precedent. Awi Dowon, however, said that he had been poisoned by the mine.

Case 2

A broken leg

The same year, Ketop Negat from Yeran village went to Ok Kobom creek to fish. He chopped up a dead sago palm, looking for beetle larvae to use as bait. He decided to cut down a mature sago palm and return later to shoot any wild pigs that might come to feed on its starch.

When rainfall in the mountains to the north is heavy, the Ok Tedi River swells greatly, forcing water back into its tributaries. When the rains subside, the mine wastes and sediment carried by the Ok Tedi are deposited along the banks of these streams as the water levels in the Ok Tedi recede. Over time, these deposits have accumulated to the depth of a metre or more. The resulting mud banks are difficult to traverse.

Negat was standing knee deep in one of these deposits when the tree he was cutting down unexpectedly started to fall towards him. He tried to move away, but was not fast enough. The tree fell and struck him below the waist,

breaking his leg. According to Negat's wife, the mud in which Negat was standing prevented him from moving out of harm's way. She therefore holds the mine responsible for her husband's broken leg.

Case 3

An overturned canoe and a drowning

Late one afternoon in 1987, a motor canoe travelling from the town of Kiunga on the Fly River to a village on the Ok Tedi River overturned in the strong currents at the junction of the two rivers. Three people drowned. Several months later, I attended a community meeting in Kiunga regarding compensation payments for the deaths. One of the men who died had two sons with reputations for fighting and causing trouble. At the meeting, it was alleged that the young men might bear partial responsibility for the deaths, because someone may have sought revenge against them by causing the accident that killed their father. The accusation effectively quieted the family, who consented to accept the canoe owner's offer of compensation.

Yonggom discussions about the responsibility for sorcery killings rarely produce a consensus (Kirsch 1991). Instead, the results of these debates are generally ambiguous and open-ended, which tends to forestall violent acts of reprisal against persons suspected of sorcery. Opinions are revised as new information becomes available. In this case, while the behaviour of the sons was considered to be a possible motive for the act of sorcery that caused the canoe accident, there was no final assignation of liability.

When I returned to Papua New Guinea several years later, the case of the overturned canoe had been reopened. In discussions with people living in Kiunga, I was told that the canoe owner planned to seek compensation from the Ok Tedi Mine for the death of the passengers travelling in his canoe. The sediment released by the mine into the river system has led to the aggradation of the river bed, which makes the river shallower and causes it to flow faster. The result is that the Ok Tedi River has become increasingly dangerous to navigate, particularly after heavy rainfall in the mountains. The junction of the Ok Tedi and Fly Rivers is consequently especially hazardous; this is how the Yonggom now explain the canoe accident (Maun 1994:97).

Claims against the mine

What do the three examples have in common? In each case, the proximate cause of the mishap—the wound from the sharp catfish whisker, the collapse of a tree in an unexpected direction, and the strong currents at a river junction—is recognised by those involved. It is not difficult to explain what has happened.

Following the basic paradigm for sorcery, however, in which people are the cause of misfortune, rather than chance or natural forces alone, the challenge is to assign social responsibility. At this point, explanations based on the events themselves become subordinate to moral claims.

Sorcery accusations are used to hold people accountable for their actions; they are a form of social control. A sorcery accusation brings two things together like cause and effect: a person who has been behaving inappropriately, and some kind of loss or mishap. Similarly, claims against the Ok Tedi Mine pair its destructive environmental impact with specific cases of misfortune. They represent moral assertions about how the mine has affected their lives, and they seek to hold the mine accountable.

Mining and pollution

Even though the consequences of mining and sorcery are in many ways alike, the Yonggom do not confuse the two. This fact is clearly borne out in the language that they use to describe the effects of the mine on their river system.³ The Yonggom adverb most commonly used to describe the condition of the river is *moraron*, which means spoiled, rotten, or corroded, such as food that has gone bad, or wood that has decayed. The tailings and other waste materials released by the mine into the river system are called *muramura* in Hiri Motu or *marasin* in Tok Pisin; both words refer to medicine as well as chemicals in general. The expression 'copper *marasin*' is commonly used to refer to the harmful, although not necessarily visible, effects of chemicals used by the mine (Burton 1993b:2). Finally, the English 'chemical' and 'poison' may be used in the standard way, as well as 'pollution' and 'environment', neither of which were part of the village vernacular until quite recently.

People do not refer to the impact of the mine using the specialised vocabulary of sorcery: *bom* and *mirim* packet sorcery, or *kumka* and *kuman* assault sorcery. In other words, although the mine causes harm to people like sorcery does, the two operate in very different ways. None of the descriptions of the ill effects of the mine have any mystical or metaphysical implications; they refer directly to physical and chemical processes (Burton 1993b:3). Thus, while the Yonggom compare the effects of sorcery and mining, they clearly differentiate between the two. The last case study also illustrates this point.

Case 4

Death by assault sorcery

Wurin Maun from Yeran village walked for several hours through the rain forest, looking for prawns to catch. Alone in the forest, he was attacked and

killed by an assault sorcerer, whom the Yonggom call a *kuman*. His body was not found for several days. None of this, according to his nephew, would have happened were it not for the effect of the Ok Tedi Mine on local resources, which forced Maun to walk further than usual from his village for food, leaving him vulnerable to attack.

In this case, even though sorcery was considered to be the proximate cause of the death, the mine is still held responsible for the circumstances that led to the assault. Again, while sorcery and mining may have similar consequences, the Yonggom see them as two different phenomena.

Environmental impact and moral accountability

The Yonggom draw on this analogy between sorcery and mining in order to formulate claims about the mine's environmental impact. Anthropologists have described the belief in sorcery as a philosophy of 'social accountability' (Douglas 1980:46–60) in which misfortune is explained in terms of human action (Evans-Pritchard 1937:18–19). The Yonggom apply this moral philosophy in their effort to compel the mine to take responsibility for its effect on their lives. In doing so, they extend their claims beyond the realm of damage to the physical environment. They reject the view that the mine's liability is limited to material terms. Instead they recast discourse about the mine as a moral issue.

Environmental collapse

The Yonggom consider the Ok Tedi Mine responsible for the collapse of their environment: from the river system, to their gardens, to the surrounding forests. This view is perhaps best summed up by their use of the term *moraron* to describe the despoiled condition of their physical landscape. Even the Yonggom villages located in the raised foothills several kilometres west of the affected river system report traumatic environmental impact. In these villages, the detrimental effects of the mine are said to spread through the creeks and streams, to come up through the ground, or to fall to the earth in the rain. That this poison cannot be seen in no way impedes its destructiveness, as the people from Kungim describe in a 1992 letter to the Ok Tedi Mine (reproduced here verbatim):

...they seem's to be some prove of garden crops dogs and pigs, fish human beings being sick almost every now and then. Coconuts in the villagers getting dry. Even our stable food [sago] has some prove of all this. Rain makes us sick. Air we breath makes us short-wind. Sun makes us get sun burn.

Before in 1992 and the year below these everything was perfect. All these complain's mentioned have never experiences. When the OTML Company moved in, in 1982

up until now 1992, all this crops mentioned above and some more were completely have changed and got spoiled and we are concerned and it seems to be asked that these are the signs affected by the Ok Tedi Mining Limited...Our life style have changed completely (reproduced in Kirsch 1993:75-6).

The mine is regarded as the primary cause of environmental damage that is widespread and systematic, rather than restricted to limited areas or specific plants and animals. The Yonggom fear that the natural environment has been affected at its most fundamental level, so that even the air, the rain, and the sun are now harmful. They believe that the pollution from the mine has brought about the collapse of their environment.

A significant parallel can be found in the Bougainville case. In a 1988 letter signed by Francis Ona, who later led the landowner rebellion in Bougainville, the Panguna Landowners Association requested that the national government commission an independent scientific investigation of the environmental impact of the Panguna Copper Mine. The problems described in the letter included: soil that may have been poisoned by toxic chemicals; diseases plaguing their plant crops; shortened life spans of other garden plants; an unknown pollutant affecting cocoa harvests; introduced plant species colonising areas previously occupied by local flora; deforestation near mine facilities; decline in numbers of game animals; landslides; chemicals in the river system; large numbers of people suffering from illness; air pollution; and the unexplained disappearance of flying foxes from the island (reproduced in Applied Geology Associates 1989: Appendix VI).

The members of the landowners association agreed to abide by the findings of an independent scientific inquiry, but when the preliminary results of the investigation conducted by Applied Geology Associates were made public in 1989, they became infuriated. At a meeting to discuss the report, representatives of the investigating team stated that

...although mining operations had resulted in extensive damage to the physical environment, they had found no significantly high levels of chemical pollution. They described as unlikely the opinion held by many Bougainvillians that BCL [Bougainville Copper Limited] was responsible for the decrease in wildlife and the decline in soil fertility (except of course in the pit and waste-dump areas), or for certain illnesses then prevalent in the lease-area villages (Oliver 1991:208).

The findings of the study differed substantially from what landowners believed to be true, based on their own experience (Papua New Guinea 1991:53). Calling the survey a 'white-wash', Francis Ona stormed out of the meeting (Oliver 1991:208). Connell (1991:71) suggests that this incident may have been the 'catalyst for the transition to violence and the eventual closing of the mine'.

Colliding ecologies

When two very different systems for exploiting natural resources meet in overlapping geographic territory, we can talk about the resulting 'colliding ecologies'. When two ecological systems collide, the more powerful may impose itself on the other, transforming the natural environment in ways that limit the effectiveness of the other system. This process may give rise to perceptions of environmental collapse.

Resource development projects like the Ok Tedi Mine are global in scope, dominated by distant capital, and responsive primarily to the demands of the world market. In the case of the Ok Tedi Mine, economies of scale dictate the massive size of the project. Mining is an intensive process, focused on a single type of resource, which it eventually exhausts. Without appropriate facilities for the containment of the tailings and other waste material that it produces, the Ok Tedi Mine not only affects the area in which the ore deposits are located, but exports destruction downstream as well. Harsh treatment of land that has been set aside for production may be common in industrialised economies, but the resulting landscape is quite alien to the Yonggom.

In contrast, Yonggom subsistence and production strategies are largely local and regional in scope. They are extensive, drawing on a wide array of resources. Most of their modifications to the landscape increase the value of their resources, e.g. in planting useful tree species, rather than depleting them. With the collision of these two ecological systems, the Yonggom find that their traditional subsistence strategies are no longer sufficient for survival. They are also forced to confront an industrial landscape in their own front yard, as were the people affected by the copper mine in Bougainville.

Nash evaluates the impact of colliding ecologies on the people of Bougainville:

The destruction of the landscape has enormous power—it is a cataclysmic event—in a subsistence society like Bougainville. For most Bougainvilleans there is no frontier, no prospects for escape, no endless scenes of other places electronically delivered to give them a fantasy sense of place, as television does with us. Their land is not only for material benefit, which compensation payments reduce it to; it encodes their history and identity and is a major source of security (Nash 1993:17–18).

The loss experienced by the Bougainvilleans is more tangible because of their complete dependence on their land, more unrelenting because there are no alternative landscapes for them to contemplate, and more disruptive because their identity and history are physically grounded by their land.

The people living downstream from the Ok Tedi mine, like the inhabitants of Bougainville, are the victims of colliding ecologies. The mine has

transformed their landscape almost beyond recognition. Much of what they once took for granted about their natural environment no longer holds true. Is it any surprise that they have come to regard even the rain, the air, and the sun with great suspicion?

Signs of the environmental crisis

Neither scientific nor economic approaches to environmental change are entirely compatible with the Yonggom perspective. In scientific terms, environmental impact can be evaluated by measuring changes in plant and animal populations. In economic terms, it is the loss of resources with value as commodities, that is, things which can be bought and sold, that are measured. However, the observation that few birds fly along the Ok Tedi, or that there are no more flying foxes on Bougainville, is more than a reference to change in species composition or economic loss. In each case, the missing animals also symbolise broader patterns of environmental change.

Conservation biologists use the concept of the 'flagship species' to describe prominent or valuable species, the well-being of which is dependent upon, and representative of, an entire ecosystem. The birds of the Ok Tedi River and the flying foxes of Bougainville are examples of flagship species. While social and cultural factors influence the choice of a flagship species, their status is a good indicator of the health of the ecosystem as a whole.

Public outcry over the disappearance of a flagship species indicates a general state of alarm about environmental conditions. It does not matter whether scientists can trace its decline directly to the mine; narrow scientific investigation of harm to a flagship species misses the mark. The loss of symbolically important species metonymically represents the broader environmental crisis.

Yonggom resistance

Yonggom resistance to the mine is being carried out in an increasingly wide array of contexts; it ranges from demands for compensation levied directly against the mine, to political efforts at the provincial level to enforce stricter environmental standards, to lawsuits in the national court system. Rumors circulate about an underground political movement known as the Fly Revolutionary Army, named after the organisation responsible for the uprising in Bougainville, although to date landowners have avoided the kind of explosive violence that turned the island of Bougainville into a war zone.

The Yonggom have also enlisted allies in the international conservation community, in part through participation in several prominent environmental

forums in Europe and the Americas. Yonggom activists Rex Dagi and Alex Maun testified before the International Water Tribunal in The Hague in conjunction with a case brought against the Ok Tedi Mine. They travelled to Germany to meet with the press following the 1991 release of the Starnberg report, which criticised the environmental record of the Ok Tedi Mine. The resulting press conference led the German Federal Parliament to pass a resolution directing German shareholders in the Ok Tedi Mine to seek stricter environmental controls (Schoell 1994:13–14). Dagi also met with leaders of several conservation groups in the United States and was a delegate to the 1992 Earth Summit in Rio de Janeiro, where he participated in a press conference aboard the Greenpeace ship *'Rainbow Warrior II'*. Dagi and Maun have successfully orchestrated a campaign to bring international pressure to bear on the Ok Tedi Mine.

Along with their colleague Gabia Gagarimabu from Kiwai Island, the two Yonggom activists also sought relief through the legal system. With the assistance of Slater & Gordon, an Australian law firm, the affected land-owners filed a multi-billion dollar lawsuit against the Australian resource giant The Broken Hill Proprietary Company Limited (BHP), the majority shareholder and operating partner of the Ok Tedi Mine. The suit, filed in the Victorian Supreme Court in Melbourne, the legal domicile of BHP, sought compensation for damages and a judgement that would require the mine to greatly reduce the volume of tailings and other waste material that it releases into the river system. The lawsuit represents approximately 30,000 people living along the affected rivers.

The decision of the landowners to pursue their claims in court, rather than resorting to potentially violent alternatives, should be applauded. The law may give them the leverage that they need in order to bring about environmental reform. Unless the environmental impact of the Ok Tedi Mine is brought under control in the near future, however, there is no guarantee that the protests against the mine will remain peaceful, as levels of frustration regarding the destruction of their environment continue to increase.

Discussion and recommendations

Several general recommendations follow from the preceding analysis. Existing institutions and forums which facilitate communication between landowners and resource developers should be strengthened. Landowners should be partners in decision-making about appropriate levels of environmental protection, strategies to mitigate damage that does occur, and changes to production

processes that are environmentally unsound. Landowners should also participate in negotiations that establish equitable levels of compensation when there is environmental impact from resource development projects.

A regular programme of independent environmental impact assessment is a necessary component of all development projects, but such studies should take cultural differences in attitudes towards the environment into account, as well as scientific evidence of physical impact on the environment. The failure to understand and respond to landowner concerns about environmental impact is a certain recipe for conflict.

In legal terms, the environmental provisions of the Papua New Guinea Constitution, which protect the rights of citizens to make productive use of their land and resources, should be more rigorously enforced. Politically and economically, it is necessary to address systemic imbalances which currently favour the plans of large developers over the rights of local landowners. The moral dimensions of large scale development projects, given the extent to which they affect people's lives, should be given greater consideration as well. Finally, the protection of landowner rights and the pursuit of environmental justice should be considered essential components of all resource development projects in Papua New Guinea, and fundamental concerns of the country's legal system.

Notes

- 1 Research for this project was sponsored by Unisearch PNG Pty Ltd in July and August 1992, under contract to Ok Tedi Mining Ltd. Portions of this material previously appeared in the resulting social impact study (Kirsch 1993). I gratefully acknowledge the cooperation of the people living in the Yonggom communities that I visited, and in particular, the assistance of Atani Wungmo and Buka Nandun. Subsequent visits to Kiunga in 1993 and 1994 were funded by Mount Holyoke College. I also thank David Akin, John Burton, Lynn Morgan, Janet Richards, Buck Schieffelin and Michael Speirs for their comments on previous drafts of this chapter. I assume full responsibility for the material presented here.
- 2 The conference on Mining and Petroleum Investment in Papua New Guinea, sponsored by the Papua New Guinea Chamber of Mines and Petroleum, was held at the Regent Hotel in Sydney, Australia on 20–21 March, 1995.
- 3 The region inhabited by the Yonggom is at the confluence of three trade languages: Police Motu, Bahasa Indonesia, and Tok Pisin. English is also increasingly spoken and understood. Loan words from all four languages are commonly used in everyday speech.

CHAPTER TEN

COMPENSATION, RENT AND POWER IN PAPUA NEW GUINEA

Colin Filer

Arguments about 'compensation' in this country are not merely the result of conflicting evaluations of things which have been lost, damaged or destroyed; they also seem to reflect a deeper division over the definition of 'compensation' itself, and hence the conceptual and emotional relationship between 'compensation' and the other forms of property or value which engage the minds of the participants. Where this divergence has been recognised, it tends to be regarded as a difference between traditional, indigenous or Melanesian economic principles and those which govern modern capitalist enterprise and public policy. However, this kind of dualism obscures the linkages between the current use of 'compensation' as a concept in the politics of national resistance to the world economy and the growing dependence of the national economy on that specific form of compensation which economists call 'resource rent'. The brief economic history of compensation in Papua New Guinea now terminates in an ideology of 'landownership' which is both a form of local custom and a form of national identity. Importunate 'landowners' seek deliverance from the same web of social obligations which serve to justify and mobilise support for 'compensation' claims which are themselves ambiguous expressions of the value of resources and the price of power. Of course, such ambiguities conceal a wide range of variation in the role which 'compensation' plays in the 'development' of different resources and the politics of different communities. But the burgeoning ideology of landownership and the locally variable practice of 'resource compensation' can hardly be said to encourage an effective form of state regulation designed to prevent the collection of rental incomes from sliding towards the criminal practice of extortion.

Values and relationships

The English word 'compensation' has a strict and narrow sense, in which it represents the cost of damage to one's self, one's body or one's property, and a broader, figurative sense, in which it can apply to almost any form of payment. The strict and narrow sense is the one which crops up in various pieces of national legislation, like the Workers Compensation Act of 1978, the Mining Act of 1992, or Section 58 of the National Constitution. If this legalistic definition fails to cover the full range of meaning which the word now holds for Papua New Guineans, that is not because they have become accustomed to the broader, figurative usage of the word in European discourse, but because they tend to say, especially when commenting on other people's claims, that some forms of compensation are distinctively traditional and some are not. The distinction thus made between genuine and dubious demands is not primarily directed towards the question of whether some form of damage has been correctly evaluated, but to the physical and moral qualities of the 'thing' which has been damaged, the nature of the human agencies responsible for dealing with it, and the manner in which they proceed to do so.

The distinction between 'resource compensation' and 'homicide compensation' (the subject of a previous Law Reform Commission monograph) appears to illustrate this difference. One may doubt the 'traditional' quality of payments for damage done to land or natural resources because such payments bear an obvious resemblance to ground rent, but custom has no space for ground rent because ('as we all know') customary land has never been a commodity. On the other hand, payments for damage done to human bodies seem to belong with bridewealth and funeral feasts in the larger class of 'reproduction payments' which have always been central to the customary 'gift economy', in the same way that markets are supposed to be the central economic institutions in modern capitalism.

Anthropologists tend to agree that 'bodily compensation' was the normal form of compensation in those communities which recognised the validity of material transactions as a form of dispute settlement or conflict management (Scaglione and Gordon 1981). Andrew Strathern (1993a) has noted that the link between such compensation and other types of reproduction payment, such as bridewealth, can be seen in the identity of the valuables used as symbolic substitutes for human bodies, persons or services. He also draws a distinction between those societies in which compensation was integrated into a cycle or sequence of reproduction payments which had the general effect of reproducing

a certain pattern of social relations between neighbouring groups, and those in which each act of compensation was a separate attempt to end a violent relationship. But while this distinction may usefully be applied to the cultures of the central highlands, there is not a great deal of evidence to suggest that compensation of any kind was traditionally recognised as a truly distinctive form of material transaction in other parts of Melanesia.

Even where anthropologists can recognise that current demands for bodily compensation do carry the authority or connotation of some genuine local custom, the traditional validity of such demands may still be dubious for one of three reasons: firstly, because they are not directed at, or even by, traditional social groups; secondly, because they are *demands* for cash rather than traditional valuables; or thirdly, just because they are demands. According to Strathern (1993), the very word 'compensation' is now frequently used as a 'gimmick' or 'rhetorical flourish' to conceal a greedy, selfish and thoroughly modern desire for free money, goods or services beneath 'an appeal and resonance derived from indigenous custom', and this is most obviously true when the demands emanate from well-educated individuals and are then directed at government agencies or private companies as if these were traditional clans or communities. There is no shortage of well educated Papua New Guineans who heartily agree with this analysis, and have often been inclined to blame the power of money for subverting the traditional significance of other types of reproduction payment, such as 'brideprice', in a comparable vein (Strathern 1981, Filer 1985). But public statements to the effect that 'money is the root of all evil' disguise the peculiarly unbusiness-like way in which the forces of supply and demand affect both the amount and the medium of payment in different communities and social situations. As Hasu and Morauta (1981) noted of the Toaripi of Gulf Province—and the same point could be made about many other Papuan communities—the quantity and quality of reproduction payments, including compensation payments, is traditionally determined by the donors, not by the recipients, because there is a 'general principle' in Toaripi society that such payments serve to augment the social status of the former, rather than the latter. Even if this equation is reversed in other parts of the country (or under the influence of a market economy) the inference to be drawn here is that compensation payments are not governed by some abstract economic principle, but constitute one possible and widely variable element in the negotiation of specific social and political relationships.

This argument applies to resource compensation, no less than it does to bodily compensation, not because resource compensation is firmly grounded in any traditional economic practice, but because the resources for which

compensation is claimed or paid have not yet been subjected to any single measure of value which commands the understanding and allegiance of those making the claims and those making the payments. It may be true, as Strathern points out, that some Melanesian communities have always made some allowance for the transfer of land rights between groups or individuals in exchange for traditional valuables, but such transfers bear no relationship to the resource compensation discourse of the period since Independence, which is wholly devoted to the asymmetrical relationships between 'traditional groups' and the agents or administrators of 'development'. In this context, the definition and measurement of 'compensation' cannot be derived from any contemplation of traditional values, but must either be deduced from a specific method of calculating the price of resources or else related directly to the balance of power between the stakeholders engaged in the business of negotiation. But where the balance of power is itself inconstant or uncertain, no method of calculating the price of resources can create a common understanding of the difference between 'compensation' and the other forms of payment which arise from the 'development' of those resources.

It is, of course, the extraction of *mineral* resources which has provoked most of the recent debate on this subject in Papua New Guinea (see, for example, Larmour 1989, McGavin 1994). Indeed, one might say that mining stars in resource compensation discourse just as murder features in debates on compensation for the human body. No small amount of time and effort has been spent in the search for a 'compensation formula' that will provide lasting satisfaction to the various stakeholders in the mining and petroleum sector. However, as Burton explains in some detail (this volume), the chances of discovering this holy grail are still remote. For reasons which are not immediately obvious, Burton himself extends the definition of 'compensation' to include the landowners' share of royalties (which are part of the resource rent) and their receipt of occupation fees (which are a form of ground rent) as well as the various types of compensation prescribed by the Mining Act of 1992. This does enable him to demonstrate that different types of payment or benefit to local landowners are liable to have different relative values in different local contexts, mainly because of variations in the area and quality of the land which is leased for mining and related purposes, and in the size of the landowning population. However, this only serves to compound, rather than alleviate, the problem of distributing such benefits between a range of local claimants who can hardly be expected to conceive, much less agree, a single method of evaluating the resources whose possession justifies their claims—not only at the moment when a 'compensation agreement' is actually signed, but also through the period in

which relationships between the claimants are transformed by all the local impacts which a mining project has (Filer 1990a).

In fact, the elasticity of Burton's definition matches an apparent tendency of local landed interests to use the idiom of 'compensation' to contain the greater part of all the benefits which they expect a mining project to provide. For example, representatives of the Lihir Mining Area Landowners Association produced a 'position paper' (LMALA 1994) in which they distinguished four types of benefit: one called 'compensation' *for* 'destruction', and the other three called 'compensation' *as* 'development', 'security' and 'rehabilitation'. The first and last of these four types of benefit were clearly seen to match the cost of damage done by mining to the physical environment, and thus relate to what McGavin (1994) calls 'the opportunity cost of lost subsistence production'. But the notion of compensation as 'development and security' was held to embrace a much longer list of desirable objects: the satisfaction of a constantly rising level of 'basic needs'; the construction of roads, schools, medical facilities and other items of 'community infrastructure'; various forms of education and training; the participation of landowners in 'business and commercial activities', including 'equity participation in the mining project itself'; and the defence or reconstruction of local custom by means of something known as the 'Society Reform Programme'. Oddly enough, this catalogue did *not* include the royalties and occupation fees which Burton treats as 'compensation'—possibly because it was intended to divert attention from the problems posed by large amounts of cash distributed unequally between the members of an 'unreformed' society. In a subsequent memorandum addressed to the Law Reform Commission, the Chairman of the Association, Mark Soipang, defined 'compensation' as 'the state of equilibrium reached when [the] forces of destruction and impact must [be] equal to the forces of compensation...[so that] the Landowners are forever happy and accept the losses and impact they will suffer'. It is perhaps no accident that the author of this memorandum once listened to the same long harangue by Francis Ona and other rebellious Bougainvillean landowners which led me to express the view that 'rural villagers [who] would like to experience economic development without the loss of social harmony' may later find that they 'have experienced a loss of social harmony and a relationship of economic dependency as a result of the compensation package accepted by their own predecessors' (Filer 1990a:27).

From this vantage point, the distinction between 'compensation', in the narrow sense of the term, and the 'benefit package' or 'Basic Mining Package' which landowning communities are now offered as the price of their cooperation

in the development of mining ventures (West 1992) is less important than the question of whether landowners are 'really' seeking to maximise their collective or personal share of mineral rents, or whether their demand for compensation stems from their desire to gain a certain level of participation and control in the development of their resources.

Those who manage the 'forces of destruction and impact' are understandably inclined to take the former view, largely because the demand for compensation threatens their own corporate interest in the distribution of resource rent. According to McGavin (1994), landowners (or their leaders) compete with the various arms of government over the relative size of the unearned (rental) component in their respective forms of income from mining—broadly conceived as 'compensation' versus 'taxation'—since both have an inclination to reduce the value of their respective contributions to the process of development itself. This leads him to imagine the formation of compensation claims as a mental process which is rather different to the one which Bob Browne has shown us in the cartoon opposite:

Compensation claims in Papua New Guinea usually start off with some fabulous sum that first 'comes into the head' and, in customary circumstances, conclude with the maximum that can be extracted. In principle, there are valid claims that fall within an opportunity cost understanding of contributions that may be brought by customary landowners to the contractual setting... In practice, however, the greater part of compensation claims brought by customary landowners are likely to involve a search for unearned incomes (McGavin 1994:12).

It is interesting that McGavin (an economist) should thus link the 'rent-seeking behaviour' of customary landowners with a lack of economic calculation which he attributes to the 'custom' of pitching one's compensation demands at the other party's perceived capacity to pay. But the wider gulf between Western and Melanesian forms of property apparently distorts this perception. As a result, the 'unrealistic opening claims' of landowners can also be said to follow from their failure to recognise the size of the surplus available for distribution, confusion between gross and net incomes, defective understanding of value creation, or recognition of the possibilities for sabotage and banditry (McGavin 1994:72).

At this point, a more sympathetic observer may be tempted to defend the rationality of the claimants by noting their capacity to play the compensation game to their advantage. Richard Jackson, for example, shows some admiration for the Porgera landowners who 'were able, by close observation of company practice, to guess what the development plans would be and to plant gardens and build houses directly on new road alignments or development sites and

thus obtain compensation for these improvements' (1991:22). Such examples could be replicated in other project areas. But now we find that our attention is directed back to 'compensation' in the narrow, legalistic sense, and whether we approve or disapprove the conduct of the claimants, it is hard to see why an appeal to 'custom' should be necessary to explain it. Even where demands appear, to an economist or company accountant, to have passed the bounds of reason, this need not imply that Melanesians and their Western counterparts have different evaluations of the losses they incur (Knetsch 1989). What is more perplexing is the case in which the claimants expand the very idea of 'compensation' to the point at which the fate of 'custom' is selfconsciously inserted into it, and then related, consciously or otherwise, to the instability of what McGavin calls 'the contractual environment' and the imponderable nature of what he calls 'cultural deprivation' and 'cultural development'. In the common parlance of the mining industry, we are no longer dealing with people who are simply being 'greedy', but with people who 'cannot be trusted to keep their word' or who 'do not know what they really want'.

The ideology of landownership

Anthropologists, like neo-classical economists, community relations personnel and government officials, share a focus on the question of what landowners are thinking about when they make particular compensation claims or sign particular compensation agreements. In so doing, they may fail to recognise the extent to which landowners are acting out an ideology of landownership which has its own history, and which colours the definition of compensation in particular ways. They may fail to see that when landowners become engaged in a relationship of compensation with some external agency, their status as landowners (and their consequent role within this relationship) is not a simple and straightforward fact of life. For there is a sense in which Papua New Guineans have only *become* landowners over the course of the last 10 years.

During the colonial period, the nearest approximation to the concept of a 'landowner' in rural Tok Pisin was the phrase *papa bilong graun*—a phrase which was normally used to refer to an individual owner of some particular piece of land, often in cases where the ownership was a matter of dispute or a matter of interest to some colonial official. In the wake of national Independence in 1975, this phrase was condensed into the single word *papagraun*, in much the same way that the phrase *lo bilong tumbuna* ('ancestral laws') was condensed into the single word *kastom*. In both cases, the condensation accomplished a new kind of collective status for what had previously been a set of discrete phenomena, and also the sense of an opposition between this novel entity and

Cartoon by Bob Browne

Papua New Guinea Post-Courier, 16 November 1990



THE GRASS ROOTS
GUIDE TO PAPUA
NEW GUINEA PIDGIN

KOMPENSESEN

(EVERYBODY KNOWS HOW TO PRONOUNCE THAT!)



THINK OF A NUMBER... DOUBLE IT... MULTIPLY BY THE NUMBER
OF RELATIVES YOU HAVE...



DIMAN
SIKIS MILYAN
ORI FRANCISONA
YOU!

SUBTRACT THE
NUMBER OF HONEST
POLITISSENS YOU
KNOW PERSONALLY...

ADD SIX ZEROS
AND CONVERT IT
TO KINA (AT THE
PRE-DEVALUASSEN RATE)

THEN **DEMAND IT** FROM THE GAVMAN
FOR THE LOSS OF YOU PIG OR DOG OR OTHER
CLOSE FAMILY MEMBER (SPESELLY IF THEY
DIED OF OLD AGE!)



an external force—between ‘landowners’ and outsiders wanting access to their land, or between ‘custom’ and the prospect of ‘development’. Nowadays, especially in areas where some ‘resource development’ is actually taking place, or where people are demanding compensation for the use of customary land, Pidgin discourse has made way for the Anglicised term *landona*—thereby accomplishing the conceptual separation of the ‘landowners’ from their land (that is, *graun*), even where it is assumed or argued that this separation cannot be achieved in practice.

The public evolution of this status in the English language itself can be traced through the pages of local newspapers over the same period of time. For example, in all the titles of all the news items, articles and letters published in the *Post-Courier* in 1975, I have only been able to find one occurrence of the word ‘landowner’: a front page story on 18 March bore the title ‘Landowners Make Game Laws’. (The *Post-Courier Selective Index* has placed this story in the category ‘National Parks, Wildlife and Conservation’, and not in the much larger category ‘Land, Land Disputes, Land Settlement’.) In the titles of other items, the rural population appears in a wide variety of other guises—no longer as ‘natives’, of course, but as a motley band of ‘villagers’, ‘squatters’, ‘robbers’ or ‘bandits’, as Bougainvillean ‘rebels’, ‘Lufa people’, a ‘Chimbu group’, or the ‘Piplika clan’.

Table 10.1 suggests that the presence of ‘landowners’ on the public stage has greatly increased since the time of Independence, and more especially since 1987, while the incidence of discourse about ‘compensation’ has also increased, though not so markedly, but the overall volume of public debate on the general subject of ‘land’ has remained relatively constant, or perhaps even declined, over the same period.

If we make a distinction between items which deal with ‘resource compensation’ and those which deal with ‘bodily compensation’, we find that the first of these categories accounted for 2 of the 3 ‘compensation’ headlines in 1975, no headlines in 1987, 4 in 1988, 11 in 1992, and 16 in 1993. In 1975, the

Table 10.1 Incidence of newspaper items about ‘land’, ‘landowners’ and ‘compensation’, 1975–93

Items in <i>Post-Courier</i> Selective Index	1975	1987	1988	1992	1993
Titles containing the word ‘landowner’	1	10	44	59	99
Titles containing the word ‘compensation’	3	1	13	23	34
Total items on the subject of ‘land’	102	57	82	54	65

Note: ‘Compensation’ covers ‘Compo’ and ‘Compensated’.

Index placed items on the subject of bodily compensation in the category of items dealing with 'Payback and Compensation' (of which there were only 3), while items on the subject of resource compensation were placed in the general category of items dealing with 'Land, Land Disputes, Land Settlement'. By 1987, the Index had a separate category for items on the general subject of 'Compensation', which has normally included a mixture of items dealing with bodily and resource compensation, but in most recent years, there has been a separate category of items on the subject of 'Land Disputes and Compensation', where most of the items are about resource (rather than bodily) compensation. A total of 32 items were placed under this latter heading in 1987, 33 in 1992, and 55 in 1993, while the more general category of items about 'Compensation' contained 18 items in 1987, 29 in 1992, and 32 in 1993. From this we can perhaps infer that most (though not all) of the increase in public debate about 'compensation' represents an increase in debate about resource compensation, rather than bodily compensation.

The growth of public debate about resource compensation is intricately linked with the development of 'landownership' as the principal vehicle of national populism. Once released from their colonial subjection, Papua New Guineans (or 'Melanesians') have been learning to think of themselves as people who are distinguished from other nations or races by their singular physical and emotional relationship to 'the land' which all of them possess. The 'automatic citizen' who has no customary land rights is a contradiction whose existence cannot be admitted. The identification of 'the people' as (customary) 'landowners' is also the flipside of denials that there is such a thing as 'poverty' or 'peasantry' in Papua New Guinea. It is because 'we' are all petty landlords that we can neither be peasants nor be poor. Declarations concerning the sheer abundance of national natural resources (commonly contrasted with the folly of their current exploitation or mismanagement) are also part of the same ideological construct. So is the proposition that there is no square inch of national territory which does not have a customary landowner attached to it (the mental abolition of *terra nullius*), the belief that customary land is always owned by groups called 'clans', and even the statement that land tenure is an alien concept.

Regardless of the much-quoted 'fact' that 97 per cent of the surface area of Papua New Guinea remains under customary tenure (the real figure being somewhat higher), the ideological quality of customary 'landownership' is evident in the rather different 'fact' that any statement about 'landowners' can now be defended and attacked from the same political standpoint. For example, Lynch and Marat (1993) have attacked the new Mining Act for calling landowners 'landholders', as if to deny the substance of their tenure, while another radical

lawyer, Brian Brunton (1995), makes exactly the same substitution in order to emphasise the idea that customary 'owners' only hold their land in trust for future generations, and perhaps also to repudiate the feasibility of registering customary land. Indeed, the recent eruption of 'popular' protest against the so-called 'land reforms' supposedly being imposed upon Papua New Guinea as an integral part of the World Bank's 'structural adjustment programme' provides a wealth of further illustrations of the way in which this ideology has entered into the construction of a national identity.

The following extracts from letters written to the *Post-Courier* newspaper are all part of a collective defence of 'national integrity' against the onslaughts of 'international monsters':

Registration of customary land...will signal the loss of power which is usually derived from the special bond between people and their land. It is this power that brought giant mining companies crawling into the courtroom; this same power legitimises our rights to demand compensation from unscrupulous transnational corporations; it is the power that holds at bay bad business practices by foreigners by way of prolonging negotiations, demanding proper business deals, environmental plans, etc...It would be the beginning of division and destabilisation of families, clans, tribes, communities and ultimately the nation, hence the disintegration of our traditional cultural autonomy (*Post-Courier* 17 July 1995).

We know we are blessed with resources. We are a rich people with what we have—people who know their true connection to the land will understand this. Take the land from us, and we are true beggars on our own soil (*Post-Courier* 1 August 1995).

Land tenure is a Western concept like many other foreign ideas which have failed terribly in this country. Land entitlement over time changes hands and does not belong to a particular person, clan or tribe for that matter. That is why we have land disputes all over the country...If the landowners and not landlords wish to participate in meaningful development then teach them to be developers of their own land. Let them borrow the money from the banks and let them run their own businesses on their own land. In this way we will have self sustainable development co-existing with unspoiled cultural environment. Our land will not be turned to desert by foreign companies (*Post-Courier* 4 August 1995).

Registration would promote the cunning middleman looking for the slightest opportunity to make profit at the expense of the silent customary landowner... Minor disputes within a clan may be suppressed in order to get land registered. Once the land's value has increased the land owner who was not happy in the beginning cannot come back and sue anybody because now he has to deal with a corporate body's land (*Post-Courier* 10 August 1995).

We believe the Government's wish to register our customary land is a calculated move by it and the World Bank to wreck the normal, easy and simple village life of

all customary landowners within this country, which we know is one of [the] best in the whole world (*Post-Courier* 25 August 1995).

The assumption that a country's age-old traditional system can be wiped out at the whim of a financial institution shows the contempt of outsiders for this growing nation... My brothers: in the Bible Esau 'sold his birthright for a mess of pottage'! Let us pray that this Papua New Guinea of ours under God, does not commit that same foolish error! The bride gives herself gladly to the groom: together they find happiness in the future. The groom rapes the bride: tragedy is assured. Landed or Landless: It is the people's time to choose (*Post-Courier* 22 September 1995).

The irony in this particular stream of consciousness is that the World Bank's current interest in promoting the registration of customary land in Papua New Guinea is part of its attempt to rationalise the distribution of resource rents from log exports in ways which will ensure a greater material benefit to the 'real' customary owners of the logs being exported. From which its opponents infer that it must be a very cunning monster too.

Of course, what Papua New Guineans say in public debate about their land or their resources may not bear any obvious relationship to what they do in practice when confronted with a 'compensation situation'. This also is a feature of ideologies in general, since their internal contradictions naturally give rise to the view (which Papua New Guineans often espouse) that 'mere talk' is no guide to actual behaviour. So it is reasonable to ask if the historical development of specific forms of resource compensation is the outcome of negotiations between key players or stakeholders in which ideological statements or sentiments about landownership play only a marginal or occasional role. And we may likewise wonder whether some of the articles of faith which now pop up in public debate about resource compensation have been transposed there from some unrelated range of practical, historical experiences.

Take, for example, the simple proposition that 'clans own land'. This particular article of faith is not one which has emerged as part of a popular reaction to the facts of political independence, but was one of many rules of thumb which guided the colonial administration of 'native custom'. But if we follow that line of analysis which regards particular types of group as the effect of particular types of transaction, rather than vice versa, then we can find the element of novelty by asking how the status of 'clans' as landowning groups has been amplified or distorted by the growing popularity of 'compensation' as the public goal of their collective action. It can be shown that the Goilala 'landowners' of the Tolukuma gold mine in Central Province have actually invented 'clans' in the course of their own debate about the prospective distribution of material benefits from this particular development. But even in the very different cultural setting of the Lihir islands, where 'clans',

in the normal ethnographic sense of the word, were already the product of mortuary feasting practices, the same prospect is still transforming the significance of 'clans' as local people try to formulate a set of 'Lihir Land Rules' which will codify local entitlement to those areas of land required for mining purposes and later serve (they hope) to solve disputes arising from the monetary value of these holdings. From these examples we can begin to see that the question of whether 'clans' exist as 'landowners' in the fabric of national identity is the question of how 'clans' *have actually become* groups of landowners claiming compensation from development of their resources.

In this respect, we can propose that public identification of the mass of Papua New Guineans as 'customary landowners' is a phenomenon which owes a good deal to the mineral prospecting boom of the early 1980s, when substantial sections of the rural population began to formulate the view that roving white geologists were the new heralds of true 'development', drilling their way through the failures and disappointments of the post-colonial political system. It then became a foundation stone of public debate about these same failures and disappointments through the scandal which erupted around the 'Placer Pacific share issue' in the latter half of 1986, when many of the country's individual 'elites' were thought to have used their inside knowledge to make illegitimate windfall profits from stockmarket speculation. This perception of corruption made a considerable impact on the national election campaign of 1987, but when that election failed to bring about a change of government, and the government continued to negotiate the development of the new Misima and Porgera gold mines with the company which had sought 'local participation' through its earlier share float, the new wave of public debate about the mining industry created a new role for 'landowners seeking compensation' at specific project sites—not least on Bougainville, of course, but not just there. We might then proceed to ask when and how the outcomes of this debate were not only embodied in the general tenets of national populism, but also made a distinctive impact on the negotiation of other projects or issues—from logging projects to repeater stations to highway robbery. But we should not forget that an economic history of compensation in this country has several other ingredients, some of which date back to the colonial period, and most of which are still present as distinctive contexts within which compensation is demanded, debated and paid.

The history of compensation

Although Burton (this volume) notes the provisions which were made for compensation of 'natives' in the early mining ordinances of Papua and New Guinea, the earliest episode in this particular history which still bears on the

configuration of current national discourse is surely the payment of 'war damage compensation' by the Australian administration in the aftermath of World War II. Substantial segments of the 'native' population received almost one million pounds under this heading in the 5 years from 1946 to 1950. This was compensation for both loss of relatives and loss of property, and thus represented a mixture of what I have chosen to call 'bodily' and 'resource' compensation.

Few Europeans realised that many Papua New Guineans were disappointed with the amount of compensation, that 5 pounds for a lost pig and 20 pounds for a dead son seemed small after the experience of Western military wealth during the war, of riding in army trucks and cars, eating army rations and seeing vast military encampments built within weeks (Griffin et al. 1979:107).

The enormity and variety of the damage done during the war lasted long enough in the minds of those affected by it for a new set of claims to be made against the suffering and toil of the 'war carriers' in the aftermath of national Independence. One might have expected that demands for this particular form of bodily compensation would naturally vanish as death took its toll of the remaining carriers, but a recent spate of anniversaries, combined with the development of a world market in war relics, has provoked a new series of demands which recombine the value of an ancient service with the value of a place or item of historical significance. For example, in March 1992, the 'landowners' of the Kokoda Trail were reported to be demanding community projects worth K3.5 million before they would allow the trail to be used as part of the 50th anniversary Anzac Day celebrations—the greater part of the demand being directed at the Papua New Guinean and Australian governments 'as part of the war carriers' compensation', while the rest was directed at two travel agencies which were expected to make substantial profits from their sponsorship of the Kokoda Epic Run (*Post-Courier* 26 March 1992).

War damage compensation has thus been assimilated to another form of resource compensation which originated outside the 'resource sectors' of the national economy and became the subject of substantial agitation in the 1970s. This concerns the land removed from customary tenure during the initial period of contact between indigenous and colonial regimes, when it can now be claimed that the transactions were distorted by grotesque disparities in the perceptions and evaluations of the two sides. In this case also, claims for compensation are directed partly at the increase in the value of an asset over time, and partly at the fraud or trickery by which it was initially secured. Around the time of Independence, claims of this sort were mixed up with the politics of plantation ownership in the Gazelle Peninsula, but they have since come to revolve around the land which has been used for urban development

and certain types of economic infrastructure. Their motivation has also come to include, in some cases, an element of frustration with the perceived failure of relevant government agencies to honour past undertakings to the 'original landowners', and also an element of fraud or trickery on the part of the claimants themselves, especially when the claims are made in respect of recently negotiated leases whose faults cannot be traced back to the dawn of colonial history.

Some observers see this new bundle of motives as the defining element in most of the compensation claims now being made against the State, whether these be claims for use of land and other natural resources or for damage done to human bodies. But we have yet to consider that part of the preceding history of compensation in which the process of government has involved the promotion or regulation of compensation payments between natural or corporate persons whose own experience of this process may well have affected their understanding of payments due to them from the State itself.

In the central highlands of New Guinea, where war damage was not an issue, the first episode in the modern history of compensation was the support of the colonial administration for the conduct of peace-making ceremonies as an alternative to the practice of 'payback' between neighbouring clans. By this means, bodily compensation was given the stamp of colonial authority as a central branch of 'traditional' political economy. Meggitt (1977) and Gordon (1981) have both remarked on the way that 'blood money' soon came to be seen as a sort of 'fine' imposed by the state in a futile attempt to stem the actual flow of blood, and later became the subject of 'excessive' demands by claimants who were no longer prepared to accept the mediation of the courts or the practice of 'traditional' exchange as legitimate methods of ending a feud.

The notorious history of homicide compensation in the central highlands may nonetheless conceal some more pervasive changes in the relationship between the 'roads' called 'law' and 'money' in the years preceding and following Independence. In many parts of the country, local government councillors who inherited the semi-judicial mantles of the old *luluais* and village constables seem to have made it their business to encourage the use of cash as the standard measure and means of payment for all the 'wrongs' which could be settled beyond the official notice of the colonial legal system, yet still appealed to the authority of 'law' to underwrite this practice. From my own fieldwork in a Sepik village in the early 1970s, I can still recall the huge amount of time that councillors would spend in making a public account of the precise amount of money which one person owed another for some particular list of 'wrongs'—and also their pretence that all these 'prices' were imposed or underwritten by

the 'government' which gave them the authority to do the sums. Yet this way of thinking about the financial power of the State was at variance with the one which colonial administrators had in mind when they sought to use the institution of local government as an instrument to teach the native population the relationship between taxation, public spending and democracy. And it seems fairly clear that the capacity of the State to regulate the practice of 'compensation' amongst its subjects was eroded by the contest, which has grown increasingly acute since Independence, over the 'balance of payments' between the State itself and its constituent communities. When the use of money is no longer subject to the real or imaginary force of Western law, the collection of taxes, fines and fees by the various arms of government creates the expectation of an equally disposable return. Politicians and officials are then led to conclude that 'handouts' of one kind or another are the only way to sustain the legitimacy of the State, even if the distribution of such payments always purchases support from one direction at the cost of losing it elsewhere.

In this respect, the highland region is perhaps unusual in the extent of the demands made by *both* sides in the contest for financial sovereignty. For example, Strathern (1981:17) noted the strenuous attempts of Village Court officials in the Dei Council area to collect the maximum level of fines payable for various offences, while punitive police raids on highland villages are now met with legal action for punitive damages against the perpetrators. 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.

If the significance of 'compensation' has thus been affected by the financial form of citizenship, it has also been affected by a separate process which owes more to the economics than the politics of post-colonial society. This may be conceived as an inversion of the relationship between bodily compensation and resource compensation, whereby the latter replaces the former as the main point of articulation between 'traditional' and 'modern' economics. This is also the point at which the ideology of landownership begins to cast its long shadow across the politics of national identity, and from which it might even be said that, if England is (or was) a nation of shopkeepers, then Papua New Guinea, which was once a nation of gardeners, is now becoming a nation of gatekeepers and rentcollectors—or at least a nation of female gardeners and male rentcollectors.

Although there may still only be a minority of the rural population which actually does receive some form of resource rent, the vast majority now seem to subscribe to the belief that their land does contain some valuable resource—whether gold, oil, diamonds, or the truly visible logs—and that their only chance

of 'development' lies in their share of the rent to be collected from the extraction of these resources by some 'multinational' company. Stürzenhofecker has provided a graphic illustration of this state of mind in her portrait of a Duna community whose male members

blend received notions regarding powerful spirits with rumours regarding the finding of oil resources, in such a way as to move from the picture of a sacred landscape, whose fertility must be preserved for the future, to a picture of an exploitable landscape available for manipulation by a company... Their peripheral location, coupled with rumours of the centralising potential of company development, have given them an almost apocalyptic vision of what such a form of development could bring to them, regardless of the likely ecological consequences (Stürzenhofecker 1994:27).

The lack of 'realism' in such expectations should not lead us to suppose that they are founded on an incorrect assessment of the forces driving the economy. For the popular perception of 'development' as the collection of a resource rent reflects the real historical tendency for an ever-increasing proportion of the national income to be obtained in this form—and an ever-diminishing portion of that rental income to be available for 'rational investment' on the part of the State or in accordance with national and provincial development plans. The remainder accrues to a motley band of 'customary landowners' whose consumption of the proceeds may or may not leave a surplus which may either pay the price of their admission to the accumulation strategies of an existing 'national bourgeoisie'—most commonly through the purchase of urban real estate or the formation of 'joint ventures' with foreign entrepreneurs—or else be stolen from them by the fraudulence of their 'leaders', 'consultants' and 'advisers'.

Corruption notwithstanding, foreign developers may find some reassurance in the idea that a nation of rent collectors is a nation with which they can ultimately do business, once the laws of price and value have been recognised on both sides of the table. 'Resource compensation' will become a form of 'resource rent' to the extent that compensation claims are subject to a rationally calculable form of regulation. If the developers are successful in their efforts to secure this form of regulation, then they will, in a sense, have created a nation of rent collectors, in the same way that their previous efforts to gain immediate access to natural resources on customary land has already created a nation of customary landowners. In one sense, Peter Fitzpatrick anticipated this earlier creation when he argued that 'natural resource extraction can itself assist indirectly in the conservation of the traditional mode of production' because (like Australian aid) it reduces the reliance of the 'dominant internal class elements' on the surplus value produced by the 'peasantry' (Fitzpatrick

1980:201). In language more familiar to Papua New Guineans, the national 'elites' are not obliged to exploit their 'grassroots' compatriots directly when all 'customary landowners' have a common interest (and a certain amount of success) in extracting a share of the profits made by foreigners extracting natural resources from their land. However, if this common interest encourages or presupposes the maintenance of 'the traditional mode of production', there is less reason for developers to hope that landowners demanding compensation are on their way to becoming petty landlords collecting a reasonable rent, and more reason for them to suspect that 'compensation' is another name for extortion, and thus a form of theft rather than a form of rent, whose collection is hardly to be distinguished from the 'gate-keeping' practices of the hold-up merchants along the Okuk Highway. In that case, we may not be contemplating the forward march of a market economy, but regression towards the state of affairs which existed at the time of 'first contact', when mutual hostility or 'negative reciprocity' was the characteristic form of economic relationship outside of the community within which reproduction payments were organised. This we may call the developer's nightmare.

Custom and development

While there may be some rhetorical value in the proposition that 'compensation' is beginning to take on the characteristics of some other economic relationship—such as rent or extortion—the approximation remains imperfect in practice while the actual demands, negotiations and payments are still embedded in a network of personal relationships which endures beyond these specific acts and includes a variety of other economic ingredients. If it is true to say that 'resource compensation' represents a crucial point of articulation between the 'traditional mode of production' and its modern capitalist counterpart, then 'tradition' is more likely to be represented by this network of personal relationships than by any particular type of economic transaction. But we do not have to dig up and defend some model of 'traditional economy' before we can proceed to ask how 'resource compensation' reflects and constrains the more general pattern of current relationships between, and within, 'landowning communities', and their relationship to the variety of organisations or 'development agencies' from whom compensation is expected or demanded.

Several observers have noted that local landowners have an understandable tendency to compare, or even to model, their relationships with developers on those relationships which already feature in their customary networks of reciprocity. Writing about the impact of the Misima gold mine, Gerritsen and

Macintyre phrase this observation in terms of an abstract distinction between 'reciprocity' and 'contract':

For Misimans unfamiliar with the rigidities of commercial contracts, the appeal to the letter of the law is not only baffling, it is antisocial. More specifically, it fails to take into account the prevailing notions of reciprocity and the customary indebtedness of guest to host (1991:44).

Jackson remarks that local villagers deal with mining company employees as if they were 'a sort of kinsmen' (1991:21), while Strathern writes of a 'clan mentality' which causes people to deal with all sorts of external agencies as if they were 'super-clans' (1993a:60). It is not difficult to concede the plausibility of such observations, and yet they seem to raise as many problems as they solve.

Given the sheer variety of personal relationships which we may normally expect to find in any matrix of local custom, it is surely pertinent to ask which particular relationships are being used to gloss the interface between landowners and developers, and then it may not seem so plausible to suppose that *all* members of a local community will make routine appeal to *one* form of personal relationship when dealing with *anyone* who represents an external development agency in all the circumstances of their mutual interaction. Of course, landowners may use customary norms and routines of hospitality to deal with individual developers as they would deal with any other type of guest in their community. But when we try to investigate or conceptualise the substance of their mutual conduct, we may find that we are no longer dealing with any actual pattern of relationships between real individuals in concrete social settings, but only with snatches of rhetoric which, like the abstract opposition of 'landowners' to 'developers', are applied to 'development discourse' in a certain type of public forum—say the meetings of a local Social Impact Monitoring Committee or the letters of complaint written by self-appointed 'grassroot' representatives to the editor of the *Post-Courier* newspaper.

Once we allow that there are several ways for landowner-developer relationships to reflect the pattern of personal relationships already found within a local community, we may then wonder how the process of 'development' transforms the quality and variety of these relationships, and how the talk of 'compensation' figures in this transformation. For example, Kirsch (this volume) considers the extent to which Yonggom villagers have come to deal with Ok Tedi Mining Limited as if it were a type of corporate sorcerer, whose employees are no longer welcome as guests, let alone as pseudo-kinsmen, in light of the damage which mining has done to their local environment. In cases such as this, one may readily infer that relationships between landowning communities and mining companies have an inbuilt tendency to deteriorate to

a condition of 'negative reciprocity' (Sahlins 1965) in which the most antagonistic forms of 'customary' interaction serve as models for a popular resistance to 'development'. Under these circumstances, an 'excessive compensation demand' may no longer represent a bid to achieve or restore some notional condition of 'balanced reciprocity' between landowners and developers, but may only count as an act of outright hostility, like a spear hurled at the enemy. But that does not mean that compensation demands—excessive or otherwise—signal a uniform switch in the circuits of material exchange between these two sides. Where forms of reciprocity depend as much upon what Sahlins calls 'the spirit of exchange' as on the quantity or value of material transactions, one may ask if 'resource compensation' has a variable psychological dimension of its own, so that negotiations on this subject can occur at many points in the degeneration *or improvement* of relationships between the owners and developers of a particular resource.

We can phrase this problem in a somewhat different way by asking what kind of material and personal relationships between landowners and developers are probable or possible at different stages in a specific process of resource development. Developers are liable to answer this question by default when they complain about the inability of landowners to abide by the terms of a contract. McGavin lends this complaint the blessing of ethnographic authority:

The anthropological record of indigenous cultures in Melanesian nations reveals that even where agreements have been reached through prolonged encounter and witnessed by solemn and public assent and ritual, these agreements still represent the state of affairs and even of emotions at the times and places of their articulation (McGavin 1994:19).

In this light, we are liable to envisage the course of landowner-developer relationships as a cumulative process of mutual frustration which stems from the incompatibility of their respective use of words and things to make 'relationships'. On the one side, developers attempt to package their relationships with landowners in specific forms of balanced reciprocity, including compensation agreements, each of which is intended to function as a fixed point of reference, a signpost constantly pointing to their mutual rights and obligations, within the changeable landscape of 'local emotion'. On the other side, landowners are constantly seeking their own private ways and means to remove these elements of balance from the landscape, and when they cannot reach this goal through the manipulation of a 'customary' flow of gifts and favours between themselves and individual developers, they do so by the 'customary' orchestration of hostilities instead. But this renewal of the opposition between modern and traditional ways of 'doing business' obviously begs the

question whether both sides are inherently incapable of learning to appreciate the other's point of view, or whether they are kept apart by certain aspects of the process or the concept of 'development'.

At one stage in the development of the Lihir gold mine, when the landowners (or their leaders) were still formulating their concept of 'compensation', one of the mining company's executive officers decided to purchase large quantities of traditional shell money from the islanders in order that 'the company' could make a corporate and ethnic contribution to the mortuary payments which Lihirians regard as the epitome of local 'custom'. In the event, he was dissuaded from this course of action by colleagues who were perhaps mindful of a recommendation made in the socio-economic impact assessment of the mining project, that 'the company should adopt a community liaison strategy which aims to preserve the power of Lihir "custom" without appearing to patronise it' (Filer and Jackson 1989:74). If it is true that developers are more insistent than landowners on the need for 'resource compensation' to be set apart from those reproduction payments which sustain a local network of personal relationships, their insistence need not be due to an ignorance of local custom, nor even to their failure to perceive the benefits of being integrated into it, but may just follow from their recognition that a mining company cannot behave as if it were a 'super-clan' without disruption to the fundamental principles of any 'gift economy'. And if the landowners of Lihir have now developed a concept of 'compensation' which is broad enough to encompass the anticipated fruits of 'development' *and* the local roots of 'custom', this need not imply that they believe developers, as a collective entity or as a set of discrete individuals, have the capacity or obligation to participate in the amalgamation of these roots and fruits.

On the other hand, we should be just as wary of assuming that landowners are bound to construe their own participation in relations with developers in terms of the familiar and relatively static features of their 'customary' rights and obligations. Even while some developers have been meditating on the feasibility of making a corporate descent into the underworld of 'custom', some landowners have been making a countervailing effort to assemble new roles or structures through which to regulate the process of 'development'. As previously noted, some Lihirians have assembled a Society Reform Programme which purports to defend local 'custom' from the impact of 'development' by interposing a dense thicket of councils and committees whose combination of pseudo-bureaucratic and pseudo-traditional features might well cause the developers to label it a 'cargo cult' if they were not constrained from doing so by the requirements of politeness in the name of 'compensation'. When I had occasion to ask a committee of Lihirians why they had included a Council of

Chiefs within the structure of their Society Reform Programme, when 'we' all knew that Lihir had no customary institution of hereditary chieftainship, they just said that they were following the 'Fiji model'. On an earlier occasion, when discussing the social impact of the proposed Tolukuma mining project with what was definitely not a committee of Yulai landowners in Goilala District, I raised the possibility that they might also wish to regulate this impact by forming a Council of Chiefs, firstly because of the growing popularity of such bodies in other parts of Papua New Guinea, and secondly because Goilala custom, unlike that of Lihir, does contain hereditary chieftainship (Hallpike 1977; Hirsch 1988). This suggestion was rejected on the grounds that chiefs do not have councils and are not responsible for managing the local social impact of such things as gold mines. Instead the Yulai chose to fabricate three 'clans' for their community—where 'clans' were no more recognisable in Yulai custom than were 'chiefs' in that of Lihir—and then proceeded to demand that each new 'clan' should play an equal part in the negotiation of 'development' and distribution of its economic benefits, despite the fact that many individuals were still unable to decide which 'clan' was theirs or how to make their choice of membership.

Such 'inventions of tradition' have become a commonplace of Melanesian sociology. But once these artefacts are placed within the mutual relationships of landowners and developers, it is pertinent to ask how the social construction of such relationships, especially as this takes place in the sphere of 'resource compensation discourse', materially modifies the internal constitution of both landowning communities and the corporate entities which seek to organise the process of development. In light of the points already made, we can now see that there are two ways of answering this question, but they are not mutually consistent. On the one hand, we may conceive the substitution of resource compensation for bodily compensation as part of a wider process of commercialisation which has the general effect of 'liberating' individuals from a framework of local 'custom' which is thereby transformed into the reified instrument of their own personal pursuit of wealth and power in a new corporate environment. On the other hand, we may recognise that local networks of reciprocity are constantly escaping the reifications of custom from which individual landowners are also disentangling themselves, and are subject to their own forms of development which may threaten to subvert the bureaucratic rationality of the 'developers' as much as they constrain the social disintegration of the 'landowning community'.

Both of these perspectives can be found in Andrew Strathern's exasperated account of 'excessive compensation claims' in the central highlands. While landowners seek to deal with the State and other corporate agents of development

as if they were traditional corporate bodies ('super-clans'), their application of this 'clan mentality' is somehow mixed with the 'short-sighted selfishness' of certain individuals, whose own preference for short term gains in the shape of 'compensation', combined with their reluctance to share such benefits with other members of their own community, creates an obstacle to that same process of 'development' which should ideally displace the 'clan mentality' from this arena (Strathern 1993a:60). Local journalist Frank Senge presents the same paradox in a somewhat different form. People whose mutual compensation demands were traditionally restricted by 'the continuous possibility that a similar demand could be made in return' have now discovered that this restraint does not apply to the business of negotiating pay-outs from the government or from big business, so individuals are encouraged to adopt a profit-maximising strategy in their approach to these negotiations, even while the process of 'development' has increased the scale, if not the solidarity, of those 'customary' groups which still engage in 'normal tribal negotiations', and places an ever diminishing burden on 'the individual's ability to pay' (*Post-Courier* 2 January 1991).

These are not coincidental inconsistencies. On the one hand, they reflect a real contradiction in the social construction of 'compensation' as an economic relationship. On the other hand, they point to the existence of regional and sectoral variations in the form and significance of this relationship which cannot readily be fitted into any single definition or interpretation. In the remaining sections of this chapter I shall try to specify the nature of this contradiction and these variations.

The price of power

In the article to which reference has just been made, Frank Senge cites the ultimate absurdity in compensation claims in the shape of a letter written by a senior public servant in the Department of Eastern Highlands Province to the leader of the League for National Advancement, John Nilkare, on behalf of a group of disgruntled voters, demanding that the Member of Parliament pay them K10,000 because his party's candidate had recently won election to the Lower Asaro seat in the Eastern Highlands Provincial Assembly. This demand was apparently justified on two grounds:

Being a person of notable status as a businessman, Mr Nilkare has used his position and money to deprive the small man; and [t]he transport (allegedly) provided by Mr Nilkare brought more people to the polls for the winning candidate, something which other candidates could not do.

Senge then reflects that:

With this demand, compensation claims have finally burst through the barrier of material goods and sailed clear into the complicated kingdom of morals, principles, justice and equality, and all the other brothers and sisters of right and wrong (*Post-Courier* 29 January 1991).

The absurdity of the demand lies partly in the fact that it does not belong to either of the categories which I have called 'bodily' and 'resource' compensation, but constitutes the ridiculous anticipation of a further stage in the history of compensation as an economic relationship, where the parties to that relationship are no longer landowners and developers, let alone traditional clans or tribes, but voters and politicians. In other words, in this scenario, 'compensation' no longer counts as the price of 'development', let alone the pursuit of 'custom', but as an economic form of political patronage. However, in the mind of an indigenous journalist, this form of 'compensation' does not consist in the cynical exchange of money and commodities for political support, but as a peculiar way of seeking to impose some fantastic 'moral principles' on this perfectly familiar (albeit regrettable) transaction.

The point at issue here is the tendency for all forms of compensation to be placed under the umbrella of 'custom' (a good thing) by those who actually claim them, but then to be repudiated as a form of 'politics' (a bad thing) when the claims are lodged by other people. So if it is still true to say that the transition from 'bodily' to 'resource' compensation has weakened the power of 'custom' as the moral basis for compensation claims, then the alternative is not exactly 'politics'—a game which moral Melanesians cannot claim to play—but something more akin to an expression of dependency or powerlessness. Another national commentator, Koreken Levi, provides a perfect illustration of this sentiment:

When landowners stand with their compensation claims, it is not done in a vacuum. They stand opposed to the cunning, the smart, the educated and the exploiters. They stand, used and abused, and their land so often taken from them. It is in this light that we must look at compensation demands. Only then can we begin to understand why the people in the outlying areas of our country seem to have the urge to create problems for the Government, to provide challenges to their authority. The complicated bureaucratic bungling, the ineffective administration of resources, the unequal distribution of national income, an economy making a few rich and many poor, unequal distribution of services...you want reasons for 'unreasonable' compensation demands? There you have them...All these factors play a part in urging the rural people to get benefits any way they can. It allows the powerless to grab a little power in this unequal world that is Papua New Guinea (Levi, *Post-Courier* 31 January 1992).

Here again the 'spirit of exchange' is liable to bend the lines which we might seek to draw between relationships like 'compensation', 'rent' and 'theft' by reference to the economic values of material products or natural resources. There is, for example, a considerable difference between the spirit in which a 'rascal gang' seeks the bravado required for an armed hold-up and the spirit of righteous outrage in which a group of 'clan elders' assaults some item of public property in order to materially criticise the decline of government services. What is perhaps common to these two cases, however, is that singular lack of 'economic calculation' which so annoys the orthodox economist—an absence which is also evident in the way that rents and ransoms are actually negotiated and spent, which cannot be readily accommodated in a cynical portrait of political patronage, and which seems almost to resist the emergence of a formally rational approach to the pursuit of money and power. For there is little doubt that these two cases also share a common motivation in the popular belief that groups and organisations outside one's own 'community', one's own circle of continual material reciprocity, are necessarily engaged in the unscrupulous accumulation of wealth by theft, fraud and deception, thus inviting and deserving countervailing acts of 'negative reciprocity' or demonstrations of one's own superior morality through claims to 'compensation' from the perpetrators of injustice.

In this way we return to the question of *substantive* rationality, of what it is that Papua New Guinean villagers, landowners or citizens 'really want' when they seek various forms of 'compensation'. Money? Justice? Power? Publicity? Or variable combinations of such things, depending on the circumstances of the claim and the positions of the individuals who make it?

When Papua New Guineans accuse each other of 'playing politics' with compensation claims, they imply the existence of a moral standard by which 'false' or 'inauthentic' claims, of the kind denigrated by Frank Senge, can be distinguished from 'true' or 'genuine' claims, of the kind extolled by Koreken Levi. Furthermore, the general conception of 'politics' as a 'bad road' is one whose negative value seems to rely heavily on an image of the 'politician' as someone who simply uses money as a means to gain more power and simply uses power as a means to gain more money. But it is not so easy to define the path which people think is being followed by the makers of 'authentic' compensation claims, or to decide if the rhetorical components of such authenticity reflect a practical alternative to 'politics', or whether the inexorable spread of capitalist institutions and mentalities is turning all the claimants into politicians by default.

There is no doubt that most Papua New Guineans have a sincere desire for money. Indeed, the recent history of dealings between logging companies and local landowners reveals a remarkable willingness to exchange substantial 'natural' values for short term cash benefits which rapidly evaporate in 'unproductive' forms of personal consumption. The history of compensation, and especially of resource compensation, also shows that claimants are increasingly disposed to lodge their claims in monetary form. Such a preference can easily be taken to imply that money is dissolving or displacing other social forms of value from the realm of economic life, but economic anthropologists have shown that this deduction fails to comprehend the Melanesian version of the monetary form of customary values in a modern economic setting (Strathern 1979; Gregory 1980; Maclean 1984; Filer 1985; Nihill 1989). This means, amongst other things, that Papua New Guineans may place a very high value on the possession and circulation of money, but still deny that money and power may properly be used in pursuit of each other. And this denial, I would argue, is due to the fact that 'power' is not (yet) conceived in the Western manner, as something which, like money, can be a legitimate form of personal property, but in the 'customary' way, as something which is properly avoided, dissipated, multiplied or neutralised by the efficacy of moral agents. In popular discourse, therefore, the concept of 'power' is the subject of a silence as striking and profound as the volume of noise which distorts the meaning of 'money'. And if the credibility of compensation claims is undermined when they are seen to be a way of 'playing politics', this does not mean that there is anything unworthy in those compensation games which are a way of *playing money*.

If compensation is more like gambling than extortion, what then can we say about the rules and risks of playing such a game? How do monetary calculations and demands reflect and shape the pattern of relationships between a group of players who are liable to have increasingly divergent understandings of the values which they stand to gain or lose as a result of their negotiations?

In his discussion of homicide compensation, Gordon has suggested that an answer to this question may be found in the practical 'philosophy of money' which the players use to reproduce the difference between 'traditional' and 'spurious' demands. According to Gordon, claimants betray the difference between genuine damages (*sori moni*) and false profits (*winmoni*) by the manner in which their demands fluctuate through the process of negotiation. In the case of an inauthentic claim, 'the demand is for almost immediate payment of the complete sum [and] initial claims tend to be very high and then rapidly drop, often to no payment at all', while the authentic alternative is one in which 'an

immediate token and a promise to pay later often suffice [and] claims tend not to be high initially and do not drop so drastically' (Gordon 1981:99). In this example, it appears to be the conduct of the game itself which makes the difference, and not the strength of an appeal to principles of equity or commentaries on the motivations of the players. But what difference is made when the values at stake are natural resources rather than human bodies, and the players entering the game are either landowners or developers?

When landowners demand cash from developers, or robbers demand cash from their victims, both may seem to confirm George Simmel's observation that an obligation to hand over money is more degrading than one which can be met with goods or services. On the other hand, Knetsch (1989) has proposed an alternative psychology, in which people value their material losses more highly than they value any compensating gains which have the same market price, and landowners should therefore prefer the mitigation of environmental damage to a compensation payment which reflects the value of their lost resources. In either case, developers have an understandable interest in minimising the cash component of their debts to landowners and converting the balance into 'benefit packages' whose 'value' includes the greater element of control which the developers are thereby able to exercise over the way that their own money is spent. From this point of view, one may readily imagine that some or all of the demands made by landowners are also motivated by the wish to minimise the price, and maximise the volume, of control which they exert, from their side, on the process of developing their natural resources. But in that case, it should not be so difficult to find the 'magic formula' by which the two sides can strike an appropriate balance of power at an equitable rate of exchange, and thus agree to call their compensation game a draw.

The obvious explanation for this difficulty is that landowners are not interested in a 'fair price' for their resources, or a reasonable 'trade-off' between financial and political rewards, but seek instead to do away with every form of wealth and power which makes them seem to be dependent or inferior in their relationship with 'their' developers. In that case, the compensation game cannot be drawn, and cannot even be concluded, because landowners do not frame their demands by reference to the value of their own resources, but by reference to the size of the developer's pockets—the infamous 'ability to pay'. In their endless and fruitless search for some form of material equality in what is necessarily an asymmetrical relationship, landowners may therefore seem bound to recycle the difference between authenticity and insincerity in resource compensation discourse as the opposition of some 'norm of reciprocity' to an assertion of unprecedented greed. And if developers can never actually be assimilated to a customary network of material exchange, it would seem that

the development of resource compensation as a capitalist institution must degenerate into that game of 'politics' where custom and morality are both discarded.

But why should we assume that Papua New Guineans who play the compensation game conceive the purpose or result of this exercise as a disposition of material wealth between the various players, and then only ask whether this arrangement conforms to customary standards of exchange or the realities of modern capitalism? Wolfers (1992:252) has suggested that some stake-holders in the resource compensation game may have a bigger stake in the perpetuation of conflict than they have in the negotiation of a settlement, not only because they cannot agree with developers about the value of their resources, but because these same resources may be both 'a bargaining-chip for beneficial participation in change' (Wolfers 1992:254) and the subject of intense local dispute over their real ownership (1992:246). Gordon (1981:93) has likewise decried the tendency of many anthropologists to regard the 'custom' of blood money as a form of dispute settlement instead of recognising that bodily compensation payments were often motivated by the fear of impending defeat in what was normally a violent relationship between neighbouring groups. In both cases, talk of 'compensation' may be said to obscure an imbalance in the distribution of power because it implies that this imbalance can be corrected by the redistribution of wealth. But beyond this, talk of an imbalance in the distribution of power can also be said to obscure a deeper discrepancy between the values which Melanesian and Western players seek to realise in the relationship of resource compensation, where landowners may be less interested in achieving the correct 'balance of power' between themselves and their developers than in demonstrating that the latter are as powerless as decent people ought to be.

Hence the curious ambivalence which seems, to Western ears at least, to be the hallmark of the Melanesian contribution to the resource compensation game. The philosophical equations of the Lihir landowners may thus be taken either as 'a bargaining-chip for beneficial participation in change', or as a fearful defence of local custom against the menace of a capitalist economy, or as a cunning ruse to lengthen the list of damages for which the mining company will have to pay, or as an instrument of insubordination which denies the right of company or government to wrap their own paternalistic principles around this package. Francis Ona's infamous demand for ten billion kina contained a similar raft of ambiguities (Filer 1990a). Developers confronted with the kind of paradox in which landowners seem to demand and repudiate the same thing at the same time may be reminded of the Mock Turtle's question: 'Will you, won't you, will you, won't you, won't you, won't you join the dance?' Of course, the

form and substance of responses to this invitation vary over time, as local expectations of 'development' are progressively modified and largely disappointed by the actual conduct of developers whose 'power' to realise this condition turns out to have been overestimated (Stürzenhofecker 1994). Francis Ona's final refusal to 'join the dance' is a long way from Mark Soipang's insistence that 'compensation' should make landowners 'live happily ever after'. But so long as landowners are still willing to play the game with developers, the true location and the final price of power remains a constant puzzle in their mutual relationship.

The state of difference

In the previous section I have only considered the power of the State as something which appears and disappears within the practice of compensation as an economic relationship between landowners and developers, where 'developers' may either be private companies or government agencies. In this final section I shall consider that same power as something which is exercised, abused or ignored in the *regulation* of such relationships. While the State may still confront the membership of landowning communities as an alien and somewhat incompetent provider of jobs, goods and services, it is also the place in which the landowning citizens of Papua New Guinea still play politics, despite themselves, with ever-growing numbers and intensity, and thereby constantly 'politicise' the rules, procedures and sanctions which apply to the measurement of value and the circulation of wealth. On the other hand, the problem of 'governance' does not merely consist in a singular national distortion of an ideal and alien form of political economy, but also in that Melanesian *state of difference* which makes it supremely difficult for the Government to make laws and policies which pay due regard to the diversity of local custom and practice without paying an unacceptable price in the sacrifice of national integrity.

In the case of compensation, this condition of diversity has several dimensions which can be conceived as intersecting paths through the terrain of 'national development'. Firstly there is regional variation in the extent to which 'compensation' actually matters as an economic or political phenomenon. Scaglione's (1981) collection of writings on the subject of 'homicide compensation' barely conceals the popular belief that such things exercise the minds of 'highlanders' to a degree which citizens of other regions neither understand nor aim to imitate. If such perceptions are correct, the difference may be ascribed, as we have seen, to regional varieties of 'custom' or the timing of specific features of the *Pax Australiana*. But whichever way we try to explain

the current disparity in attitude and practice between the 'typical highlander' and his (or her) lowland compatriot, we are liable to find as much variation within regions as between them, and 'highlanders' may then turn out to be divided by a mixture of cultural and historical factors which is quite unlike the mixture which supposedly unites them. While Strathern (1993) distinguishes between those highland cultures in which compensation traditionally had the effect of either sustaining or closing social relationships between neighbouring communities, Gordon (1981) proposes that 'excessive' compensation claims have come to be the hallmark of those highland communities in which the pace of development has simultaneously generated an increase in 'tribal warfare' and facilitated the acquisition of leadership by a new social stratum of 'upwardly mobile' individuals. It may be possible to reconcile these two perspectives, as Strathern himself has sought to do, and yet the task is much more difficult when the claims of 'history' and 'culture' have to be combined in local, regional and national domains.

It is certainly possible to construe the transition in emphasis from bodily to resource compensation, and the emergence of a national 'ideology of landownership', as elements in the creation or reorientation of a national political space, in which the polarisation of urban and rural sections of the population, or the separation of a mobile 'educated elite' from the tangle of 'rural roots' and 'urban squatters', has greater bearing on the shape of modern property relations than do the residues of ancient 'culture areas' or the receding vagaries of the colonial encounter. In this kind of account, 'resource compensation' figures as one of the more peculiar—perhaps even defective—economic substances in a process of 'nation-making' which cobbles together bits and pieces of custom and history, without any special regard for their actual place of origin, and attaches them to some new class or stratum of 'Papua New Guinean' or 'Melanesian' persons (Foster 1995). It may be argued, for example, that landowners, developers and other travellers along the Okuk Highway are now bound together by a single bundle of economic relationships, extending all the way from Lae to Kutubu or Porgera, which both encourages and overrides the sound of 'Morobe voices' crying for their lowland province to be 'cleaned' of highlanders and compensation at a single stroke. On the other hand, it can just as well be argued that local and regional sentiment is continually undermining the platitudes of national populism as the alien artifice of the nation-state is practically looted and pillaged by the latter-day leaders of traditional political communities (Jacobsen 1995). And this argument gains weight from the new forms of spatial differentiation and political disaffection which attend the general pattern of resource development and thus embrace the specific practice of resource compensation.

The mining and petroleum sector, whose financial and political weight appears to dominate the general pattern of resource development, presents the most extreme version of such novelties, for the uneven incidence of mineral exploration and extraction, in both space and time, has redivided rural areas according to the expectation and experience of such activities. The nation now boasts a small number of 'lucky-strike' communities whose members have been temporarily blessed (and perhaps ultimately cursed) with the discovery and exploitation of an 'economic deposit' beneath the surface of their land. Over the last ten years or so, the national government has seen fit to 'compensate' this particular group of landowners with a constantly increasing share of the resource rent which accrues from 'their own' project, thus reducing its previous commitment to deploy this surplus for the wider purpose of 'national development'. Such has been the publicity accorded these acts of generosity, and so widespread the wanderings of company geologists, that the rest of the rural population has been more or less consumed in the anticipation of a mineral-dependent destiny. More so in those 'impact areas' where people's fantasies and jealousies have been provoked by their proximity to an actual 'project' (Jackson 1991; Strathern 1993; Stürzenhofecker 1994); less so in those 'traditional economic regions' whose previous advancement is more likely to provoke complaints about the greed of the so-called 'mineral provinces' (West 1992:31). And then, of course, there is Bougainville.

In the period since the eruption of the Bougainville rebellion, public debate about resource compensation has naturally gravitated towards the boundaries of those enclaves of mineral resource development where the developers have been encouraged or obliged by government to take on many of the latter's normal functions. On this score, resource compensation discourse is a way to talk about the problematic allocation of responsibilities for organising the distribution of wealth and power within these economic zones. The problem lies primarily in the political and economic consequences of a legal distinction drawn between the 'true landowners', the acknowledged owners of land leased to the developers, and the rest of the 'local population', which is normally the vast majority. For when people are excluded from a share of some resource rent on the grounds that they are 'not landowners', that is, not the owners of the particular resource on which the rent is being paid, their resentment springs not only from the perception of an arbitrary discrimination, but also from the feeling that an assault has been made on their most fundamental sense of identity, for if they are 'not landowners', then they are nothing.

Then again, mineral resources are not the only natural resources whose extraction generates this kind of concern. The logging industry, the fishing

industry, and even the 'conservation industry', contain their own specific versions of the resource compensation game, partly because these industries make different physical contributions to the general pattern of uneven development, and partly because their corporate 'stakeholders' have different rules and strategies for dealing with customary landowners.

In the logging industry, for example, the game is more like a form of guerilla warfare than a set piece battle. Despite the widespread damage caused by logging companies on customary land, the question of 'compensation' for such damage is rarely addressed through the pages of the national newspapers, nor is it the subject of elaborate legal and bureaucratic regulation. Although there are several factors which may be cited in explanation of this relative silence (Filer 1991; Brown and Holzknecht 1993), it is probably safe to say that the social and technical conditions of the industry have created a constellation of local relationships between landowners, loggers and government officials in which resource compensation certainly exists, both as a concept and a practice, but is normally managed in a more variable, flexible, informal—and sometimes illegal—manner than is typical of the mining and petroleum sector (Holzknecht, this volume). In the fishing industry, 'compensation' typically takes the form of ransoms paid to recover fishing boats which have been kidnapped by raiding parties of coastal villagers in those areas, most notably the Gulf of Papua, where the inshore fishery is especially lucrative. Although some fishing companies have been prosecuted for breaching the three-mile limit on the extent of 'customary waters', the government has normally abstained from such negotiations. In the conservation industry, by contrast, 'compensation' is the hidden topic of negotiations which involve the government with local resource owners, non-government organisations and members of the international community, and whose explicit focus is the nation's wealth of 'biodiversity values'. In this case, 'compensation' dare not speak its name because it must comprise a package of incentives which will motivate the customary owners of this wealth to sacrifice those rental incomes which accrue from its destruction—incomes which they tend to lump together with the 'compensation' paid by the 'developers' of their resources (Sekhran 1996). In this case, therefore, one is almost led to say that 'compensation' is the price of giving up 'development'—which does not make much sense to rural villagers in Papua New Guinea.

When these sectoral variations are superimposed upon the various spatial polarities which I have previously mentioned, they produce the kind of playing field on which the best of referees would have some trouble staying upright. If local government councils were unable, despite their best efforts, to regulate

the size of brideprice payments in the later years of the Australian colonial regime, and if the newly independent State of Papua New Guinea found that compensation payments made for death and injury, especially the death and injury of central highlanders, were equally infertile ground for price control, how much more difficult must it now be for any part of government to regulate the compensation paid for natural resources whose diversity is both the envy of the world and the foundation of a national resistance movement whose success depends as much upon its fragmentation as its lack of any common enemy or the peculiar hypocrisy with which its leaders formulate their goals. In 1991, the National Parliament passed an amendment to Subsection 3(90) of the Criminal Code which announced a penalty of up to seven years in prison for those players of the compensation game who would not listen to the whistle. This stated that:

A person who, with intent to extort or gain anything in payment or compensation from any person: (a) demands the thing, payment or compensation and (b) in order to obtain compliance with the demand: (i) causes or threatens to cause injury to any person or damage to any property; or (ii) does or threatens to do any act which renders or is likely to render any public road, bridge, navigable river, or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property; or (iii) otherwise unlawfully threatens or intimidates any persons, is guilty of a crime.

Some months after the gazettal of this amendment, the local newspapers reported that the police were not yet aware of its existence (*Post-Courier* 5 December 1991). Yet the absence of any subsequent prosecutions or convictions for these various 'political' offences provides a rather nice reflection of the corresponding lack of action under those environmental laws which ought to regulate the depredations of developers.

Some social scientists have racked their brains to think of other institutional solutions for the problem posed by the political necessity of denigrating, tolerating and supporting popular demands for 'resource compensation'. These have recently included '[t]he equivalent of an environmental advocate or ombudsman...charged and funded to investigate and to press for redress of local grievances' (Wolfers 1992:245), a 'Compensation Commission' to set 'reasonable levels and principles in terms of which levels could be decided on an "actuarial" basis' (Strathern 1993:61), and the establishment of 'Local Area Development Trusts' to ensure that the surplus incomes of landowners 'are effectively and efficiently applied to capital reconstruction and expansion...so that the aim of improved economic security is achieved' (McGavin 1994:xviii). Yet the authors of these bright ideas do not seem to have great confidence in

their application. Strathern instantly concedes the obvious point that local variations in both the substance of 'custom' and the level of 'development' make it difficult (if not impossible) to regulate 'traditional' payments between social groups, and can barely prevent himself from making the very same point about those 'modern' payments which are now part of the regular currency of relationships between landowning politicians and their landowning constituents. Wolfers thinks that his lone crusader 'is more likely to appear just to local people than a paternalistic state', but since the real contest is with local networks of political patronage, he promptly recognises that the establishment of this office 'would, arguably, be as likely to lead to an increase as to a decrease in effective opposition to existing conditions—and thus bring about conflict generated by local people against those who benefit from these conditions' (Wolfers 1992:245).

The risk, as often recognised, is that the 'thinking of the Government' is subject to continual distortion by the most extreme, intractable or noisy presentations of this 'resource compensation problem'. Each 'solution' therefore only serves to dampen some particular enthusiasms at the cost of sponsoring a further round of aggravation in another corner of the country. In this 'state of difference', the best that can be said is that the noise of resource compensation discourse functions like a thermostat which measures and controls the heat or friction generated by the differential local impact of the process of 'resource development' itself. This means that we should not expect to find the element of regulation in the foresight or inventions of the State, nor in the values, strategies and tactics of the ordinary citizen, but rather in those murky pools of mutual misunderstanding, fear and loathing which consume relationships between the parties to this process, and occasionally, like volcanic geysers, spit them out.

REFERENCES

- Akin, D., 1995. "The Bell compensation": why the Kwaio keep claiming'. Paper for ASAO Working Session, 'Righting Wrongs: Compensation, Apology and Retribution in Contemporary Pacific Island Societies', Clearwater Beach, Florida, February.
- Alcorn, J.B. and Beehler B.M. (eds), 1993. *Papua New Guinea Conservation Needs Assessment* (2 volumes), Washington DC, Biodiversity Support Program.
- Applied Geology Associates, 1989. *Environmental, Socio-Economic, Public Health Review of Bougainville Copper Mine, Panguna*, Wellington, New Zealand.
- Banks, C., 1993. *Women in Transition: social control in Papua New Guinea*, Australian Studies in Law, Crime and Justice, Canberra, Australian Institute of Criminology.
- Banks, G., 1993. *Porgera Social Monitoring Programme: Report 1, Modelling Project*, Port Moresby, Unisearch PNG Pty Ltd for Porgera Joint Venture.
- 1994. *Porgera Economic Modelling Project. Second report. Gardens and wantoks*, Port Moresby, Unisearch PNG Pty Ltd for Porgera Joint Venture (Porgera Social Monitoring Programme Report No. 3).
- 1996. 'Compensation for Mining: benefit or time-bomb? The Porgera gold mine', in Richard Howitt, John Connell and Philip Hirsch (eds), *Resources, Nations and Indigenous People: case studies from Australasia, Melanesia and Southeast Asia*, Melbourne, Oxford University Press: 223–35.
- Banton, M. (ed.), 1966. *The Social Anthropology of Complex Societies*, Association of Social Anthropologists Monograph 4, London, Tavistock Publications.
- Barnett, T. 1992. 'Legal and administrative problems of forestry in Papua New Guinea', in S. Henningham and R. May (eds), *Resources, Development and Politics in the Pacific Islands*, Bathurst, Crawford House Press: 90–118.
- Barton, F. R., 1910. 'The annual trading expedition to the Papuan Gulf', in C.G. Seligmann (ed.), *The Melanesians of British New Guinea*, Cambridge, University of Cambridge Press: 96–120.
- Bedford, R. and Mamak A., 1977. *Compensation for Development: the Bougainville case*, Bougainville Special Publication No. 2, Christchurch, University of Canterbury, Department of Geography.
- Belshaw, C., 1951. 'Some anthropological problems in Hanuabada', *Papua and New Guinea Scientific Society Annual Report and Proceedings*: 6–9.
- 1957. *The Great Village: the economic and social welfare of Hanuabada, an urban community in Papua*, London, Routledge and Kegan Paul.
- Berndt, R.M. and Lawrence, P. (eds), 1971. *Politics in New Guinea*, Nedlands, University of Western Australia Press.
- Bloch, M., 1961. *Feudal Society*, London, Routledge & Kegan Paul.
- Blong, R.J., 1982. *The Time of Darkness: local legends and volcanic reality in Papua New Guinea*, Canberra, Australian National University Press.

- Brown, M. and Holzknecht, H., 1993. 'An assessment of institutional and social conservation issues in Papua New Guinea', in J.B. Alcorn and B.M. Beehler (eds), *Papua New Guinea Conservation Needs Assessment* (2 volumes), Washington DC, Biodiversity Support Program, vol. 1:57-110.
- Brunton, B., 1995. 'In the House of Tom Bombadil: non government organisations, natural resources and the environment in Papua New Guinea'. Paper presented to the 21st Waigani Seminar, Port Moresby, September.
- Burton, J., 1991. *The Ningerum LGC area*, Ok-Fly Social Monitoring Report No. 2, Port Moresby, Unisearch PNG Pty Ltd (report for Ok Tedi Mining Ltd).
- 1993a. *Development in the North Fly and Ningerum-Awin area study*, Ok-Fly Social Monitoring Report No.6, Port Moresby, Unisearch PNG Pty Ltd (report for Ok Tedi Mining Ltd).
- 1993b. *Ok-Fly Social Monitoring Project: general overview and 1992 advance report summary for Ningerum-Awin area study*, Port Moresby, Unisearch PNG Pty Ltd for Ok Tedi Mining Ltd (Ok-Fly Social Monitoring Project Report No. 3).
- 1993c. Kutubu Petroleum Project. Social Monitoring Programme: commentary on methodology and results, Port Moresby: Unisearch PNG (report for Chevron Niugini).
- 1994. The Lands Trust concept: a preliminary discussion of ideas for landowners and developers, Canberra, Pacific Social Mapping.
- Carrad, B., Lea, D. and Talyaga, K. (eds), 1982. *Enga: foundations for development*, Armidale, University of New England, Department of Geography (for Enga Provincial Government).
- Carrier, A. and Carrier J., 1991. *Structure and Process in a Melanesian Society. Ponam's progress in the Twentieth Century*, Chur, Harwood Academic Publishers.
- Carrier, J., 1992. 'Approaches to articulation', in J. Carrier (ed.), *History and Tradition in Melanesian Anthropology*, Berkeley, University of California Press:116-43.
- Carrier, J. (ed.), 1992. *History and Tradition in Melanesian Anthropology*, Berkeley, University of California Press.
- Carrier, J. and Carrier A., 1989. *Wage, Trade, and Exchange in Melanesia: a Manus society in the modern state*, Berkeley, University of California Press.
- Chalmers, J., 1885. *Work and Adventure in New Guinea*, London, Religious Tract Society.
- 1980 (original 1887). 'Two New Guinea Stories', in J. W. Lindt (ed.), *Picturesque New Guinea*, Port Moresby, Gordon & Gotch: 106-17.
- Chatterton, P., 1980. *Day That I Have Loved: Percy Chatterton's Papua*, 2nd ed., Sydney, Pacific Publications.
- Commonwealth of Australia, 1927. *Report of the Royal Commission on the Edie Creek (New Guinea) leases*, Canberra, Government Printer.
- Connell, J., 1991. 'Compensation and conflict: the Bougainville copper mine, Papua New Guinea', in J. Connell and R. Howitt (eds), *Mining and Indigenous Peoples in Australasia*, Sydney, Sydney University Press: 55-76.
- Connell, J. and Howitt R. (eds), 1991. *Mining and Indigenous People in Australasia*, Sydney, Sydney University Press.
- Corren, A.G., 1989. 'Compensation for damage to land as a result of mining operations'. Paper presented to the Papua New Guinea Law Society Conference, 'The Exploitation of Resources in the Pacific', Port Moresby, November.

- Davies, H., 1992. Mineral and petroleum resources of Papua New Guinea, with notes on geology and history, Port Moresby, University of Papua New Guinea, Department of Geology.
- Department of Enga, 1992a. Compensation claim #244/92, 19 June 1992, Porgera, Division of District Administration and Mine Site Office.
- 1992b. Compensation claim [unnumbered], 26 May 1992, Porgera, Division of District Administration and Mine Site Office.
- Department of Western Province, 1988. Western Province study and development plan 1988–1992, Daru, Western Province Development Study Team.
- Derkley, H., 1989. The Porgera Agreements (Annotated), Wabag, Enga Provincial Government, Office of Secretary, Legal Services Unit.
- Dickerson-Putmann, J., 1986. Finding a Road in the Modern World: the differential effects of culture change and development on the men and women of an Eastern Highlands Papua New Guinea Community, PhD thesis, Bryn Mawr College, Bryn Mawr.
- Dillon, M.A., 1991. 'Interpreting Argyle: Aborigines and diamond mining in Northwest Australia', in John Connell and Richard Howitt (eds), *Mining and Indigenous People in Australasia*, Sydney, Sydney University Press: 139–52.
- Donigi, P., 1994. *Indigenous or Aboriginal Rights to Property: a Papua New Guinea perspective*, Utrecht, International Books.
- Douglas, M., 1980. *Edward Evans-Pritchard*, New York, Penguin Books.
- Epstein, A.L. (ed.), 1974. *Contention and Dispute: aspects of law and social control in Melanesia*, Canberra, Australian National University Press.
- Errington, F.K. and Gewertz, D.B., 1995. *Articulating Change in the Last Unknown*, Boulder, Westview Press.
- Evans-Pritchard, E.E., 1937. *Witchcraft, Oracles, and Magic among the Azande*, Oxford, Clarendon Press.
- Filer, C., 1985. 'What is this thing called "brideprice"?', *Mankind*, 15:163–83.
- 1990a. 'The Bougainville rebellion, the mining industry and the process of social disintegration in Papua New Guinea,' in R.J. May and M. Spriggs (eds), *The Bougainville Crisis*, Bathurst, Crawford House Press: 73–112.
- 1990b. 'The Bougainville rebellion, the mining industry, and the process of social disintegration in Papua New Guinea', *Canberra Anthropology*, 13(1):1–39.
- 1991. 'Two shots in the dark: the first year of the task force on environmental planning in priority forest areas', *Research in Melanesia*, 15(1):1–48.
- 1993. Towards an ethnographic understanding of the mining industry in Papua New Guinea, Port Moresby, University of Papua New Guinea, Department of Anthropology and Sociology.
- Filer, C. and Jackson, R., 1989. *The Social and Economic Impact of a Gold Mine in Lihir*: revised and expanded (2 volumes), Konedobu, Lihir Liaison Committee.
- Fingleton, Jim, 1991. 'The East Sepik land legislation', in Peter Larmour (ed.), *Customary Land Tenure: registration and decentralisation in Papua New Guinea*, Port Moresby, Institute of Applied Social and Economic Research, Monograph 29:147–61.

- n.d. 'Laws and procedures for land group incorporation'. Report prepared for Chevron Kutubu Oil Project, Canberra, Palata Pty Ltd.
- Fitzpatrick, P., 1980. *Law and State in Papua New Guinea*, London, Academic Press.
- Fortune, R., 1947. 'The rules of relationship behaviour in one variety of primitive warfare', *Man (OS)*, 47:108–10.
- Foster, R.J. (ed.), 1995. *Nation Making: emergent identities in postcolonial Melanesia*, Ann Arbor, University of Michigan Press.
- Gellner, E. and Waterbury, J. (eds), 1977. *Patrons and Clients in Mediterranean Societies*, London, Duckworth.
- Gerritsen, R. and Macintyre, M., 1991. 'Dilemmas of distribution: the Misima gold mine, Papua New Guinea', in J. Connell and R. Howitt (eds), *Mining and Indigenous People in Australasia*, Sydney, Sydney University Press: 35–54.
- Gill, Rev. W. W., 1876. *Life in the Southern Isles; or, scenes and incidents in the South Pacific and New Guinea*, London, Religious Tract Society.
- Goldman, Laurence, 1993. *The Culture of Coincidence: accident and absolute liability in Huli*, Oxford, Clarendon Press.
- Gordon, R., 1981. 'Some notes towards understanding the dynamics of blood money', in R. Scaglione (ed.), *Homicide Compensation in Papua New Guinea: problems and prospects*, Port Moresby, Law Reform Commission, Monograph 1:88–102.
- Gordon, R.J. and Meggitt, M.J., 1985. *Law and Order in the New Guinea Highlands: encounters with Enga*, Hanover and London, University Press of New England.
- Gregory, C., 1980. 'Gifts to men and gifts to God: gift exchange and capital accumulation in contemporary Papua', *Man (NS)*, 15:626–52.
- Griffin, J., 1990. 'Bougainville is a special case', in R.J. May and M. Spriggs (eds), *The Bougainville Crisis*, Bathurst, Crawford House Press: 1–15.
- Griffin, J., Nelson, H. and Firth, S. 1979. *Papua New Guinea: a political history*, Melbourne, Heinemann.
- Groves, M., 1954. 'Dancing in Poreporena', *Journal of the Royal Anthropological Institute of Great Britain and Ireland*, 84:75–90.
- 1955. 'Motu morality', *Papua and New Guinea Scientific Society Annual Report and Proceedings* (Port Moresby): 10–12.
- 1956. 'The Motu and the modern world', PhD thesis, Oxford University, Oxford.
- 1957. 'Sacred past and profane present in Papua', *Quadrant*, 1(3):39–48.
- 1960. 'Motu pottery', *Journal of the Polynesian Society*, 69(1):3–22.
- 1963. 'Western Motu descent groups', *Ethnology* 11:5–30.
- 1973. 'Hiri', in I. Hogbin (ed.), *Anthropology in Papua New Guinea: readings from the Encyclopedia of Papua and New Guinea*, Melbourne, Melbourne University Press: 100–5.
- Hallpike, C.R., 1977. *Bloodshed and Vengeance in the Papuan Mountains: the generation of conflict in Tauade society*, Oxford, Clarendon Press.
- Hardin, G., 1968. 'The tragedy of the commons', *Science*, 162:1243–48.
- Hasu, M. and Morauta, L., 1981. 'Compensation payments among the Toaripi of the Gulf Province', in Richard Scaglione (ed.), *Homicide Compensation in Papua New*

- Guinea: problems and prospects*, Port Moresby, Law Reform Commission, Monograph 1:30–36.
- Hides, J.G., 1938. *Savages in Serge*, Sydney, Angus and Robertson.
- Hirsch, E., 1988. *Landscapes of Exchange: Fuyuge ritual and society*, PhD thesis, London School of Economics, London.
- Hogbin, I., 1951. *Transformation Scene*, London, Routledge and Kegan Paul.
- Holmes, I., 1954. 'The people of the Port Moresby region at the turn of the century and before', *Papua and New Guinea Scientific Society Annual Report and Proceeding*: 5–10.
- Holzknrecht, H.A., 1995a. 'Papua New Guinea land tenure, land use and biodiversity conservation', in N. Sekhran and S. Miller (eds), *Papua New Guinea Country Study on Biological Diversity*, Department of Environment and Conservation, Conservation Resource Centre, Port Moresby and Africa Centre for Resources and Environment, Nairobi: 59–66.
- 1995b. *Working Papers Produced as Part of the FMPP Landowner Involvement Component 1993 to 1995*, Port Moresby, Papua New Guinea Forest Authority, Groome Poyry Ltd. and World Bank.
- Holzknrecht, H.A., 1996. 'Policy reform, customary tenure and stakeholder clashes in Papua New Guinea's rainforests', London, Overseas Development Institute (Rural Development Forestry Network Paper 19c).
- Holzknrecht, H.A. (ed.), 1995. *Manual on Land Group Incorporation*, Working Paper 4, Resource Owner Involvement Component, Forest Management and Planning Project, Port Moresby (second printing).
- Holzknrecht, H.A. and K.K. Kalit, 1995. 'Forest resources: what hope for the future?', *Pacific Economic Bulletin*, 10(1):95–100.
- Howitt, R., 1991. 'Aborigines and gold mining in Central Australia', in John Connell and Richard Howitt (eds), *Mining and Indigenous People in Australasia*, Sydney, Sydney University Press: 118–37.
- Hughes, I.M., 1977. *New Guinea Stone Age Trade*, Canberra, The Australian National University (Terra Australis vol. 30).
- Hughes, P.J. and Thirlwall, C. (eds), 1988. *The Ethics of Development: choices in development planning*, Port Moresby, University of Papua New Guinea Press.
- Hyndman, D.C., 1994. *Ancestral Rain Forests and the Mountain of Gold: indigenous peoples and mining in New Guinea*, Boulder, Westview Press.
- Jackson, R., 1977. *Kiunga Development Study*, Port Moresby, Department of Finance.
- 1982. *Ok Tedi: the pot of gold*, Port Moresby, University of Papua New Guinea.
- 1991. 'Not without influence: villages, mining companies and government in Papua New Guinea', in J. Connell and R. Howitt (eds), *Homicide Compensation in Papua New Guinea: problems and prospects*, Port Moresby, Law Reform Commission, Monograph 1:18–34.
- 1993. *Cracked Pot or Copper Bottomed Investment? The development of the Ok Tedi project 1982–91, a personal view*, Townsville, James Cook University, Melanesian Studies Centre.
- Jacobsen, M., 1995. 'Vanishing nations and the infiltration of nationalism: the case of Papua New Guinea', in R.J. Foster (ed.), *Nation Making: emergent identities in postcolonial Melanesia*, Ann Arbor, University of Michigan Press: 227–49.

- Johannes, A., 1976. *Illness and Medical Care in a New Guinea Highlands Society*, PhD thesis, Northwestern University, Chicago.
- Johannes, A. and Keil, D.E., 1974. 'Fighting with illness: sorcery in the Eastern Highlands of New Guinea', paper presented at the Annual Meeting of the American Anthropological Association, Mexico City.
- Jolly, Margaret, 1987. 'The chimera of inequality in Melanesia', *Mankind*, 17:168–83.
- Kabariu, Luke, 1994. *Ol rot blong kisim graon long Lihir*, typescript for Nimamar Development Authority and New Ireland Provincial Government.
- Keesing, R.M., 1992. *Custom and Confrontation: the Kwaio struggle for cultural autonomy*, Chicago, University of Chicago Press.
- Keil, D. 1974. *The Inter-Group Economy of the Nekematigi, Eastern Highlands District, New Guinea*, PhD thesis, Northwestern University, Chicago.
- King, D., 1983. *Kiunga Revisited: 1983 Census of Kiunga*, Port Moresby, Institute of Applied Social and Economic Research (Research Paper in Geography 8).
- Kirsch, S., 1989. 'The Yonggom, the refugee camps along the border and the impact of the Ok Tedi mine', *Research in Melanesia*, 13:30–61.
- 1991. *The Yonggom of New Guinea: an ethnography of sorcery, magic, and ritual*, PhD thesis, University of Pennsylvania.
- 1993. *The Yonggom People of the Ok Tedi and Moian Census Divisions: an area study*, Ok-Fly Social Monitoring Project Report No. 5, Port Moresby, Unisearch PNG Pty Ltd (for Ok Tedi Mining Ltd).
- Knetsch, J., 1989. *Gains, Losses, Fairness and Policy Choices*, Port Moresby, Institute of National Affairs, Working Paper 14.
- Kopi, S., 1979. 'Babalau and Vada: religion, disease and social control among the Motu', *Oral History*, 7(3):8–64.
- Kyakas, A. and Wiessner, P. 1992. *From Inside the Women's House: Enga women's lives and tradition*, Buranda, Robert Brown (Qld) & Associates.
- Langness, L. L., 1964. *Bena Bena Social Structure*, PhD thesis, University of Washington, Seattle.
- 1965. 'Hysterical psychosis in the New Guinea Highlands: a Bena Bena example', *Psychiatry*, 28(3): 258–77.
- 1967. 'Sexual antagonism in the New Guinea Highlands: a Bena Bena example', *Oceania*, 37(3):161–77.
- 1969. 'Marriage in Bena Bena', in R.M. Glasse and M.J. Meggitt (eds), *Pigs, Pearlshells, and Women: marriage in the New Guinea Highlands*, Englewood Cliffs, New Jersey, Prentice-Hall: 38–55.
- 1971. 'Bena Bena political organization', in R.M. Berndt and P. Lawrence (eds), *Politics in New Guinea*, Nedlands, University of Western Australia Press: 298–316.
- 1972. 'Violence in the New Guinea Highlands', in J. Short Jr. and M.E. Wolfgang (eds), *Collective Violence*, New York, Aldine & Atherton: 171–85.
- 1973. 'Traditional political organization', in I. Hogbin (ed.), *Anthropology in Papua New Guinea: readings from the Encyclopaedia of Papua New Guinea*, Melbourne, Melbourne University Press: 142–73.
- 1974. 'Ritual, power, and male dominance', *Ethos*, 2:189–212.
- 1975. 'The Nupasafu cattle: rural development in the Eastern Highlands', in

- Four Papers on the Papua New Guinea Cattle Industry*, Canberra, The Australian National University, New Guinea Research Unit (Bulletin 63):67–90.
- 1981. 'Child abuse and cultural values: the case of New Guinea', in J. Korbin (ed.), *Child Abuse and Neglect: cross cultural perspective*, Berkeley, University of California Press: 13–34.
- 1987. 'A day for stealing: deviance in a New Guinea society', in L.L. Langness and T. Hays (eds), *Anthropology in the High Valleys*, Novato, California, Chandler and Sharp: 1–23.
- Larmour, P., 1989. 'Sharing the benefits: customary landowners and natural resource projects in Melanesia', *Pacific Viewpoint*, 30:56–74.
- Lawes, W. G. 1875. 'Mission in New Guinea', *Chronicle of the London Missionary Society*, November: 209–15.
- 1879. 'Ethnological notes on the Motu, Koitapu and Koiari tribes of New Guinea', *Journal of the Anthropological Institute of Great Britain and Ireland*, 8: 369–76.
- Levi, K., 1992. 'Compensation: is PNG getting what it asked for?', *Papua New Guinea Post-Courier*, 31 January:39–40.
- Levitus, R., 1991. 'The boundaries of Gagudju association membership: anthropology, law, and public policy', in John Connell and Richard Howitt (eds), *Mining and Indigenous People in Australasia*, Sydney, Sydney University Press: 153–68.
- Lihir Mining Area Landowners Association, 1994. Position Paper on Compensation, mimeo, July.
- LiPuma, E., 1995. 'The formation of nation-states and national cultures in Oceania', in R.J. Foster (ed.), *Nation Making: emergent identities in postcolonial Melanesia*, Ann Arbor, University of Michigan Press: 33–68.
- Lynch, O.J. and Marat, A., 1993. 'A review and analysis of national laws and policies concerning customary owners' rights and the conservation and sustainable development of forests and other biological resources', in J.B. Alcorn and B.M. Beehler (eds), *Papua New Guinea Conservation Needs Assessment* (2 volumes), Washington DC, Biodiversity Support Program, vol. 1:7–29.
- Macleay, N.L., 1984. 'Is gambling "bisnis"? The economic and political functions of gambling in the Jimi Valley', *Social Analysis*, 16:44–59.
- Maun, A., 1994. 'Ok Tedi Mining: human and environmental tragedy', in H.M. Schoell (ed.), *Development and Environment in Papua New Guinea: an overview*, Point Series No. 18, Goroka, The Melanesian Institute.
- May, R.J. and Spriggs, M. (eds), 1990. *The Bougainville Crisis*, Bathurst, Crawford House Press.
- McCay, B. and Acheson, J., 1987. 'Human ecology of the commons', in B. McCay and J. Acheson (eds), *The Question of the Commons: the culture and ecology of communal resources*, Tucson, University of Arizona Press: 1–34.
- McGavin, P.A., 1994. Economic Security in Melanesia: key issues for managing contract stability and mineral resources development in Papua New Guinea, Solomon Islands and Vanuatu, Port Moresby, Institute of National Affairs, Discussion Paper 61.
- McGill, S. and Crough, G.J., 1986. *Indigenous resource rights and mining companies in North America and Australia*, Canberra, Australian Government Publishing Service.

- Meggitt, M., 1957–58. 'The Ipili of the Porgera Valley, Western Highlands District', *Oceania*, 28:31–55.
- 1977. *Blood is their Argument: warfare among the Mae Enga tribesmen of the New Guinea Highlands*, Palo Alto, Mayfield.
- Moi, K.K. 1979. 'The first Hiri trade expedition from the Central Province', *Oral History*, 7(6):41–81.
- Munn, N., 1986. *The Fame of Gawa*, New York, Cambridge University Press.
- Nash, J., 1993. Mining, ecocide and rebellion: the Bougainville case. Paper presented to the American Anthropological Association, Washington DC, December.
- National Statistical Office, 1993. *1990 National Population Census: Final Figures Census Unit Populations, Eastern Highlands Province*, Port Moresby.
- Nelson, H., 1976. *Black, White and Gold: gold mining in Papua New Guinea 1878–1930*, Canberra, Australian National University Press.
- Nihill, M., 1989. 'The new pearlshells: aspects of money and meaning in Anganen exchange', *Canberra Anthropology*, 12:144–60.
- Ok Tedi Mining Limited, 1988. Sixth Supplemental Agreement: environmental study 1986–88, Tabubil, Ok Tedi Mining Limited.
- Oliver, D., 1991. *Black Islanders: a personal perspective of Bougainville 1937–1991*, Honolulu, University of Hawaii Press.
- Oram, N., 1968. 'Taurama: oral sources for a study of recent Motuan prehistory', *Journal of the Papua and New Guinea Society*, 12(2):79–91.
- 1976. *Colonial Town to Melanesian City: Port Moresby 1884–1974*, Canberra, Australian National University Press.
- 1982. 'Pots for sago: the Hiri trading network', in T. Dutton (ed.), *The Hiri in History: further aspects of long distance Motu trade in Central Papua*, Canberra, The Australian National University, Research School of Pacific Studies (Pacific Research Monograph 8): 1–33.
- 1989. 'The western Motu area and the European impact, 1872–1942', in S. Latukefu (ed.), *Papua New Guinea: a century of colonial impact, 1884–1984*, Port Moresby, National Research Institute and University of Papua New Guinea in association with the Papua New Guinea Centennial Committee: 49–74.
- Ostrom, E., 1990. *Governing the Commons*, Cambridge and New York, Cambridge University Press.
- Papua New Guinea, 1975. *The Constitution of the Independent State of Papua New Guinea*, Port Moresby, Department of the Prime Minister.
- 1989a. *Final Report*, Commission of Inquiry into Aspects of the Forestry Industry (2 volumes), Port Moresby, Department of the Prime Minister.
- 1989b. Mining policy issues. Proposed minimum compensation rates. National Executive Council, 3rd February 1989.
- 1991. Crisis in the North Solomons Province. Report of the Special Committee Appointed by the National Executive Council, Port Moresby.
- Forestry Act, Chapter 216, *Revised Laws of Papua New Guinea 1991*.
- Land Act, Chapter 185, *Revised Laws of Papua New Guinea 1982*.
- Land Group Incorporation Act, Chapter 147, *Revised Laws of Papua New Guinea 1982*.

- Mining Act, Chapter 195, *Revised Laws of Papua New Guinea* 1992.
- Petroleum Act, Chapter 198, *Revised Laws of Papua New Guinea* 1982.
- Parry, Jonathan P., 1989. 'The gift, the Indian gift, and the "Indian gift"', *Man*, 21(3):453–73.
- 1994. *Death in Banaras*, Cambridge and New York, Cambridge University Press.
- Pintz, W. S., 1984. *Ok Tedi: evolution of a Third World mining project*, London, Mining Journal Books.
- Pita, R. et al., 1975. 'Hanuabada ancestral practices', in R. Pita (ed.), *Traditional Motu Customs*, Port Moresby, Institute of Papua New Guinea Studies: 1–97.
- Placer (PNG) Pty. Ltd., 1988. Compensation agreement for the Special Mining Lease, Porgera Project, Enga Province, Papua New Guinea.
- 1993. Compensation agreement for a Lease for Mining Purposes, Porgera Project, Enga Province, Papua New Guinea.
- Podolefsky, A., 1984. 'Contemporary warfare in the New Guinea Highlands', *Ethnology*, 23(2):73–87.
- Polumé, S., 1988. 'Mineral resources and the ethics of development', in P.J. Hughes and C. Thirlwall (eds), *The Ethics of Development: choices in development planning*, Port Moresby, University of Papua New Guinea Press: 204–21.
- Pomponio, A., 1992. *Seagulls Don't Fly into the Bush, Cultural Identity and Development in Melanesia*, Belmont, California, Wadsworth Publishing Company.
- Power, A.P., 1991. 'Policy making in East Sepik Province', in Peter Larmour (ed.), *Customary Land Tenure: registration and decentralisation in Papua New Guinea*, Port Moresby, Institute of Applied Social and Economic Research, Monograph 29:101–20.
- 1995. Village guide to land group incorporation, Wewak, Ivin Enterprises (for PNG Forest Management and Planning Project).
- Rahobada, P. and Rahobada, R., 1975. 'Tatana ancestral practices', in R. Pita (ed.), *Traditional Motu Customs*, Port Moresby, Institute of Papua New Guinea Studies: 98–110.
- Redfield, R., 1956. *Peasant Society and Culture*, Chicago, University of Chicago Press.
- Romilly, H.H. 1887. *The Western Pacific and New Guinea*, London, John Murray.
- Sahlins, M., 1965. 'On the sociology of primitive exchange', in M. Banton (ed.), *The Relevance of Models for Social Anthropology*, Association of Social Anthropologists, Monograph 1, London, Tavistock Publications: 139–236.
- Salisbury, R.F., 1962. *From Stone to Steel*, Melbourne, Melbourne University Press.
- Scaglion, R. (ed.), 1981. *Homicide Compensation in Papua New Guinea: problems and prospects*, Port Moresby, Law Reform Commission, Monograph 1.
- 1983. *Customary Law in Papua New Guinea: a Melanesian view*, Port Moresby, Law Reform Commission, Monograph 2.
- Scaglion, R. and Gordon, R., 1981. 'Introduction', in R. Scaglion (ed.), *Homicide Compensation in Papua New Guinea: problems and prospects*, Port Moresby, Law Reform Commission, Monograph 1:1–4.
- Schmidt, S.W., Guasti, Laura, Landé, Carl H. and Scott, James C. (eds), 1977. *Friends, Followers and Faction*, Berkeley, University of California Press.
- Schoorl, J.W., 1993. *Culture and Change among the Muyu*, G. Van Exel (tr.), Translation Series 23, Leiden, KITLV Press.

- 1994. 'Introduction', in H.M. Schoell (ed.), *Development and Environment in Papua New Guinea: an overview*, Point Series No. 18, Goroka, The Melanesian Institute.
- Sekhran, N., 1996. *Pursuing the "D" in Integrated Conservation and Development Projects (ICADP's): issues and challenges for Papua New Guinea*, London, Overseas Development Institute (Rural Development Forestry Network Paper 19b).
- Sekhran, N. and Miller S. (eds), 1995. *Papua New Guinea Country Study on Biological Diversity*, Port Moresby, Department of Environment and Conservation, Conservation Resource Centre and Nairobi, Africa Centre for Resources and Environment.
- Seligmann, C.G. (ed.), 1910. *The Melanesians of British New Guinea*, Cambridge, Cambridge University Press.
- Senge, F., 1991. 'Compensation bids for damaged morale too hard to swallow', *Papua New Guinea Post-Courier*, 29 January: 11.
- Sillitoe, P., 1979. *Give and Take: exchange in Wola society*, Canberra, Australian National University Press.
- Skalnik, Peter (ed.), 1989. *Outwitting the State*, New Brunswick, Transaction Publishers.
- Soipang, M., 1994. Memorandum to Susan Toft, Principal Project Officer, Law Reform Commission, 26 September 1994.
- Strathern, A., 1971. *The Rope of Moka*, Cambridge, Cambridge University Press.
- 1977. 'Contemporary warfare in the New Guinea highlands: revival or breakdown?', *Yagl-Ambu*, 4(3):135–46.
- 1979. 'Gender, ideology and money in Mount Hagen', *Man* (NS), 14:530–48.
- 1981. 'Compensation: should there be a new law?', in R. Scaglion (ed.), *Homicide Compensation in Papua New Guinea: problems and prospects*, Port Moresby, Law Reform Commission Monograph 1:5–24.
- 1992. 'Let the bow go down', in R.B. Ferguson and N.L. Whitehead (eds), *War in the Tribal Zone: expanding states and indigenous warfare*, Santa Fe, School of American Research: 229–50.
- 1993a. 'Compensation: what does it mean?', *TaimLain*, (1)1:57–63.
- 1993b. 'Violence and political change in Papua New Guinea', *Pacific Studies*, 16(4):41–60.
- Strathern, M., 1974. 'Managing information: the problems of a dispute settler (Mount Hagen)', in A.L. Epstein (ed.), *Contention and Dispute: aspects of law and social control in Melanesia*, Canberra, Australian National University Press: 271–316.
- 1975. Report on questionnaire relating to sexual offences as defined in the Criminal Code, Port Moresby, The Australian National University, New Guinea Research Unit.
- 1988. *The Gender of the Gift: problems with women and problems with society in Melanesia*, Studies in Melanesian Anthropology, Berkeley, University of California Press.
- Stürzenhofecker, G., 1994. 'Visions of a landscape: Duna premeditations on ecological change', *Canberra Anthropology*, 17(2):27–47.
- Sullivan, M.E., Galowa, K., Iddings, S. and Kimbu, R., 1992. Porgera environmental impacts and compensation. Report to Porgera Joint Venture.
- Togolo, M., 1989a. *Land, Mining and Redistribution: Panguna and Ok Tedi in Papua*

- New Guinea*, Honolulu, Pacific Islands Development Program.
- 1989b. Mineral related revenue and provincial governments: a case of the North Solomons Provincial Government, MA thesis, University of Hawaii at Manoa, Honolulu.
- Trompf, G.W., 1994. *Payback: the logic of retribution in Melanesian religions*, Cambridge, Cambridge University Press.
- Tuchman, B.W., 1978. *A Distant Mirror*, New York, Knopf.
- Tuzin, D.F., 1976. *The Ilahita Arapesh: dimensions of unity*, Berkeley, University of California Press.
- Weiner, A., 1976. *Women of Value, Men of Renown*, Austin, University of Texas Press.
- Wesley-Smith, T., 1992. 'Development and crisis in Bougainville: a bibliographic essay', *Contemporary Pacific*, 4:407–33.
- West, R., 1992. *Development Forum and Benefit Package: a Papua New Guinea initiative*, Port Moresby, Institute of National Affairs Working Paper 16.
- Williams, F.E., 1936. *Papuans of the Trans-Fly*, Territory of Papua, Anthropology Report No.15, Oxford, Clarendon Press.
- Wolfers, E.P., 1992. 'Politics, development and resources: reflections on constructs, conflict and consultants', in S. Henningham and R.J. May (eds), *Resources, Development and Politics in the Pacific Islands*, Bathurst, Crawford House Press: 238–57.
- Wormsley, W.E. and Toke, M., 1985. *Final Report: the Enga law and order project*, Wabag, Enga Provincial Government.
- Young, R., 1974. 'The social hierarchy of the Bena-Bena', in D. Shaw (ed.), *Kinship Studies in Papua New Guinea*, Ukarumpa, Summer Institute of Linguistics: 137–68.
- Zimmer, L., 1984. 'Pigs, money, migrants, or men? Identity crisis in the highlands of Papua New Guinea'. Paper for session on Migration, American Anthropological Association Meetings, Denver, 14–18 November.
- 1985. *The Losing Game: exchange, migration, and inequality among the Gende people of Papua New Guinea*, PhD thesis, Bryn Mawr College, Bryn Mawr.
- 1986. 'Card playing among the Gende: a system for keeping money and social relationships alive', *Oceania*, 56:245–63.
- 1987a. 'Playing at being men', *Oceania*, 58: 22–37.
- 1987b. 'Who will bury me?': the plight of childless elderly among the Gende', *Journal of Cross-Cultural Gerontology*, 2:61–77.
- 1990. 'Conflict and violence in Gende society: older persons as victims, troublemakers, and perpetrators', *Pacific Studies*, 13(3):205–24.
- Zimmer-Tamakoshi, L., 1993. 'Bachelors, spinsters, and *pamuk meris*', in R. Marksburry (ed.), *The Business of Marriage: transformations in Oceanic matrimony*, Pittsburgh, University of Pittsburgh Press: 83–104.
- 1994. 'The last big-man: development and men's discontents in the Papua New Guinea Highlands'. Paper for session on 'Men and Development in the Pacific', American Anthropological Association Meetings, Atlanta, 30 November–4 December.
- n.d. 'Empowered women', in *Festschrift in Honor of William H. Davenport*, Pittsburgh, University of Pennsylvania Press (in press).

Compensation, as payment for wrong doing causing harm or loss, is a well-used customary concept in Papua New Guinea and can be seen as a form of conflict management. Demands for high compensation payments in exchange for the use of land have become a problem hindering development. The claims are engendered by what may be described broadly as environmental presence on the part of developers.

Claimants are landowners and the communal land tenure system in Papua New Guinea means that virtually all native citizens are landowners. Land is owned by kin groups and is passed on to successive generations. So people alive at any time are custodians and have the right to use land but not necessarily to dispose of it permanently.

This volume deals with land compensation as it applies to resource development and is therefore essential reading for potential developers and investors in Papua New Guinea. It is part of a research project which expects to propose guidelines, possibly leading to legal reform, for solving issues surrounding the need to compensate landowner groups for use of their land. It is a qualitative complement to survey results examining general attitudes on the subject which are published in Law Reform Commission Working Paper No.27.

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