

THE LAND TITLES COMMISSION IN CHIMBU

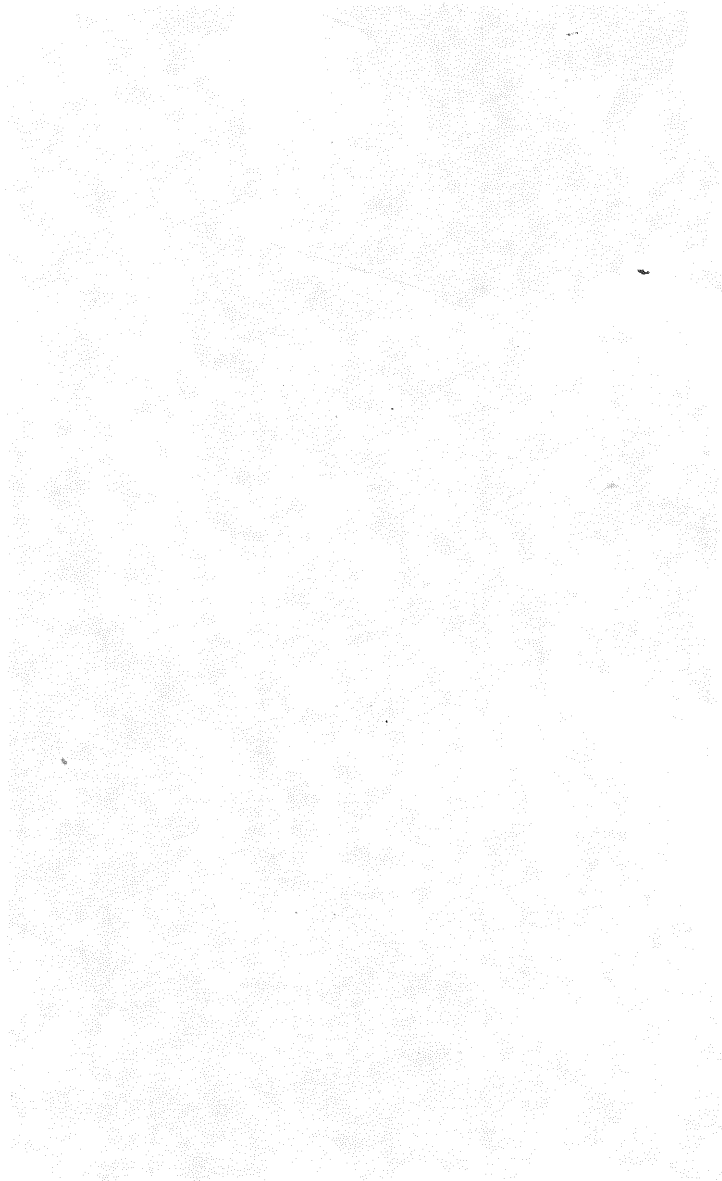




Plate 1. The pattern of land use looking southwest across Nimai territory. Cleared and fenced gardens are interspersed with casuarina and Miscanthus fallow.

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THE LAND TITLES COMMISSION IN CHIMBU

An analysis of colonial
land law and practice, 1933-68

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The Australian National University
Port Moresby and Canberra

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Preface

This study is concerned with colonial land law and practice in the Chimbu District of the Papua New Guinea highlands. Research was carried out in 1967-68 as part of the New Guinea Research Unit's programme of land tenure investigation. I initially intended to examine the early operation of the Land Titles Commission Ordinance 1962, and to assess its costs and effects, as Morawetz (1967) had done for the Land (Tenure Conversion) Ordinance 1963 in the Northern District. However, this was not possible because the Ordinance was just being implemented in Chimbu at the time, so instead I examined (i) government actions concerning land in the whole District prior to the Land Titles Commission Ordinance 1962; (ii) early actions under the Ordinance in the District between 1963 and 1967; and (iii) the implementation of the Ordinance and the local response in one part of the District in early 1968. Information on events before my arrival in Chimbu was gathered from official files, publications and, wherever possible, conversations, interviews, and correspondence with government and other participants. The case material documenting events during 1968 was primarily collected by observation and interview.

Field research was carried out between 5 December 1967 and 28 April 1968. During December and January I was based at Mintima in central Chimbu but also read documents and attended an instruction course for Chimbu demarcation committee members at Madang. From February to April I was based at Koge village in the Sinasina Local Government Council area.

I received so much advice, assistance and hospitality during the study that it is impossible for me to acknowledge individually all who helped. I trust that those not named below will accept my thanks. I acknowledge gratefully: the New Guinea Research Unit, for financial and other support; Professor Ron Crocombe, the then Field Director of the Unit for conceiving, guiding and continually encouraging the research, and for his most necessary red ink on several drafts, though he is in no way responsible for any shortcomings; D.J. Kelliher, the then Chief Land Titles Commissioner, for encouraging the research and other assistance; M.B. Orken, Land Titles Commissioner at Goroka, for much assistance, correspondence and comments on

early drafts; J. Page and S. Smith, Land Titles Commissioners of Madang and Rabaul respectively, for their correspondence; G.F. Nielsen, Land Titles Commissioner, and B. Bultin, Deputy Land Titles Commissioner, both of Madang; officers of the then Department of District Administration at Kundiawa and in Sinasina; Councillors Kia and Wamugl of Mintima; Chairmen Ambane and Wande of Gambagl and Kunanbau; the Nimai demarcation committee members; Golunkane subclan for their hospitality in Koge; I. Hughes for continuing help and comment in and out of Chimbu; and S. Tarua for careful editing of the manuscript.

Chapter 1

Introduction

Land disputes will be the greatest problems a Papuan-New Guinean government will have to face in the future. Whenever independence comes, our first government will be landed with this trouble, which will be one of many they will inherit from their white predecessors. (Kiki 1968:144)

In the long run, there is little doubt that Papuans and New Guineans will have to pay heavily for the Administration's failure to face up squarely to its duties in land tenure reform. (Healy 1971:115)

Four major questions can be asked of any particular land legislation:

- (i) What was or is the law for? (This requires a full history of the legislation, the precedents upon which it was based, those responsible for formulating it, and its aims.)
- (ii) What was the situation when the law was passed? (This requires an analysis of the socio-economic relationships concerning land prior to the legislation.)
- (iii) How was the law put into effect? (This requires full documentation of the implementation process at all levels.)
- (iv) Did or does the law succeed in the task for which it was designed? (This requires an evaluation of the extent to which the legislation met, or is likely to meet, its aims, at what financial and social costs, and with what unintended effects.)

This study does not answer all these questions for a number of reasons. First, the history of how recent land policies in Papua New Guinea originated in Canberra and Konedobu has yet to be written and their objectives are known only from official pronouncements.¹ Secondly, although demarcation under the

¹ A short summary can be found in Crocombe and Hide (1971: 315-18).

Land Titles Commission Ordinance began in the Madang and East New Britain Districts in 1968, no accounts of the process had been published. The lack of evidence from other areas, combined with the very early stage of implementation in Chimbu, made overall evaluation difficult. This analysis is therefore only partial, being restricted to one region and to the middle and lower strata of the decision-making and administrative structures.

The Chimbu District was chosen for study first, because a good ethnographic record of land tenure and social organisation was available in the works of P. Brown and Brookfield,¹ Criper (1967) and Nilles (1953); secondly, the inhabitants were significantly involved in cash cropping; and thirdly, it was known that a group of demarcation committee members from Chimbu was about to attend an instruction course in demarcation procedure and it was hoped that, by attending this course and observing members' subsequent activity in their home area, the effectiveness of communications between the Land Titles Commission (LTC) and the committee members could be assessed.

The framework of this study may be summarised briefly. Chapter 2 describes the operation and effects of land policies from the onset of colonial rule in 1933² until 1963 when the LTC was established. Wherever possible I have used the advantages of hindsight and my own field information to illustrate the Chimbu experience, but the evidence is necessarily biased towards official action. Further insight must wait for Chimbu-speaking historians. I have not attempted to provide a summary of Chimbu society as this is readily available in several publications.³ I consider first the establishment of colonial rule and the land policies that were adopted, and show how the Administration sought to establish permanent tribal boundaries and outlaw violence. This resulted in a rigidifying man-land system of very high population densities, and an unequal distribution of land among groups. As litigation replaced intertribal warfare, dispute-settlement was attempted by a variety of ad hoc methods, though arbitration by Adminis-

¹ See bibliography.

² Taylor and the Leahy brothers passed through Chimbu in 1933 but a government station was not established until 1934.

³ See especially P. Brown (1960, 1964, 1967); a very brief summary is given for Sinasina as background to the Nimai case material on pp.46-51.

tration field officers was probably the most common.¹ In 1957 their powers were rescinded and disputes were channelled to the Native Lands Commission (NLC), but it was unable to handle the backlog. From 1950 a new economic infrastructure was being established with the development of roads, health and education services, local government councils, and finally the introduction of coffee as a cash crop.² Yet no tenure changes were instituted nor was there a co-ordinated agricultural development policy. Coffee was regarded as a 'peasant' crop and planted in small, scattered plots.

Chapter 3 charts the early operation of the Land Titles Commission in Chimbu. Like the NLC which preceded it, the LTC was unable to handle any but the most pressing land disputes during the first few years. Moves in 1965 to implement the demarcation policy, and the policy-making decisions themselves, are documented where possible and demarcation committee selection and early committee operations to late 1967 are described.

Chapter 4 focuses on demarcation in one part of the Sinasina adjudication area. I examine the committee members of the Nimai tribe, their experience prior to nomination, and their knowledge of the aims and procedures of demarcation as well as the sequence of their demarcation activities and formal committee meetings. This is followed by case material and analysis of Nimai demarcation according to the segmentary level (tribe, clan, subclan) involved. The final section considers the relative influence of various factors on Nimai members' behaviour.

In the conclusion I look critically at the history of the Land Titles Commission Ordinance in Chimbu with the aim of assessing its weaknesses.

Although this study is limited to one District, and to a brief period of research, its main themes are of wider relevance. Some of the most pressing problems of Chimbu, such as land shortage, are fortunately rare in most parts of Papua New Guinea, but the issues stemming from the adaptation of the pre-colonial political and tenure systems of small, autonomous groups to the requirements of commercial agriculture

¹ Given the colonial power's monopoly of force, the linguistic problem, the time available to officers, etc., 'arbitration' is not the most exact term for what always happened: with this proviso I use the term throughout this study.

² See Brookfield (1966 and 1968), P. Brown (1970).

and statehood are shared by the whole country. Commercial agriculture has usually meant the planting of new tree crops which semipermanently monopolise the use of considerable areas of land. Although there were often tree crops in pre-colonial times, none approached the levels of intensity reached by coffee in Chimbu, and cocoa, coconuts and oil palm elsewhere. The integration of such crops in systems of land use dominated by a cultivation-fallow sequence presents many problems and has consequences which affect land tenure, settlement patterns, and the whole society. The pre-colonial autonomy of local communities (tribes and clans in Chimbu), most clearly revealed by their right to wage war in defence of their interests, was everywhere broken by the establishment of colonial government. Comcomitant with such autonomy was an ever-fluctuating locus of relative power and thus a constantly shifting pattern of boundaries between communities. Impermanence (of land use, boundaries and power) and fluidity were therefore major structural parts of the 'old' societies in Papua New Guinea.

Today local autonomy has been surrendered to the state which, in the interests of orderly government, has to be able to define rights with some degree of certainty that they will remain stable through time. Commercial tree crop cultivation also continuously removes areas of land from the shifting mosaic of root crop use followed by fallow. The policies described in this study were formulated and implemented in terms of, and in response to, these on-going processes and, in turn, have contributed to the particular direction they have taken in Chimbu. My conclusion is that they did not solve the problems. There are no easy solutions. Legislation alone, however well intentioned, cannot create a painless road along which old-established structures merely have to travel in order to arrive in a hoped-for utopia of affluence unmarred by disputes.

It should be noted that I assume that commercial agriculture will continue to expand and that local communities will be drawn into ever-closer links with the regional and national economic and political systems. I believe this to be so both because the structures for such movements have already been established (see Brookfield with Hart 1971: chapters 5-7, 8, 10,11,15) and because most people have accepted the immediate returns and demand an increasing share of the further perceived advantages flowing from this direction of change. There is, however, a growing awareness that some of the consequences may not be as attractive as has often been believed (Clarke and Ogan 1973; Crocombe 1971b). In searching for solutions to the problems described above, we should beware that the

gate is not being opened wide to the long-term, greater problems consequent upon the creation of the structures of the twentieth century economic and ecological imperialisms (Rappaport 1971).

Chapter 2

Land policies prior to the Land Titles Commission, 1933-63

From pacification to the end of World War II

Following the establishment of a station at Kundiawa in 1934, the Administration's first task was to stop 'conflicts between the Chimbu and those foreigners, mainly missionaries, who entered the area with goods for which the Chimbu would steal and kill' (Brookfield and Brown 1963:4). It was also soon concerned with directly controlling internal Chimbu warfare. Nilles, a missionary who arrived in the area in 1937, recounts (1953:16-17) how

in order to put an end to a fight, the officer in some instances summoned both sides to his camping place, with their weapons. The men were lined up in two rows, and had to place their weapons in front of them. Then the new law was made known to them: that no dispute could be settled by a fight, and that killing and all major difficulties had to be reported to the government. After this official promulgation the men had to leave their weapons, which the police collected, put on one pile and burned. In some places this action was repeated two or three times.

Thus the Administration impressed upon the people that warfare, murder, and other 'crimes against humanity' were matters which the government would settle. This preliminary control was established directly by white Administration patrol officers and their force of coastal policemen. With more intensive contact, representatives of the local people were appointed, through whom the patrol officers could deal.

These men were called 'bossboys' and given a sign of authority [a white glass ring] which they wore on their foreheads....[They] had to call from

time to time at the government station, bring in all offenders against the law, and report any trouble that might have arisen in their respective areas. For good and faithful service, awards were given them. (Nilles 1953:16)

The bosboi were later replaced by two grades of village officials known as luluai and tultul, their status being signified by metal badges rather than white rings. This system was one of quasi-indirect control, with the luluai and tultul at the lowest level being appointed by and in some ways representative of the Administration. As Salisbury (1964:228, emphasis added) said:

The official position is that New Guinea luluais are not chiefs, dependent on support from below, but officials appointed to carry out the Native Regulations, as prescribed by Government ordinance, and to execute the orders given by District Officers. They have no statutory authority to adjudicate disputes involving native custom, of which no official cognizance is taken.¹ As far as the administration is concerned, a luluai who hears a dispute does so only as mediator, at the request of the disputing parties; what he suggests is a compromise which is enforceable only to the extent that a party which does not accept the compromise then becomes guilty of an offence against Native Regulations, such as disturbing the peace. Such an offence can be tried only by a District Officer (or similar official) as a Court of Native Affairs - it is a 'CNA offence'.

Though their official powers were thus clearly limited, their duties were considerable. Reay's (1964:245-6) remarks about the Kuma apply equally to the Chimbu:²

The luluai had to secure native co-operation with the administration's program, chiefly by coercing the labor force of his group into working for one day per week on the roads that were to open up the Highlands. He had to prevent his group from warring with others, and report all disputes involving

¹ But see Native Administration Ordinance and Regulations 1921-51, Part III, section 57(2). Salisbury is in error here, at least in theory (see p.9).

² See Nilles (1953:18-19), P. Brown (1963:7-11).

his group for settlement in the Court for Native Affairs. He was also required to keep order within the group itself. The tultuls were minor officials appointed to help him and each of these was responsible for a particular segment of native society.

By 1940 about 300 leaders had been appointed as bosboi or headmen throughout Chimbu, and in 1941 nine of the most influential were made luluai with control at the tribal level. Tultul, appointed later, were responsible for groups at the clan or subclan levels.

Such village officials had no statutory authority to adjudicate disputes but they were in practice encouraged to do so. Reay writes (1964:246-7) that the Kuma

welcomed eagerly the informal courts which the administration encouraged the luluais and tultuls to hold. These courts were informal in the sense that they had no official recognition in the legislature of the Territory, but local officers of the government encouraged them as an administrative and educative measure. As such, they were extremely successful. The native officials had the Court for Native Affairs to guide them in the administration of justice and particularly in implementing the government's ban on personal violence and inter-clan strife.

An officer patrolling the Chimbu River Valley in the early 1940s reported that 'the luluai are already settling small disputes within the areas controlled by them'. He did, however, criticise one official for overstepping his powers, commenting that for the present 'the luluai should confine himself to settling minor disputes between members of the tribe or group which comes under his control'.¹ The patrol officer handled intertribal matters, and such major crimes (under the introduced law) as murder, rape, or other violence. Lesser disputes, especially those concerning women, the depredations of pigs, and land matters, were handled by the village officials. If necessary, they might be referred to the patrol officer. Evidence suggests that people responded to the opportunity provided by the presence of external authority: in the Chimbu Valley, people apparently showed 'no reluctance, even the women, in bringing up all forms of disputes for settlement'.²

¹ Chimbu Patrol Report (hereafter CPR), no.17, 1940-41, p.4.

² CPR, no.17, 1940-41, p.4.

This reliance on external arbitration continued unabated after World War II. For the moment, however, attention will be turned to the effect on matters of land use and control of the Native Administration Ordinance and Regulations 1921-51, which patrol officers enforced as magistrates of the Court for Native Affairs.

Regulation 59 (I) provided for the settlement of disputes concerning all aspects of land ownership and use:

Where a court decided any claim involving the ownership of or the right to the occupation or use or possession of land or water or the right to the produce of any land or water or trees, the court shall cause the evidence to be taken down in writing and shall transmit a copy thereof to the Commissioner of Native Affairs.

Complementary to this was Regulation 13(i):

If the complaint be one concerning land or water or anything built on or fixed to land or anything growing on a particular piece of land or water only the court of the district in which such land or water is situated may try the claim....

This ordinance gave officers full powers to hear and decide all matters concerning land use and ownership. Regulation 57 (I) provided for the use of custom as evidence in any such hearing:

- (1) All District Officers and patrol officers shall make themselves acquainted by all means in their power with the native custom of their district, and District Officers and patrol officers shall reduce such customs to writing and keep a copy of them in the district office.
- (2) Courts shall take judicial notice of all native customs and give effect to them, save in so far as they are contrary to the principles of humanity or conflict with any law or ordinance in force in the Territory.

No guidance was provided for court decisions other than the brief Regulation 60:

A Court after trying a civil claim may make such order as in the circumstances appears to the Court to be just.

An important provision was set out in Regulation 64:

- (1) Member of the court may mediate between the parties at any stage of the hearing of a complaint with a view to the amicable settlement thereof.
- (2) A court may postpone the hearing of a complaint if it thinks that by doing so an amicable settlement will be come to by the parties to the case.

No records have been traced to show the extent to which this machinery was used to settle land disputes¹ but probably it was rarely, if ever, used between 1933 and 1947 since patrol officers were preoccupied with pacification and the establishment of control. Disputes concerning land were most probably settled out of court with the patrol officer acting as arbitrator. As intertribal warfare was a major obstacle to the establishment of peace, survey work was carried out in 1938 and 1939 to determine tribal boundaries at the time of first contact (Brown and Brookfield 1959:2).

During the war years under the military government (ANGAU) the construction of roads in Chimbu increased considerably but otherwise the period probably constituted a holding operation rather than one of continuing expansion of administrative control and influence.

The most important act of government in the early years was the enforcement of peace, which had become effective, at least in the central area, by 1940.² Due to the superiority of government force, and improved communications (13 miles of vehicular roads and 339 miles of bridle paths), outbreaks of war between groups could be controlled even in the more distant parts. The immediate advantages of peace for both rulers and ruled are obvious, though the long-term effects in relation to land were probably not foreseen. Most importantly, pacification meant

¹ The Native Administration Ordinance and Regulations also provided officers with certain controls over land use, including the compulsory planting of crops (a famine provision), trespass, the disposal of corpses, the use of fire, water control, and the condition of villages (see sections 79A, 101-1A, 102, 106-9, 112-2A, B, C, D). Officers attempted to alter the design of houses, and to prevent livestock living in human residences (see CPR, no.3, 1945), and most probably to enforce the use of latrines and the disposal of corpses.

² CPR, no.36, 1940-41, p.2, describes one consequence of peace: 'The large migration of natives back to their own tribes or clans which they had left in previous years by reason of fighting...makes evident, if proof were required, the settling effect that the Administration has had on the natives'.

that rights to land could no longer be acquired by conquest. Peace and the subsequent mapping of tribal territories meant that named social groups were fixed to particular areas of land. The Administration considered this an essential preliminary to the establishment of permanent peace:

...District Services, as a matter of routine, should fix the land boundaries of tribes as they take the census...native land rights should be recorded soon after complete contact is effected to facilitate settlement of late land right disputes between tribes. (McAdam 1944:15)

The foundation of an administrative structure also had important effects on the social, economic and political geography of the region. The central station, Kundiawa, was linked by a network of roads and paths to 'satellite' police posts in the surrounding areas. These, and the almost identical mission structures, all required land; this was the first and at that time the only land alienated by the Chimbu people to the newcomers. Such stations were concrete examples of the new way of life that had been thrust upon the highlands valleys, and also the new sources of power. From the government stations in particular, was the new external law enforced.

From the resumption of civil administration
to the Land Titles Commission Ordinance 1962

With the resumption of civil administration in 1946 regular patrols, quasi-annual censuses and magisterial work recommenced. Except for the most newly contacted areas, policy changed during the following fifteen years from control to development.¹ In 1950 labourers were recruited and sent to the coast for indentured work. Shortly afterwards coffee was introduced and before long was being planted enthusiastically in accessible parts of the region. Many more village officials were appointed in the early 1950s, and the first local government council was established in 1958 at Waiye. The internal network of roads grew and was extended to the coast. Outlying posts, previously manned only by policemen, gained their own administrative staff. Health and educational services, both government and mission, spread throughout the region. For much of this development land had to be alienated; this was the exclusive prerogative of the government.

¹ There is room for argument about a definition of 'development'. Here I simply mean greatly increased government expenditure leading to expansion of all government services.

It was through luluai and tultul that administrative decisions were implemented and it was they who had most difficulty performing the new roles created by the government. Census books were compiled for groups of 75 to 200 people, usually one or sometimes two subclans (Brown and Brookfield 1959:3). These census units were usually looked after by tultul but in some cases, by headmen. The latter received neither the pre-war rings nor badges like those worn by the luluai and tultul. This led to difficulties even though the appointees were assured that 'although they have no ring they are yet a properly appointed official and will be considered as having the powers of such...'. Reporting this problem of status, the patrol officer advised that 'the wearing of a badge of rank is imperative if he [the headman] is to exercise his authority to the best effect and obtain full recognition from his fellow villagers'.¹ Although there is little information about the kind of disputes the village officials heard, or how effectively they settled them, there was clearly a considerable gap between their own and the Administration's interpretation of their role. One patrol officer reported to his superiors the decisions given in a number of cases by village officials as an illustration of how different they were from those a patrol officer would have made.² The District Commissioner replied that it was obvious that 'highlands village officials lack the judicial mind and that decisions generally are influenced by considerations quite foreign to European conceptions of justice'.³ One of the cases listed concerned land rights:

While A was busy in another area, B squatted on a portion of his land and planted crops on it. A returned and demanded his land back but B refused to give it. A made court.

The village official told A that he could not have his ground back until all B's crops had matured and B had removed them; the patrol officer commented disapprovingly that '...the crops included casuarinas which would have taken at least eight years to mature'. But was the village official so arbitrary in denying A the right immediately to evict B from the land that he had cultivated? Without further details it is impossible to

¹ CPR, no.3, 1950-51, pp.8-9. Similar problems occurred with demarcation committee members fifteen years later, see p.43.

² CPR, no.2, 1951-52, appendix C.

³ CPR, no.2, 1951-52, attached letter.

give a complete answer but it is significant that the village official did not deny A's right to the ownership of the land but confirmed B's right to benefit from the labour he had invested.¹ This decision, and probably most others, may well have been 'influenced by considerations quite foreign to European conceptions of justice' but it is invalid to characterise those making them as lacking the 'judicial mind'. The disputants were Chimbu not European and the immediate system in which they were participating was one still primarily determined by their own situation and history. The only change was that previously such disputes might have been determined by force, or the threat of force.

The pre-war government gave priority to the survey and mapping of tribal boundaries but after the war land was disputed at all levels of territorial grouping. In 1950 a patrol officer reported that

many land disputes between individuals, clans, sub-groups and groups were raised, and a policy of settlement by arbitration was adopted throughout.... As there are seldom defined land boundaries, and many rights to land have been acquired through conquest, long occupation, etc., it is essential that land disputes receive careful attention. A policy of settlement by arbitration is considered the safest method of adjusting these problems.²

It was impossible for the small number of patrol officers to hold a Court for Native Affairs to settle every land dispute brought before them for they had many other duties as well. It thus became the unofficial policy to settle land disputes by arbitration. One method was to use village officials who were not themselves parties to a dispute. One early case was an intertribal dispute between the Naregu and Nauru, which a group of village officials from non-interested communities settled satisfactorily by means of a 'council of arbitration'.³ A patrol in the Chuave area referred a dispute between clans to the luluai of surrounding groups who also settled it satisfactorily. One problem that was to worry patrol officers increasingly was that only after the luluai had reached a decision was it discovered that an officer on an earlier patrol had already heard the self-same dispute; he had given the same decision.⁴ Repetition of previously 'settled' disputes was

¹ Cf. Brown and Brookfield (1959:24).

² CPR, no.1, 1950-51, p.13.

³ CPR, no.3, 1950-51, p.4.

⁴ CPR, no.1, 1951-52, p.8.

apparently common. The District Commissioner declared that

land disputes should be thoroughly investigated and a decision recorded by a Member of the Court for Native Affairs. For too long now, land matters and disputes have been 'settled' over and over again by a procession of officers, native police and village officials with the result that the disputing parties have learnt that the better tale at the right given psychological moment usually carries the day; and also that the arrival of a new officer on the scene is the opportunity to rehash the whole business in the hope that an earlier 'decision' may be upset.¹

Patrol officers, however, had no time to employ the lengthy CNA procedures, and instead recorded their arbitrated decisions in the village book held by each census unit. Thus subsequent patrols were informed of their decisions.

In settling land disputes the patrol officer's first move was to discover which group was in effective occupation when Administration control was established. Individual officers also employed various other measures to achieve acceptable settlement. One interesting ad hoc decision comes from the upper Chimbu Valley:²

In the past there was frequent trouble amongst the Inaugls over the wild pandanus palms and this often resulted in fighting and subsequent imprisonment for the participants. To avoid further trouble, the areas where the palms were growing were divided up into clan blocks, and the people were directed to keep within their own clan divisions.

How rights to the pandanus palms were distributed before this decision is not recorded, although probably they were not held in solid clan blocks; the patrol officer himself recognised that

it must be expected that individuals will continue to encroach on blocks belonging to other clans: indeed, during this patrol, three men did go into another clan's pandanus area and threatened a tultul with bodily harm when he directed them to leave the area. These men were imprisoned.

¹ CPR, no.1, 1951-52, attached letter.

² CPR, no.5, 1951-52, p.4. Disputes over rights to nut pandanus in this and other areas are referred to several times in this period.

During such land work, individual patrol officers no doubt acquired and recorded varied information on Chimbu land tenure.¹ But however much such knowledge assisted decision-making, the flow of disputes brought before patrol officers showed no signs of diminishing. Five years after civil administration was re-established the following report from the central Chimbu census division was typical:

The main cause of dispute amongst the natives was land tenure. Numerous disputes over land were settled; and the disputes always concerned clan, subclan and personal ownership, inside one of the groups. The cause of the dispute would often be traced back to times long before the advent of the Administration.²

In late 1952 the Eastern Highlands District Commissioner³ introduced the policy of marking tribal boundaries with quadruple lines of casuarina trees. Besides being a determined, though vain, effort to finally settle those boundaries still disputed, this was seen as a necessary preparation for future economic development. As the first regional policy of the government to influence the people's relationship to their land, it merits close study. According to instructions to the first patrol, officers were to see that 'the natives plant quadruple lines of casuarina trees around the boundaries of tribal land'. They should 'supervise this job after a general meeting of officials has been told to do this work'. If no casuarina seedlings were available 'the natives should be required to construct some form of mark such as two foot drains, or perhaps a mound of earth lined to mark the tribal boundary'.⁴ Returning from this first patrol, the officer reported that such instructions had been followed 'in all groups visited by the patrol, and while the project caused considerable confusion and conjecture amongst the natives in the early stages, they later grasped the idea and it was received with considerable enthusiasm in most cases'.⁵

It is as well to consider some of the physical difficulties of communication between the central government post at Kundiawa

¹ See, for example, CPR, nos. 1 and 5, 1952-53.

² CPR, no.3, 1952-53, p.3.

³ He himself had participated in the pre-war mapping of boundaries in Chimbu.

⁴ CPR, no.8, 1952-53, p.2.

⁵ CPR, no.8, 1952-53, p.5.

and the surrounding areas. Usually only two or three foot patrols would visit these areas each year, the patrol officer staying overnight at government rest-houses (haus kiap) built from one to four hours' walking distance from one another. During these patrols censuses were taken, courts heard, and instructions passed on to village officials, who were also 'checked' on. Between patrols the latter would bring disputes, or come for instructions, to Kundiawa. Such communications were conducted either in Pidgin, which was not widely understood at this time, or through an interpreter. The 'considerable confusion and conjecture' which the border-marking programme met with was therefore understandable. It was an entirely new concept in its scale and design and was introduced without warning. It dealt with a matter of major concern to the people.

Instructions to subsequent patrols were modified: border marking was to be introduced at the same time as a propaganda campaign for casuarina re-afforestation, and, warned to expect disputes, patrol officers were instructed to ask the people to plant or mark only along undisputed boundaries. Any disputes were to be heard before the CNA where and when practicable.¹ One patrol officer outlined the procedure:

At all rest-houses in the census area, the officials were first told about the marking of the tribal boundaries, and approximately half a day was set aside at each rest-house for the supervision...[Borders] were marked in the presence of the officials of the tribal group on one side of the proposed mark, and of officials of the group on the other side... Casuarina trees were planted in quadruple rows along each tribal boundary...As was expected, there were some complaints about land ownership, in that natives belonging to one tribal group had land inside another tribal group area...these complaints [were] settled by arbitration...It was also pointed out to the officials that any complaint about land ownership, which was effected by the... boundary, was to be lodged before the marking took place. They were also told that if a complaint was not lodged then, it could be assumed that both tribal groups were happy about the division. This procedure was adopted to try and put an end to any further land quarrels that might arise over the boundaries.²

¹ CPR, no.9, 1952-53, instructions.

² CPR, no.9, 1952-53, p.8.

Favourable progress was made with border demarcation in 1953; indeed, in one area people planted as many as eight rows of casuarinas, four on each side of their shared border.¹ There were, however, certain problems. In Sinasina the difficulty was ecological for 'in many places the boundaries follow kunai-covered ridges and the natives are finding it very difficult to keep the small casuarina seedlings alive in the harsh soil'.² In central Chimbu the difficulty was 'the incessant litigation over land boundaries that has been going on for years and years, and despite decisions by pre- and post-war officers, the 'diehards' among the clans are still hoping and waiting for new officers to come along and reverse decisions.'³ The patrol officer reported that he had 'in no uncertain manner...made it plain that the boundaries of these particular groups have been fixed once and for all'. Similarly another group in the Upper Chimbu Valley had apparently

...pulled out the marked boundary and then waited in the hope that a new officer would reverse the long-standing decision. They were speedily disillusioned and the boundary has since been marked, it is hoped for once and for all. The natives find it hard to grasp the fact that new officers do not have to listen to their talk to find out where the boundaries are.⁴

This last comment, perhaps unintentionally, strikes at the root of much of the misunderstanding between the people of the Chimbu region and the colonial officers. In pre-contact society there was no system of record-keeping, written or otherwise, and intertribal relations were never stable for long. The position of boundaries depended on the relative political, and therefore primarily fighting (but also other negotiating) strengths of groups whose territories adjoined each other. With the advent of the Administration, fighting was prohibited and the status quo of groups at the time control was established was thus frozen. The Administration also introduced the technical means of recording this status quo for all time. Two particular consequences may be noted here. First, pre-contact warfare was a means by which population was adjusted to available land resources: without war an important dispersal mechanism disappeared. Its absence may not have

¹ CPR, no.12, 1952-53, p.11

² CPR, no.11, 1952-53, p.5 cf. Brookfield (1964:38, footnote 5).

³ CPR, no.12, 1952-53, p.11.

⁴ CPR, no.2, 1953-54, p.8.

been important for the first few years, but demographic changes meant that an alternative outlet had to be found. The Administration, with its emphasis on arbitration, did provide, at least partly, that alternative as shown by the enormous amount of litigation and the fashion of 'backing courts'. The second consequence follows from this and points to the kind of misunderstanding between the two parties which flowed from the Chimbus' incomprehension of the new forms of recording, and the Administration's belief that all problems would be solved simply by imposing a status quo. As will be seen later, boundaries in the mid-1960s were no nearer 'settlement' than they were in the mid-1950s.¹

By late 1953 it looked, to the patrol officers at least, as if the marking policy was enjoying some success. In the Kup area one wrote, 'that the idea of marked boundaries is based on sound premises is obvious from the satisfaction expressed by the natives affected, and the amazing slackening of land cases that are brought before officers both on patrol and at the station'.² In Sinasina, however:

These boundaries have been settled in the past...
the problem of re-settlement presented itself
several times...The present situation is therefore

¹ The situation is similar to that described by Wallman (1965) concerning distorted information channels between the Basuto-land government employing English measurement standards, and the people in village communities. Aerial photo maps were used in surveying an area where agricultural development was planned, and the plotting of the boundaries of each field onto these maps was done

on the field or in sight of it - on the advice of the headman or his delegate and in the presence of a few mildly interested villagers. Most were unable to visualise the relationship between a minute shape on a piece of cartridge paper and their own field on the ground - 'how can you put a field on a piece of paper?' - but were apparently prepared to concede that remote and omniscient white men would thereby be able to reckon size - at least to their own satisfaction. It is likely that no one regarded the survey as having anything to do with them directly...When a man was told, months later, that his field measured so many English acres and would cost so much to work his reaction was utter disbelief and a conviction that he was being cheated... 'I did not see them measure...'. (Wallman 1965:237)

² CPR, no.3, 1953-54.

one of bitter controversy and illfeeling. The possibility that these circumstances could lead to a renewal of fighting cannot entirely be ignored.¹

Indeed, a year later:

There are many sections of ground on the borders of groups in the Sinasina that will always be under dispute. In certain cases the ground is really common to both groups. It would seem to be impossible and indeed unwise to lay down strict boundary lines between groups in the Sinasina.... By native custom when two groups intermarry there are reciprocal land rights. This means that a person in one group may have a small garden area in another group. If a definite boundary line is marked out then in some cases there is a feeling reciprocal rights will be lost. Where natives of one group had land or garden rights in another group it was pointed out that nothing would be changed. These mutual agreements over land were the concern of the parties involved.²

But by 1954-55 many of the major tribal boundaries had been more or less delineated with casuarina trees. The patrol officers then found themselves faced with a different kind of dispute. In Sinasina the majority of land complaints heard

were those which the village official had been unable to settle and any which had occurred... [since] the patrol's arrival. The latter in most cases were referred back to the various village officials. All tribal boundaries have been marked but still there is the constant wrangling over small sections of ground. Two disputes over land at the clan level were settled.³

Similarly the Assistant District Officer (ADO) at Kundiawa wrote that the majority of land disputes were now over areas within the tribe; 'these disputes are an impossibility to settle and it was never the intention when the tribal boundaries marking programme was instigated to adjudicate on small garden blocks within the group'.⁴ Village books contain several

¹ CPR, no.8, 1953-54.

² CPR, no.11, 1953-54.

³ CPR, no.4, 1954-55.

⁴ CPR, no.11, 1954-55, attached letter.

references to this kind of settlement.¹

Land disputes were generally settled by arbitration in the following years. Such decisions had no legal standing, but as long as some record was kept, in the village books or in a register at Kundiawa or both, this was, given the limitations on time, a reasonably effective measure. As noted above,² the procedure of the Court for Native Affairs was lengthy and time-consuming. The only recorded CNA hearing concerning land illustrates this, and other points. It arose from a long-standing dispute between two subclans of the Emerengam clan, and one of the Komungam clan, both clans belonging to the Kuman-Kamara tribe whose territory lies just west of Chuave.³ An arbitrated decision was first made in 1952, but the dispute flared again in 1956 and the patrol officer decided to determine rightful ownership under Regulation no.59 of the Native Administration Regulations.

During preliminary hearings the Emerengam pointed out the land that they claimed they acquired by conquest before the arrival of the Administration. They stated that although at

¹ The following is a detailed, though otherwise typical, entry in a Sinasina book:

4.11.54. Investigated a land dispute near the [rest-house] above the main road. Name of ground: Abakal. Owner: Maima-Tine of Yobakogl. This ground has been planted with coffee and has been marked and fenced by Maima. All caroca [i.e., nut pandanus] trees directly near this ground to the north have been planted by Dumun people. Below the native road 'Duambu' all caroca trees have [been] planted by Masul, Dumun, and Yobakogl people - they 'mix'. This applies to all caroca directly below the limestone range which runs parallel to the main road. The house and house ground, name: Duamb, is also owned by Maima-Tine and is marked and fenced. All people concerned with [the] ground were present at court. The Dumun book has also been noted. (Entry in village book, Yaun subclan, Miule-Yaun clan, Tabare-Miule tribe, held at Kamtai base camp, Sinasina)

It is sad to report that these Sinasina village books were all apparently lost in a fire in 1969-70.

² See pp.13-14.

³ Chimbu Lands File (hereafter CLF), 35-16-6, held at District Lands Office, Kundiawa.

the time of pacification they were holding much of the land that the Komungam now occupied, this was because the Komungam continued fighting longer than they did, and as they gradually withdrew, the Komungam encroached on this land. In fact, the Emerengam accused the Komungam of having expanded their territory since pacification. The Komungam denied none of this, except that they claimed that the Emerengam had invited them, or at least agreed to their occupying some of the areas which the Emerengam had previously held. The Emerengam at last took a stand over the ground called Bima.

The patrol officer's decision exemplifies several principles. First, he awarded the Bima ground to the Emerengam because they 'had a better title to the land...than did the possessors, natives of the Komungam clan'. Their title was founded upon evidence from both parties, that the Emerengam had been the prior occupants of Bima.¹ However, the Komungam received a small area of land that they had lost in the 1952 arbitration hearing. In the words of the court decision, 'there would be only a very small difference in acreage with regard to both portions - and an exchange seemed to be an admirable way of settling the dispute'. Not only would both groups receive something but the exchange might clarify their mutual boundary by preventing them from overlapping across a creek. The advantage of this was, however, purely administrative for 'a firm boundary, separating one clan from the other, is better than a boundary which overlaps. Confusion will not result in the minds of the natives - a relatively straight line is easier to follow than a crooked one'. This decision was given on the site of the dispute, and police marked the boundary with posts and cairns of stones. Each clan was given three months to remove all moveable possessions from the lands which they were to relinquish.

The Emerengam were 'all in favour' of the decision but the Komungam were not, preferring 'the status quo with both clans overlapping each other'. The Komungam were reluctant to lose Bima because of their pandanus there, and they therefore started a fight. However, the decision was enforced, although the time limit for evacuation was extended by a few months. One Komungam made an interesting statement after this fight:

...now we are willing to let Emerengam have the ground. If our women want to marry into the Emerengam clan, we don't want to see them any more. They must stay away. When we have feasts, we can

¹ In practical terms, a time baseline had to be drawn somewhere. This was usually the date at which 'effective' Administration control was established in the area.

send food to Emerengam, but we will not take that food along. If any Emerengam native gives a portion of Bima to a Komungam native in the future as evidence of friendship, I will bring those concerned to gaol. We have no power as a court. We won't interfere any more with the land Bima. It now belongs to the Emerengam clan.

Despite the histrionics of oratory, the message is clear: all relations were to be severed and the two clans would henceforth be entirely separate. This separation became clear when in January 1957 policemen assessed the value of non-removable property remaining on the two blocks of land. Casuarina trees were roughly equal in number on both, and so were either exchanged or cut down. The Emerengams had nothing else of value on the land they were losing. The Komungams, on the other hand, had 6,506 pandanus palms on Bima, rights to which were held by seventy-seven individuals.¹ Fifty-two Komungam sold 5,029 pandanus to the Emerengam for \$126.45 in cash (converted from f.s.d.), 8 pigs, 3 chickens, 3 axes, 1 bush knife, 1 red bird of paradise plume, and 2 tambu shells.² The remaining 1,477 trees held by twenty-five Komungam were not sold, perhaps because they were young enough to be moved.

This case illustrates why the CNA procedure was rarely used to decide land disputes. From the re-establishment of civil administration until 1957, the government did have this legal machinery and, during the years of vigorous attempts to mark tribal boundaries the District Commissioner supported a policy of settling major disputes in the CNA.³ It was perhaps fortunate that CNA was so rarely used because in August 1957 the Native Land Appeal Court decided that the Native Land Registration Ordinance 1952 had by implication repealed that part of Native Administration Regulation no.59 which gave power to a member of the CNA to decide ownership of land.⁴ The CNA could, however, still decide questions of use and occupancy.

¹ Individual holdings varied from 7 to 654 trees.

² This payment diverges from the official price of three pence a tree, or about \$126 for the 5,029 trees. The goods paid in addition to cash represent some recognition by the Emerengam that the Komungam were suffering a severe loss.

³ CPR, no.1, 1951-52, attached letter, and CPR, no.4, 1953-54, attached letter.

⁴ Native Land Appeal Court, 19 August 1954 (concerning Havini v. Busin, Court for Native Affairs, Lerankoa, Bougainville).

A circular dated 3 September 1957 from the Department of Native Affairs informed field staff of the change and a later ruling by the Secretary of Law that 'all decisions as to the ownership of native land made by CNA since 26 June 1952 are of no effect'. These disputes had to be reheard by the Native Lands Commission and were given priority over new disputes so that ownership could be 'properly determined as soon as possible'.¹ There is no record, however, of any CNA decision being reheard by the NLC in Chimbu. In fact, as there was no Commissioner in the highlands until May 1959 there was no legal means for hearing and deciding land ownership within the region for nearly eighteen months. Since the recognised policy was one of arbitration, this represented no great departure from previous years' practice. Land disputes nonetheless continued to present a major difficulty to the Administration and discussion occurred as to how settlement could be best achieved. Some interesting suggestions were outlined by Fr Schaefer, one of the earliest Catholic missionaries in the area, after his opinion had been sought by the officer-in-charge at Kundiawa.²

Schaefer agreed with the principle of recognising as owners those who had been in 'peaceful possession' of land either at the time of first contact or at the opening of the station at Kundiawa. He thought these facts would be relatively easy to discover because of the people's good memory of such matters, but that data on earlier occupation would be unreliable 'because ownership...changed too often'. He recommended that this principle be rigorously adhered to since groups wanting to have their boundaries marked tried 'to acquire as much land from [their] neighbour...as possible under the protection of the Administration'.

He foresaw certain difficulties if this principle were applied too rigidly. How was occupation to be defined? Should it include land conquered at the time of first contact with Europeans? How intensive, if at all, did utilisation have to be to constitute 'occupation'? Schaefer favoured a definition of 'peaceful occupation', presumably meaning land which the occupying group had held for 'some time'.³ He raised the problem of refugee groups, especially those living with their affines. Should they return to their previous land, or remain

¹ Department of Native Affairs, memorandum no.182, 7 January 1958.

² Letter from Fr Schaefer to ADO, Kundiawa, 30 December 1957 (CLF 35-16-1). Schaefer had published on the ethnography of Chimbu (see, for instance, Schaefer 1945).

³ Cf. p.21, fn.1.

with the groups with whom they had taken refuge? This raised the problem of magan tainde (no-man's land), from which previous occupiers had been driven or which was the frontier zone between groups.¹ Schaefer thought that these problems should be solved before any attempt was made to mark borders, but advised against any attempt to use 'native custom' as it would lead to fighting. 'A crowd of native headmen cannot be the land-court', but there might be an 'arbitration court constituted of some good natives...headed by an experienced officer'.

Schaefer made detailed suggestions about the marking of boundaries between tribes. The major principles should first be explained, 'not only through an official interpreter' but also through some members of their own tribe with a knowledge of Pidgin. Some time should then be allowed for discussion and for absent members to be informed. When marking took place, certain rules should be enforced: only members of the groups involved should be present, marking should be regarded as if it was sworn evidence in court, thus making dishonesty punishable, and potential 'troublemakers' should be kept away. They should be asked to mark what they thought of as their land and nothing more. This would work, he thought, in most cases, though where difficulties arose an arbitration court could arrange a compromise. After the marking, an interim period for adjustment or even appeal should be allowed. He thought that 'squatters' (usufructuary right holders?) should be treated as bona fide settlers, and that they should either be allowed to retain their tree crops or receive suitable compensation for them. He recognised that there might be difficulties over boundaries already marked but that they should be left well alone unless they were 'unfair'. Finally, he warned that although such a procedure would obviously involve much work, the situation would deteriorate if nothing was done immediately.

In January 1958 the ADO at Kundiawa forwarded Fr Schaefer's suggestions to the District Office at Goroka supporting the idea of an arbitration court of local men headed by a senior officer. He added that an attempt to use only local men had recently failed:

At the suggestion of Mr McCarthy, Acting Director of Native Affairs, an attempt was recently made to settle a serious dispute by arranging for headmen from areas not concerned in the dispute to arbitrate and to decide who had the right to occupy certain land on the Endugwa-Siambugle boundary.

¹ See Brookfield and Brown (1963:143).

This attempt proved to be a miserable failure. The headmen, after investigating the dispute for five days, because of untruths told by both sides, were unable to reach an equitable decision and finally decided to split the disputed land in two. This decision was not accepted by the parties concerned and rioting resulted. Another attempt is now being made to settle the dispute along the lines suggested by Fr Schaefer.¹

However, this attempt to formalise 'arbitration councils' did not develop any further. During the next few years if a serious land dispute arose, claims for registration under the Native Land Registration Ordinance 1952 were prepared and sent to Port Moresby.

Thus the Native Land Registration Ordinance might as well have not existed as far as the Chimbu region was concerned, until after 1957. This legislation, which provided for the registration of native rights in land, aimed at a full record of the ownership of all land in Papua New Guinea. However, this was never achieved² and in this context we shall only be concerned with those hearings and decisions of the Commission which directly affected the Chimbu.

Though claims referring to disputed land were forwarded to the NLC after 1957, not until 1959 was a Commissioner posted to the highlands. He was based at Goroka, and was unable to visit Chimbu until 1960, by which time there were innumerable disputes, twenty-three of which were formally lodged as outstanding claims for registration. The ADO at Kundiawa said that land disputes were

a constant source of distress...[which] resulted in many bitter and bloody brawls...[and] our Corrective Institutions are full....In my opinion these disputes are the main obstacle to social cohesion amongst the various groups....It is impossible for a Native Land Commissioner stationed at Goroka to adequately cope with the land disputes in this sub-district....The failure to settle these disputes is a reflection on the Administration. It is causing the Waiye and Koronigl NLG Councils considerable concern. Both councils have raised with me the possibility of a NL Commissioner stationed in the Chimbu....³

¹ Letter from ADO, Kundiawa, to DC, Goroka, 21 January 1958 (CLF 35-16-1).

² See Crocombe and Hide (1971:316).

³ Letter from ADO, Kundiawa, to DC, Goroka, 5 December 1960 (CLF 35-16-1).

Soon after this the Commissioner visited the Chimbu sub-district and agreed to concentrate on trying to resolve some of the major tribal boundary disputes.¹ Attention was directed first to those in the Kundiawa and Kerowagi areas, probably because councils had been started there and settlement was thus politically more important.

The Commission had heard only three disputes when the Native Land Registration Ordinance was superseded by the Land Titles Commission Ordinance 1962. All three involved long-standing intertribal disputes and the decisions had to be backed by the threat of sanctions. The procedure was complex, lengthy and expensive, and confirmed that the ambitious tribal boundaries marking programme of the early 1950s had not achieved its aims. The major principle upon which decisions were made was that those 'effectively occupying a particular area of land at the time of effective government control of the area, were regarded as having the prior rights to the ownership of the land'.² This followed precedents established by officers in the early post-war years.³ A secondary principle was that those who 'have been invited onto land and have planted crops or trees thereon are regarded as the owners of those crops and trees, but not necessarily owners of the land to the extent that they could dispose of the land'.⁴

Summary

By 1963 the most obvious effect of thirty years of colonial rule was the new use to which considerable areas of land had been put; including government and mission stations, a growing network of roads, airstrips, schools, aid-posts and new council centres. Such new uses stemmed directly from the aims of government: first pacification, then the establishment of effective administration, and after 1950 economic and social change. No overall land policy guided these far-reaching changes: land was alienated as required after investigation that such alienation would not impose 'undue hardship' upon those relinquishing their rights.

¹ Personal communication: M. Orken, 1968.

² Letter from Native Land Commissioner to F. Jones, Kundiawa, 19 July 1962 (NLC file, 5-8-3, Goroka).

³ See p.14.

⁴ Letter from Native Land Commissioner to F. Jones, Kundiawa, 19 July 1962 (NLC file 5-8-3, Goroka).

As far as the territorial organisation of the Chimbu people was concerned the prohibition on warfare was of the first importance. In pre-contact society warfare functioned to distribute population over available land resources. Brookfield and Brown (1963:147-8) recognised that after pacification it was replaced by boundary litigation but doubted if the settlements were any more enduring than those resulting from war. That litigation over tribal borders did reflect genuine imbalances in landholding is revealed by Table 2.1 by the relative occupation densities of the groups involved in the three major disputes decided by the NLC between 1960 and 1962.

Table 2.1

Occupation densities of groups involved
in three major disputes*

Group who gained land	Occupation density		Group who lost land	Occupation density
Siambuga-Wauga	(0.8)**	v.	Naregu	(0.6)
Gena (Sim)	(0.8)	v.	Siku	(0.4)
Kamanegu	(0.8)	v.	Endugwa	(0.4)

* Occupation density figures from Brookfield and Brown (1963: 122). Occupation density is an index formulated by these authors showing how closely different groups approach their calculated maximum population density. Brookfield and Brown (1963:119) first calculated the 'maximum population densities from the computed maximum carrying capacity and the measured area of each territory. We take these as equal to 1.0, and present the 1960 actual population density as a proportion of this figure'.

** Assuming that it was Siambuga rather than Wauga as seems most likely (Brookfield and Brown 1963:148-50).

From the end of the war until 1957 three types of approaches were adopted by the Administration to handle land disputes. At the lowest level, village officials were encouraged to settle disputes occurring within their groups (Brown and Brookfield 1959:24-5, Brookfield and Brown 1963:137, 139). Where they could not reach a decision disputes were brought to patrol officers for arbitration. For disputes involving two major groups, ad hoc committees of local leaders tried to reach decisions acceptable to both parties. Such approaches were a response to the actual problems, not the result of official policy which recommended that land disputes be settled by a Court for Native Affairs. No hard and fast rules were pre-

scribed as to which procedure should be employed in a particular case. Much depended upon the availability and inclination of the patrol officer, the influence of the village official, and, most importantly, the size of the disputing parties. In conjunction with these mechanisms for hearing disputes a policy of demarcating tribal borders was pursued between 1952 and 1955.

How effective were these procedures? It is difficult to estimate the extent to which village officials undertook arbitration. Brookfield and Brown (1963:139) report that in the Naregu tribe, intraclan and intratribal land disputes rarely came before the patrol officer, but further from Kundiawa people probably relied more on external arbitration. Where village officials did act, it was common 'for the claimant or invader in a dispute to get either a part of what he seeks, or else to be permitted to complete the present cultivation cycle before withdrawing' (Brown and Brookfield 1959:24-5).¹ Such arbitration was therefore flexible, allowing a certain amount of redistribution of rights or access to land. Further, since such decisions were not permanently recorded, they allowed for future adjustment. Decisions by patrol officers, on the other hand, were supposed to be final and were recorded in village books, but unsuccessful parties often reopened disputes with different patrol officers.

Ad hoc committees of tribal leaders were an attempt to combine the advantages of the other two procedures: the decisions were to be made by the people themselves and were to be recorded. They failed because there were no suitable mechanisms to resolve such matters peacefully at a pan-tribal level, and probably because they had insufficient authority to enforce a decision.

After 1957 all major disputes were channelled to the NLC but very few were settled due to shortages of staff and unwieldy procedures. Between 1957 and 1963 there was no mechanism through which middle-range disputes could be settled. Patrol officers no longer had the power to determine land ownership and, with increasing duties relating to councils and other activities, they merely filled in claims for registration rather than undertake time-consuming arbitration. Unfortunately no further experiments were undertaken with committees of local leaders.

¹ See also p.12.

Chapter 3

The early development of land demarcation, 1963-67

The Land Titles Commission and land disputes, 1963-67

The Land Titles Commission Ordinance 1962 gave the Commission exclusive jurisdiction to 'hear and determine all disputes concerning and claims to the ownership by native custom of, or the right by custom to use, any land, water, or reef...'.¹ This meant that the former powers of patrol officers (as members of the CNA and as magistrates) to hear cases concerning the use or occupancy of customary land were abolished.² In June 1963 every sub-district was requested to prepare a list of outstanding land disputes in order of priority for settlement by the Commission. The criteria of priority included the extent to which a dispute retarded economic development and whether it had resulted in violence or was likely to do so. Notice of five major disputes, giving priority to two at Gembog1, reached the Commission by September. This represented a very small proportion of the total number of disputes in the Chimbu sub-district at this time. Reporting three disputes in the Sinasina area, an officer emphasised that there were

...many dozens more about to be raised over land claimed by two or more adjoining groups of the Iobakogl, Sinasina and Dinga people....If we are to investigate land disputes for the Land Titles Commission, and if this is to be done properly then the Koge area needs a three-week patrol doing nothing but land dispute investigations.³

¹ Land Titles Commission Ordinance 1962, section 15(1), amended 1965.

² CLF 35-16-1A, part 1: circular 35-1-12/35-13-0, 'Native land disputes', from Director, DNA, to all District and Assistant District Officers, 25 June 1963.

³ CLF 35-16-1A, part 1: letter, 9 September 1963.

Only three of the many disputes awaiting attention in Chimbu were heard by the Commission between 1963 and 1967. Like the Native Lands Commission, the LTC was hampered by staff shortages (there was only one Commissioner for the whole highlands) and by similar complex procedures. Hearings necessitated the compilation of maps, genealogies and other evidence, all of which were supposed to be gathered by the equally short-staffed Administration. Its two hearings during 1963-64 illustrate both the nature of the disputes and the procedures used.

The first concerned the claims of two men of different clans of the same tribe to three square chains of land in Gembogl.¹ In August 1962 the Gembogl officer recorded the rival claims, traversed the land with chain and compass and sent claims and map to the then Native Lands Commission. A year later the Land Titles Commissioner inspected the land and conducted a preliminary hearing. He then departed, requesting the officer to prepare genealogies and collect further evidence on who controlled the land when effective administration was established. He returned a month later to hold the final hearing, which lasted two days.

An area of nearly 5,000 acres known as Bendam, also in the Gembogl area, was the subject of the second Commission hearing.² The Kukani and Maguagu tribes had fought over it before contact and disputed its ownership since the early 1950s. In 1954 a police constable from Kundiawa had arbitrated a decision. He stated before the LTC ten years later that he had been told to locate and reaffirm a previous boundary mark on a river. He had decided, however, in favour of the Maguagu, and his decision was apparently ratified by the officer at Kundiawa. The Kukani alleged at the hearing that the constable had been bribed with a woman and a chicken. The constable's decision remained in force until October 1963, although the Kukani 'repeatedly tried to have their case heard by a European and have told their story on many occasions but have always been told that the proper case will be heard later'.³ In 1963 the sight of the Maguagu fencing part of Bendam in preparation for cultivation was too much for the Kukani who removed the fence in order to provoke a fight. They reasoned that '...the NLC [sic] would only come if there was to be a large fight, otherwise the hearing would be postponed indefinitely. They quoted

¹ Augenigl hearing, 27 September 1963 (LTC file 5-8-3, Goroka).

² CLF 35-2-9, Bendam hearing, 12 November 1964.

³ CLF 35-16-32, Bendam land dispute, note by C. Criper, 16 October 1963.

disputes in the Kundiawa district to support their argument'.¹ Violence was averted when the Gembogl officer promised to consider their claim, but the LTC did not hear it until a year later. Finding no justification for the 1954 decision, the Commissioner decided in favour of the Kukani. An arrangement for the Maguagu to retain their coffee trees and ceremonial grounds on the land restored to the Kukani later fell through and substantial payments were made by the Kukani.

This dispute shows clearly that the Chimbu were not prepared to wait in vain for legal action. The Kukani, being aware of precedents in other parts of Chimbu, could see no other way of having their case heard than by having a fight. Some indication of the 'finality' of Commission decisions is shown by the report two years later that the Maguagu were again encroaching on the land awarded to the Kukani by planting coffee seedlings.²

Although the Chief Commissioner of the LTC had the power to appoint public servants as deputy commissioners,³ no appointments were made until 1965 when 126 were appointed.⁴ Under the original ordinance, deputies' powers were limited to disputes concerning the right to remove produce but in late 1965 their powers were extended to those of Commissioner.⁵ Their appointment coincided with the declaration of the Chimbu adjudication areas, but only one further land dispute was heard by a Commissioner in Chimbu in the next two years,⁶ and none by Deputy Commissioners. In March 1968 their powers were repealed.

If only three hearings were held by the Commission between 1963 and 1967, how were other land disputes handled? A few disputes were investigated by patrol officers and claims forwarded without effect to the Commission, but most disputing parties were told, especially after 1965, to wait until demarcation committees were functioning.⁷ Doubtless, councillors,

¹ CLF 35-16-32, Bendam land dispute, note by C. Criper, 16 October 1963.

² CLF 35-2-9, letter dated 12 December 1966, from ADO, Gembogl to DO, Kundiawa. Cf. Brookfield and Brown (1963:126).

³ Land Titles Commission Ordinance 1962, section 15(3).

⁴ Government Gazette, no.55, 1965.

⁵ Land Titles Commission Ordinance 1965, no.43 of 1965, section 5(b).

⁶ Gena v. Siambuga-Waugwa hearing, no.1 of 1966, Land Titles Commission, Goroka.

⁷ CLF 35-16-32, letter from ADO, Kerowagi, to DO, Kundiawa, 8 February 1966.

village officials and other leading men continued to settle disputes wherever possible, and at least three cases are recorded of arbitration by Administration officers.¹ The latter were all relatively low-level disputes, between groups such as subclans or at most clans, as were six other disputes recorded but not settled in the Kup region.² Four of these nine disputes concerned land planted with coffee, a significant indication of the changing pattern of land use.

Declaration of adjudication areas, 1965

The Commission's first move towards the adjudication process in 1965 was to ask all District Commissioners to propose boundaries for adjudication areas within their Districts. Replies were slow in coming and a Land Titles Commissioner was sent to various Districts to explain the principles and purposes of adjudication and to expedite the choice of areas.

In the Eastern Highlands District (then including Chimbu), thirty-one adjudication areas were determined at a meeting of the visiting Commissioner with the Assistant District Commissioners in Goroka. Thirteen of them were within the Chimbu sub-district (see Table 3.1).³ An official declaration in October 1965⁴ stated that all 'native land' within the areas would be 'ascertained and registered' in accordance with the 1962 ordinance. Eleven areas were to have all claims presented before the end of 1968, and the remaining two, at a lower altitude in southern Chimbu and much less developed, by the end of 1970.

At the Goroka meeting mentioned above it was decided to appoint committees only in the more 'urgent' areas on a trial basis, in the hope that they could settle some of the more outstanding disputes. For this reason a list of disputes in the Chimbu sub-district was prepared.⁵

¹ CLF 35-16-33, Tema, 7 February 1967; CLF 35-16-33, Meriremane, 7 February 1967; CLF 35-16-34, Gulba, 18 August 1967.

² CLF 35-16-32, letter from ADO, Kerowagi, to DO, Kundiawa, 8 February 1966.

³ Two further adjudication areas, Karimui-extension and Upper Purari, were added to Chimbu later (see Fig. 1).

⁴ Government Gazette, no.55, 1965, pp.789-93.

⁵ CLF 35-16-1A, part 1, letter from DC, Eastern Highlands, to Deputy District Commissioner, Chimbu sub-district, 14 May 1965.

Table 3.1

Chimbu adjudication areas, 1968

Adjudication area	Sub-district	Council area	Area (sq.mls)	Population ('000)	Official date for completion
Waiye-Dom EH6	Kundiawa	Kundiawa	56.1	18	31 Dec. 1968
Yonggamugl EH7	Kundiawa	Kundiawa	47.2	9	" " "
Gembogl EH8	Kundiawa	Mt Wilhelm	141.1	19	" " "
E. Koronigl EH9	Kerowagi	Kerowagi	105.8	10	" " "
W. Koronigl EH10	Kerowagi	Kerowagi	53.3	9	" " "
Kup EH11	Kerowagi	Kerowagi	95.4	8	" " "
Sinasina EH12	Kundiawa	Sinasina	91.8	25	" " "
Chuave EH13	Chuave	Elimbari	57.6	8	" " "
Nambaiyufa EH15	Chuave	Elimbari	50.4	7	" " "
Elimbari EH17	Chuave	Elimbari	95.4	13	" " "
Gumine EH18	Gumine	Gumine	167.8	18	" " "
Karimui EH30	Gumine	-	298.8	4	31 Dec. 1970
Nomane-Marigl EH31	Gumine	-	279.7	18.5	" " "
Karimui-Ext. SH1		-	270.0	2.5	" " "
Upper Purari Gul. 3		-	252.0	.2	-

Sources: Government Gazettes for official dates for completion; area and population from 'Population statistics: Chimbu District', District Office, Kundiawa

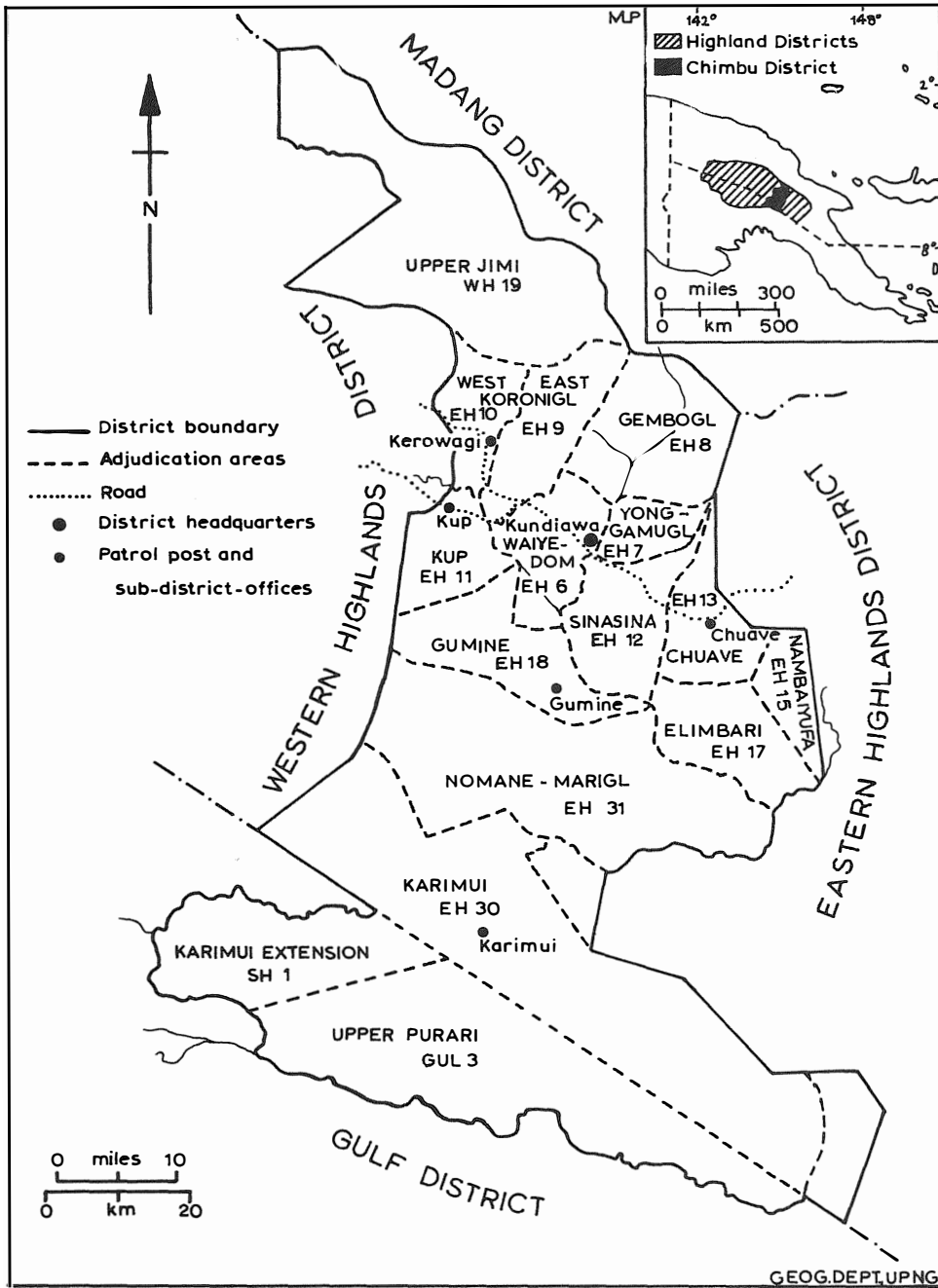


Fig. 1. Chimbu District adjudication areas, 1967

It is interesting to compare this administrative view of using demarcation committees to settle disputes with that adopted by committee members themselves and with that of the Department of Agriculture, Stock and Fisheries (DASF), the other government agency closely concerned with rural affairs. The committee members emphasised their role as a 'land court', whereas the DASF, while accepting their usefulness in determining tribal and clan boundaries, considered that they could not delineate family farm units because the committee members could not define a 'viable economic farm unit': DASF considered that this was essential in order to 'rationalise' the land situation.¹

In view of their different aims, it is not surprising that DDA and DASF held different views of the utility of adjudication. DASF saw traditional tenure systems as obstacles to development. Tribal and clan territories, with rights hierarchically arranged in the order Sahlins (1958:148) has called 'overlapping stewardship', were irrational to Australian agricultural planners, who aimed to encourage individuals to break with such systems and establish individual farms. Marking and registering group boundaries was of no great assistance in their view. The Department of District Administration's (DDA) most pressing land problem, on the other hand, concerned disputes and they regarded the adjudication process as a promising means of solving them.

Nomination of demarcation committees, 1965-67

The declaration of Chimbu adjudication areas was received at the sub-district office with the Commission's request to 'take reasonable steps to bring it to the notice of all persons ...affected, or likely to be affected by it',² meaning in this case more than 150,000 persons scattered over 2,000 square miles. The only means to contact people then was through the officers at Kundiawa, Kerowagi, Gumine, Chuave and Gembogl, and thence through councils and village officials.

In August 1965 the Administration asked the Waiye-Digibe council to select an eight-man committee³ of men with sound

¹ Circular from regional agricultural officer to agricultural officers, highlands region, Goroka, 1 July 1965.

² CLF 35-16-1A, part 1, letter from LTC to OIC, Chimbu sub-district, 7 October 1965.

³ Two months before, the Waiye council had requested the appointment of an extra Land Titles Commissioner 'because a large number of Chimbu people were disputing the ownership of land' (Waiye-Digibe Local Government Council files, letter dated 10 May 1965).

knowledge of land matters to settle land disputes, thus relieving judges and other officers.¹ The committee was not to be concerned with previously settled disputes. The appointment was approved, and eight men were duly nominated at the next council meeting.² There is no record of this committee ever having operated; however, it is noteworthy that the council's records made no mention of registration but emphasised dispute-settlement. Shortly after its nomination the policy of only appointing committees in urgent areas was superseded by that of appointment in all adjudication areas.³

The means and speed with which Chimbu committee members were nominated, varied with government and council development in different areas. The work of introducing the idea of demarcation and later of forming the committees, fell upon patrol officers. The following account of the process over two years draws largely upon their reports.

In June 1966, nearly a year after the Waiye-Digibe nominations, committees were formed in three adjudication areas, in the Kerowagi sub-district (East and West Koronigl and Kup, see Table 3.1 for population and area details). A list of names for each committee was prepared by the Administration, discussed with the Kerowagi council and other local leaders, and the final choice made. The selection did not agree entirely with the council's recommendations.⁴ The eight men recommended for each of the Koronigls, and the seven for Kup, all belonged to different villages.⁵ Many had held positions of authority in the Administration structure: East Koronigl's committee included two previous candidates for the House of Assembly, four councillors, one headman, and one ex-tultul; West Koronigl's included four ex-luluai, three ex-tultul and one councillor; and Kup's included one council president, three councillors, and three ex-luluai. One month later Gem-bogl formed a committee of sixteen, apparently selected

¹ Waiye-Digibe Local Government Council minutes, 20 July 1965.

² Waiye-Digibe Local Government Council minutes, 3 August 1965.

³ CLF 36-16-1A, part 1, circular from Assistant Director, DDA, to all DC's and staff, 20 September 1965, pp.2-4.

⁴ CLF 36-16-1A, part 1, letter from ADC, Kerowagi, to DDC, Kundiawa, 12 May 1966.

⁵ 'Villages', in Administration terminology, refers to census units (see p.12). Settlement in the greater part of Chimbu was, and predominantly still is, dispersed.

directly by the Mt Wilhelm council.¹ These four committees were later officially appointed by the Commission.²

The average representation of these committees was one member per 1,176 people and per 10.5 square miles. Instructions for selecting committees advised that they should

...consist of not less than three persons, of whom a majority shall be natives....Initially a commissioner or a deputy commissioner makes an assessment of the adjudication area and tentatively determines who constitutes the landowning groups within [it].... Maximal groups are sought at this stage....The whole adjudication process is explained to each landowning group and [they]...are asked to select one of their leaders as their representative on the demarcation committee....³

The fact that landowning groups in each area were not apparently assessed at this time, and that both councils and Administration officers were uncertain as to the precise functions of the committees, probably explains the minimal representation on these early committees. One officer at least was wondering as early as May 1966 how the committees would operate in the enormous adjudication areas of his sub-district.⁴ The Gumine and Nomane-Marigl adjudication areas were 'large, somewhat vaguely defined areas' (see Table 3.1), the former containing about thirty-five large landowning groups and the latter many more. Considering that a detailed investigation would be necessary, he queried the priority of demarcation in the sub-district.

Similar problems may have delayed the appointment of other committees in the year following the declaration of Chimbu areas. Whatever the reason, the next selections were hastened by the arrival of two field assistants, sent by the Commission to work with committees.⁵

¹ CLF 35-16-1A, part 1, letters from ADO, Gembogl, and clerk, Mt Wilhelm council, 27 July 1966.

² Government Gazette, no.49, 1966.

³ 'Functions of the Land Titles Commission' by D.J. Kelliher, 24 April 1966, LTC, Port Moresby, roneoed circular.

⁴ CLF 35-16-1A, part 1, letter from ADC, Gumine, 17 May 1966.

⁵ These men were trained at the short-lived Land Titles Commission survey course held at Rabaul. At the end of 1965 the Chief Commissioner asked all councils to indicate their need for such assistants. In Chimbu, the Yonggamugl, Mt Wilhelm

At the September 1966 meeting of the Sinasina council the adviser raised the matter of the assistant surveyor and demarcation, and suggested appointing a committee of twenty men.¹ At the next meeting a committee was duly chosen to work with the field assistant.² The selection procedure was entirely in the hands of the council. The councillor, or councillors of each rest-house area,³ either nominated one person who was automatically accepted, or presented two or three names, in which case a vote was taken by the whole council. Of 17 rest-house areas, 13 were represented by one man, and 4 by two each. At the suggestion of the council adviser, a committee chairman was elected from among four nominees. This was the last committee nominated before a further policy change and was therefore never officially appointed by the Commission.

Following a visit to Chimbu by the Land Titles Commissioner stationed at Goroka, it was decided that committees appointed from the end of 1966 should include a representative from every subclan, the basis of census units (Brown and Brookfield 1959:59). This meant a massive increase in the size of the committees, which it was hoped could be subdivided, thus achieving

...much faster progress...in clearing up areas of land where ownership, either by the individual, family, or subclan, is not in dispute and therefore enable us to pinpoint the areas in dispute for further investigation at a later date, and also by concentrating initially on undisputed areas the committees will be better able to learn and comprehend their functions.⁴

5 (cont'd)

and Waiye-Digibe councils indicated that they wished to share one, while Sinasina considered that it could employ one full-time. They were inadequately trained, poorly supported and left no usable records.

¹ Sinasina Local Government Council minutes, 13 September 1966. Twenty-one were actually selected, see p.51.

² Sinasina Local Government Council minutes, 25 October 1966.

³ Rest-houses are located through the area at convenient centres of population concentration. Though less important than formerly due to motor transport, they remain centres for various administrative purposes.

⁴ CLF 35-16-1A, part II, letter from DC, Kundiawa, to all ADC's, ADO's and POIC's (patrol-officers-in-charge), 16 November 1966.

Although this decision did not refer immediately to committees already appointed, two months later it was extended to include at least some of them. Within the next six months most Chimbu committees were selected and appointed in accordance with the new policy (see Table 3.2). Table 3.2 illustrates the change in policy. The six earlier committees¹ had had an average representation of one member per 1,188 people (range 170 to 2,250) and per 8.35 square miles (range 0.88 to 13.57). Committees appointed by 1968² averaged one member per 108 people (range 71 to 173) and per 1.58 square miles (range 0.44 to 8.54). Exclusion of the atypical Karimui figures lowers the average area to one member per 0.71 square miles.

The final period of committee selection in 1967 was assisted by the appointment of a district officer with full-time responsibility to supervise adjudication. The circular announcing his appointment (and twelve others in other Districts) declared that demarcation was a 'matter of immediate importance'.³ Although the committees were mainly supervised by the LTC, the Administration was responsible 'for certain minimum assistance' at the sub-district level, such as advice, general supervision, and if necessary, arbitration in serious disputes. Early demarcation operations, however, required more than this minimum.

As a result of the policy change, the councils of areas such as Sinasina were asked to select larger committees.⁴ By early 1968 there were over 140 nominees in Sinasina, chosen, on the evidence of my interviews, after councillors had called meetings of their people. The Karimui area contrasts strongly with most of those in Chimbu, as it is at a lower altitude on the most southerly border, with low population densities (between one and seventeen to the square mile), and without road linkage to the northern part of the District.⁵ Although the officer at Karimui described at length⁶ the difficulties of forming a committee in such an area, including the reluctance

¹ Gembogl, East and West Koronigl, Kup, Waiye-Digibe and Yonggamugl.

² Including Sinasina but not Gembogl, the two Koronigls and Kup which had not been adjusted.

³ CLF 35-26-0, circular entitled 'Land matters', Director, DDA, to all DC's and ADC's, 14 October 1966.

⁴ Sinasina Local Government Council minutes, June 1967.

⁵ See Wagner (1967:1-37).

⁶ CLF 35-16-1A, part 1, letter from POIC, Karimui, to DC, Kundiawa, 27 February 1967.

Table 3.2

Chimbu demarcation committees, 1968

Committee	Date appointed†	No. of members**	Representation of one member		Extent of operations	‡
			By area (sq. miles)	By *** population		
Waiye-Dom	25 May 1967	8	7.00	2,250		
(adjusted)	19 Oct. 1967	104	0.54	173	Very little, 1967-68	
Yonggamugl	3 Aug. 1967	53	0.88	170	Not known (probably none)	
(adjusted)	19 Oct. 1967	105	0.44	86	-	
Gembogl	8 Sept. 1966	16	8.81	1,188	Ceased after starting in 1966	
E. Koronigl	8 Sept. 1966	8	13.25	1,250	Not known (probably none)	
W. Koronigl	8 Sept. 1966	8	6.62	1,125	Ceased after starting in 1966	
Kup	8 Sept. 1966	7	13.57	1,143	Not known (probably none)	
Sinasina	Not yet appointed	140+	0.46	157	Started 1967, continuing 1968	
Chuave	25 May 1967	95	0.60	84	Not known (probably none)	
Nambaiyufa	25 May 1967	99	0.50	71	" " " "	
Elimbari	25 May 1967	135	0.70	96	" " " "	
Gumine	25 May 1967	178	0.94	102	" " " "	
Karimui	31 Aug. 1967	35	8.54	108	" " " "	
Nomane-Marigl	31 Aug. 1967	193	1.45	93	" " " "	
Karimui-Ext.	Not appointed	-	-	-	-	
Upper Purari	Not appointed	-	-	-	-	

* Source: inset table on map entitled 'Chimbu District', Land Titles Commission, drawn by N.L. Hopper, 30 August 1967.

** Source: Government Gazette for dates of appointment.

*** Source: 'Population statistics: Chimbu District', District Office, Kundiawa.

‡ Sources: CLF 35-16-1A and 35-16-1B, Administration officers, and members of the demarcation committees.

of older men to be involved with Administration affairs, a committee of thirty-five was chosen in July 1967. This was in spite of the Chief Commissioner's proposal that

in adjudication areas where communication or contact with the people is difficult...we will appoint a demarcation committee of about three people, the chairman being a traditional leader. The initial activities of this type of committee will be to educate the people in the purpose of [demarcation].... Later, when the concept of adjudication has been at least partially accepted by the community, the committee can be expanded and commence its full functions.¹

Such preliminary committees, later known as 'primary committees' in contrast to 'full' ones, were not, however, employed in the Chimbu District.

Early demarcation

The committee's task was to '...prepare a plan of the adjudication area...[and] see that such marks are placed on the land as are needed to enable the boundaries on the demarcation plan to be located on the ground'.² The first demarcation in Chimbu took place on the border with the Western Highlands District in August 1966, with the newly appointed Kup and West Koronigl committees working in conjunction with those of the Minj sub-district from the other side of the border.³ This long-disputed intertribal border was apparently selected as a starting point at the request of the people, as well as conforming with the early demarcation policy.⁴ It met, however, with mixed success.

Two patrol officers supervised marking until September, when the boundary had been delineated south from the Highlands Highway, and across the Wahgi River to the slopes of Mt Kubor. A qualified surveyor worked for a week and had only to survey the section between the highway and Mt Udom when a fight broke out shortly after the committees and the supervising officer left the border. Two men of the Dangga tribe from the Minj side were killed, and others wounded. Although 97 men, including

¹ Memorandum from Chief Commissioner, Land Titles Commission, to all Commissioners, 12 May 1967.

² Land Titles Commission Ordinance 1962-1967, section 21.

³ CLF 35-16-10, letter from ADC, Kerowagi, to DC, Kundiawa, 26 September 1966.

⁴ See p.35.

63 Chimbu, were jailed for six months, the Dangga were not satisfied and later attacked across the border with a force of over 200 men. Police and Minj councillors stationed on the border repulsed them three times, though major violence was only narrowly avoided when the Dage tribe, from the Chimbu side, mustered its forces and advanced on the border. Some weeks after a further 200 men had been jailed, a compensation ceremony was held under government supervision, the Dage paying \$2,000 for the deaths of the two Dangga men.¹

Demarcation came to a halt in the Kerowagi area. This case illustrates the continuing importance of tribal borders, and the strength with which they are maintained against the least encroachment, even after nearly forty years of colonial rule. Similarly in 1968, within minutes of receiving a (false) rumour that intrusion had occurred across a Tabare-Nimai boundary in the Sinasina region, a large force of Nimai set out to investigate.

Gembogl, with sixteen members, was the only other committee to begin demarcation in 1966. In the opinion of the officer who supervised its members for two weeks, it was not successful and required fulltime supervision by a trained officer. He had found difficulty persuading members and others that the aim of demarcation was to register undisputed land. In order to provide sufficient work for the survey assistant (the second of the two taken on by the Chimbu councils in 1966), he had divided the committee into three groups. Although rough traverses were recorded for some blocks of land (but apparently no records of claimants or the location of the blocks were kept), the survey assistant was later transferred to the Kerowagi committees.²

¹ A party of sixty Dangga was escorted into Dage territory and the money handed over to them. 'A large pig was then ceremonially cut up and representatives of both groups ate from it in turn. A general feast followed at which was eaten more pig, chickens, tinned meat, biscuits, lolly water, and so on. Many councillors from both sub-districts attended, as well as M.H.A. Siwi Kurondo.' Speeches were made by representatives of the Administration after which the Dangga 'returned to their area, with mutual expressions of goodwill and much embracing and handshaking' (CLF 35-16-10, letter from ADO, Kerowagi, to DC, Kundiawa, 29 October 1966).

² CLF 35-16-1A, part 1, letter from ADO, Gembogl, to ADC, Kundiawa, 6 December 1966.

At the first of two meetings held by the three Kerowagi committees in February 1967 less than half the 23 members appeared.¹ At the second, two weeks later, 19 members and 30 others attended. The East Koronigl committee explained at the first meeting that they had done nothing since their appointment because they had received no instructions; that of West Koronigl had attempted marking elsewhere after the Minj border debacle but had ceased on meeting opposition from the land-owners. Three general points were raised: whether members could be paid for their work; whether they could have badges or some kind of uniform to signify their status; and the extent of their authority, as they wished to be able to enforce co-operation from people and also protect themselves against abuse or assault. Payment and uniforms were also requested at the second meeting. While one member wanted to know if the committee could query a boundary previously decided by the Commission, others openly voiced their fear that violence would occur if they attempted to mark any more land.

Such issues were not unique to Kerowagi. In Sinasina a few months later a councillor asked the council to purchase uniforms or badges for the committee members,² one of whom told me that 'all other officials have badges, we have nothing'. In March 1969 the Member of the House of Assembly for Sinasina asked in the House why demarcation committee members were not paid and were not provided with transport where necessary for their work.³ Such requests should be seen in the context of the Kerowagi members wanting to know what authority they had and the similar statement from Sinasina that 'we need something to back our word'. According to the patrol officer attending the second Kerowagi meeting, members misunderstood their role, repeatedly saying that 'when hearing "land courts" they must have some authority to enforce their decisions, compel witnesses to appear and for their own protection'.⁴ Most Kerowagi members had previously been village officials with quasi-judicial authority and they saw themselves as constituting a 'land court' with dispute settlement as their major task. This also seems

¹ CLF 35-16-1B, minutes of Kerowagi demarcation committee's meetings, 10 February and 27 February 1967. Both meetings were attended by an Administration officer.

² Sinasina Local Government Council minutes, 19 September 1967.

³ House of Assembly Debates, vol. II, no. 4, p. 927, 7 March 1969.

⁴ CLF 35-16-1A, minutes of Kerowagi demarcation committees' meeting, 27 February 1967.

to have been the case at Gembogl where, as noted above, the patrol officer had difficulty persuading the committee to attend to undisputed land.¹

The lack of demarcation activity in Chimbu during the first half of 1967 was changed in June when the District came under the jurisdiction of the Land Titles Commissioner stationed in Madang. On his first visit he decided, after discussion with Administration officers, to instruct the committees to mark subclan boundaries first.² This decision was based upon the officers' local knowledge and the Commissioner's reading of Brookfield and Brown's Struggle for Land (1963). By concentrating initially on such boundaries (believed to be the least disputed), it was hoped the people would come to understand the processes and appreciate the benefits of demarcation, thus allowing the later settlement of clan boundaries (regarded as the most contentious) and, if wanted, the marking of individually claimed land.

During his visit to Chimbu the Commissioner gave eleven instruction talks at meetings held in the Waiye-Dom, Sinasina and Yonggamugl adjudication areas adjacent to the District headquarters at Kundiawa. His aim was to establish operative committees in at least two areas, from which the process could be extended to others. Each instruction talk, given in Pidgin and translated into the local language, lasted a little more than an hour and was illustrated by the use of a flannelgraph. Although the talks were aimed at spreading general information about demarcation to a wider audience than just committee members (each was followed by more detailed instructions to those already nominated), attendance was low. The Commissioner considered further instruction necessary, though he was unable to carry this out himself.

New committee posts were also filled at this time. A school-leaver with Form I from Gembogl was sent to Madang to train as a committee-clerk, and when in Chimbu the Commissioner appointed a Waiye councillor as chairman of the Sinasina committee, and a Kerowagi councillor for the Waiye-Dom committee. At the end of September the two chairmen, accompanied by a junior patrol officer working with the committees, were also sent to Madang to observe established committees at work. On their return, five further meetings combining instruction and committee nomination

¹ See p.96 ff for a discussion of the discrepancy between the interpretation of the government and that of the committee members regarding the latter's functions.

² Personal communication: J. Page, Land Titles Commissioner, Madang, 18 April 1968.

were held in Sinasina, and two in the Dom section of the Waiye-Dom area.¹ Fortnightly meetings were scheduled for both these adjudication areas (at Gaima and Genabona in Waiye-Dom, and Igidi² in Sinasina). Some boundary marking was accomplished in the month following these first meetings. Near Igidi the border between the Kebai and Gunangi tribes was demarcated, as well as two major divisions inside Gunangi territory. In the Dom area marking ceased as soon as disputes were encountered. The transfer of the supervisory officer to other duties at the end of 1967 brought demarcation in the District almost to a standstill.

¹ CLF 35-16-1A, part II, report, 28 October 1967.

² Also known as Igindi.

Chapter 4

Demarcation by the Nimai: a case study

The Nimai: background

The Sinasina¹ adjudication area of over ninety square miles lies immediately to the southeast of Kundiawa, the Chimbu District headquarters; its borders are the same as those of the Sinasina Local Government Council. The terrain ranges from the Porol limestone ridge in the north (about 7,500 ft above sea level), through broken foothills and hummocky, relatively level country between the Highlands Highway and Koge (about 6,000 ft), to the forested Suai scarp at almost 8,500 ft in the centre of Sinasina, and finally drops to below 5,000 ft at the Wahgi in the south.

Table 4.1 shows that in 1967 the population of Sinasina was just under 25,000, divided into seven tribal groupings (following Brown 1960) each occupying a discrete political territory.² Each tribe is divided into less inclusive segments, referred to here as clans and subclans. Sinasina segmentary structure is similar in most major respects to that of the central Chimbu (Brookfield and Brown 1963:8-14). Thus the Nimai tribe is divided into four clans, which are further divided into fifteen named subclans that were recognised by the Administration and established as census units.³ As shown in Fig. 2, three

¹ The area officially called Sinasina since about 1940 is now part of the Kundiawa sub-district. No major ethnography, history or similar work deals with the whole area, although the following treat specific aspects of this and neighbouring areas: Aufenanger (1959, 1963), Brookfield and Brown (1963), CSIRO (1970), Diebler and Trefry (1963), Hatanaka (1970, 1972), Hughes (1966), Shand and Straatmans (forthcoming), Smith (nd), TPNG (1962-64), Turner (1966, 1968, 1970).

² See Hatanaka (1972: 15, Fig. 3).

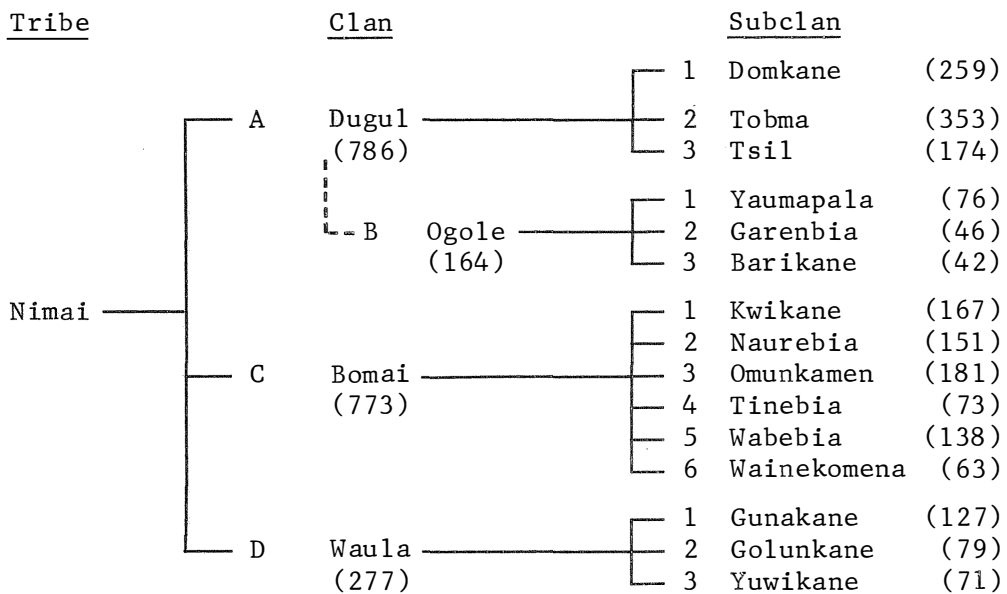
³ However, this latter subdivision does not strictly reflect reality 'on the ground': there are several more subclans in clan A, while subclan D3 no longer operates as a separate unit, its members being divided between D1 and D2.

Table 4.1

Sinasina tribes and population, 1967

Tribe	Population
Dinga	4,043
Tabare	9,186
Nimai	2,000
Kere	2,256
Kebai	936
Gunangi	3,703
Dom	2,618
Total	24,742

Source: government census, 1967.



Dinga - - - - - Kirine (Nimaikane)

Source: population figures in brackets from government census, December 1967.

Note: Dotted line signifies presumed linkage, slashed dotted line a presumed linkage but not supported by residence within tribal territory.

Fig. 2. Nimai segmentation and population, 1967

of the Nimai clans (A, C and D) form part of a phratry (of which the remaining part, Kirine, has been absorbed into the neighbouring Dinga tribe), while the fourth, B, is said to have been descended from a female descendant of the founder of clan A. Although phratry and, to a certain extent, tribal structure is conceived of in terms of an agnatic ideology, the living members of a subclan cannot usually trace their descent without break from the subclan's supposed founder. Some indication of the significance of affinal and matrilineal links is revealed by the fact that subclans, rather than being named after their male founder, are often named after the tribal origin of his supposed wife (or wives). Until about 1950 the Nimai formed a single exogamous group but intermarriage between clans has since been permitted. Lutheran mission influence is often cited as the direct cause of this relaxation of exogamic restrictions (and those among other tribes also), although population increase has probably also contributed.

The Nimai territory of some seven-and-a-half square miles rises from about 5,700 ft in the north to about 8,500 ft on the forested Suai scarp in the south (see Fig. 3). The present borders reflect the position of the Nimai relative to neighbouring tribes at the time of pacification. Thus a detached block of about thirty-five acres, surrounded by Tabare and Dinga land, is all that remained to them on their lowest northern border after defeat and Administration arbitration (see Fig. 3). The most fought-over land in the past was in this lower northern part of Nimai territory, with the result that most intertribal land disputes today are with the immediately adjoining tribes to the northwest, the north, and the northeast.

Within the territory the pattern of clan and subclan holdings and principles of tenure are similar to those described by Brookfield and Brown (1963: 38-42, 98-9) for the central Chimbu. Clan sub-territories are identified, but there are outliers among the holdings of other clans. Running roughly from north to south, clan holdings afford access to almost the entire altitudinal range of Nimai territory. Subclan holdings are fragmented and dispersed as, to a greater extent, are those of individuals. All cultivable land is usually divided among individual claimants, the owner being referred to as the gaba nim (literally, 'father of the ground').¹ Such rights are acquired primarily by inheritance, but also by first clearing and cultivation, by gift, and by sale or exchange.

¹ Cf. the central Chimbu, magan nim (Brookfield and Brown 1963:38).

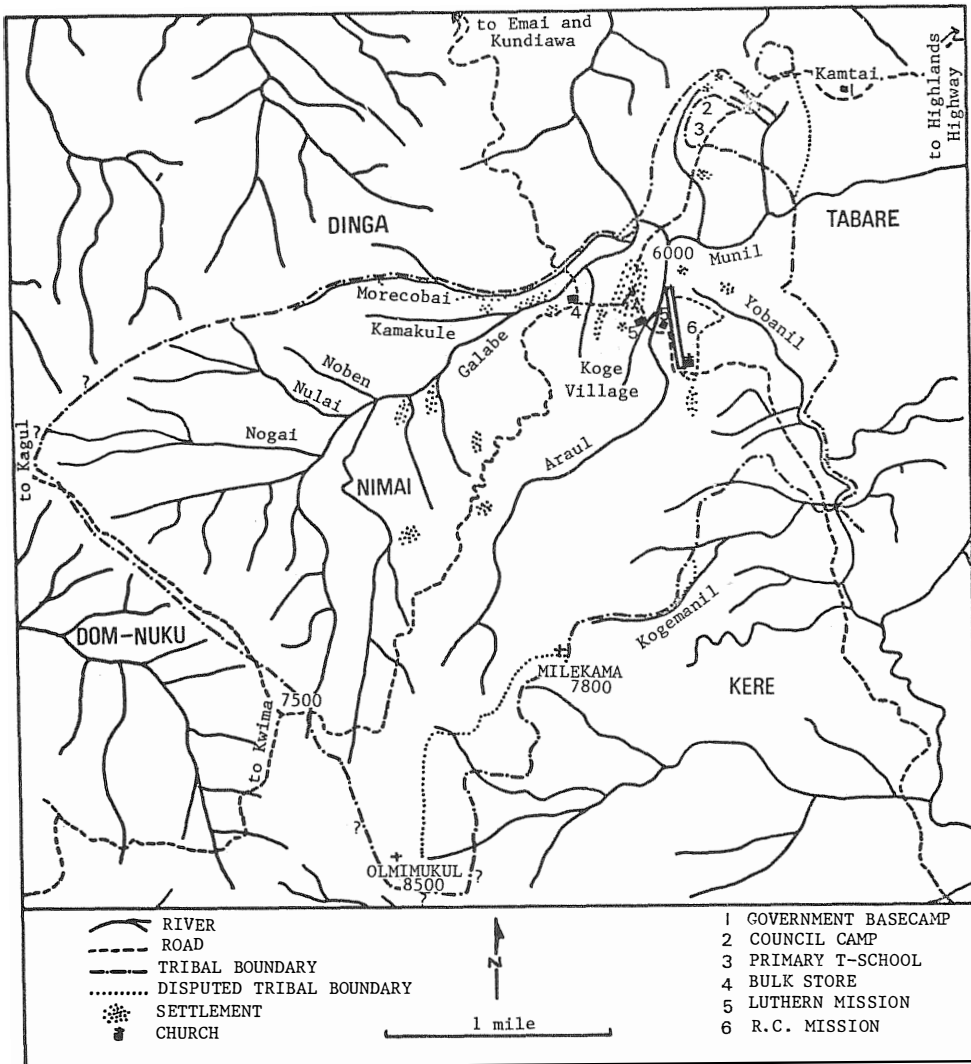


Fig. 3. Nimai territory, 1968

Like other Chimbu and Sinasina groups, the Nimai are short of cultivable land, having an approximate population density of 266 persons per square mile (or an average for all land, including forest, roads, gullies etc.) of 2.4 acres per capita. Sweet potato is the major crop, supplemented by bananas, taro, yam, sugarcane and many varieties of greens. The major cash crop, coffee, was introduced in the mid-1950s and is extensively grown below about 6,500 ft but has presented problems to Nimai pig husbandry practices (and their settlement pattern) which have not yet been successfully solved.¹

The pattern and location of settlement have both changed markedly in the past twenty years. In the early 1950s the Nimai were settled in twenty named hamlets, mostly on easily defended ridgetops over 6,500 ft in the southern part of the

Table 4.2

Alienated land in Nimal territory

Lessee	Use	Acres
Roman Catholic mission	Mission station	3.95
	Airstrip*	10.13
	Agriculture	13.5
	Aid-post	2.82
Lutheran mission	Mission station	2.17
Dept of Education	Primary T school	4.00
Collins and Leahy	Bulk and tradestore**	.609
Total		37.179

Sources: CLF 35-4-54, 35-4-52, 35-4-53, 35-4-24, 35-3-13, 35-8-11.

* Unused in 1967, except for grazing mission cattle. In 1972 half was under cultivation by trainees at Koge vocational centre.

** Although this is a regular lease (i.e., the land was purchased by the Administration, to whom the lessees pay rent), the lessees pay 'gifts' to those who sold the land, usually in response to rising opposition to their presence. This practice could create an unfortunate precedent for an independent government.

¹ Cf. Brookfield (1966:53-6). An earlier experiment with clan pig enclosures was superseded in 1968-69 by a combined ditch and fence at about 6,200 ft, below which no untethered pigs were allowed.

territory. Today the focus of settlement is the large village of Koge, which is sited at 6,000 ft where the side-road from the Highlands Highway forks to circle the Sinasina area. It contains over 200 houses divided into four clan quarters. Of the six hamlets outside this village, only three remain in the higher part of the territory. Koge has both Lutheran and Catholic churches and there are Catholic and Administration primary schools nearby. The Sinasina Local Government Council offices and an Administration patrol post lie on the Nimai border just north of Koge.

Land alienation is not generally a problem in Sinasina. The Nimai who have probably lost more than other groups, have alienated only slightly more than 37 acres (see Table 4.2), or less than 1 per cent of their total land. But it all lies between 6,000 and 6,100 ft so is a more important loss than the mere percentage indicates.

Nimai committee members

In 1966 the three Nimai councillors, representing clans A, C, and B and D combined, each nominated one man for the first Sinasina demarcation committee of twenty-one members; only the nominees of A and C were chosen. The former was also nominated for the position of committee chairman by a Gunangi councillor (seconded by a Dinga), but lost to a Dinga nominee.¹ This committee never operated, for from June 1967 councillors, Administration officers, and a Land Titles Commissioner sought subclan representatives instead. By the beginning of 1968, 140 members had been nominated though the committee was still incomplete. The Nimai, apparently through their councillors, chose thirteen members,² each representing one of the fifteen subclans of the four Nimai clans³ or an average of 154 persons (range 63 to 353).⁴

During January 1968 I interviewed all Nimai members, as well as 14 Dinga and 6 Kere members. Despite the obvious draw-

¹ Sinasina Local Government Council minutes, 25 October 1966.

² One of whom described how the Land Titles Commissioner came and talked to the people: 'he said he didn't want the big boundaries marked [i.e., tribal borders], only the small ones.... I called a meeting and asked the people whom they wanted [as members]'.
³ With the exception of one member who, due to the exceptionally small size of his clan (B), represented three subclans.

⁴ This may be compared with the overall Chimbu District average of 108 persons (range 71 to 173), see p.39.

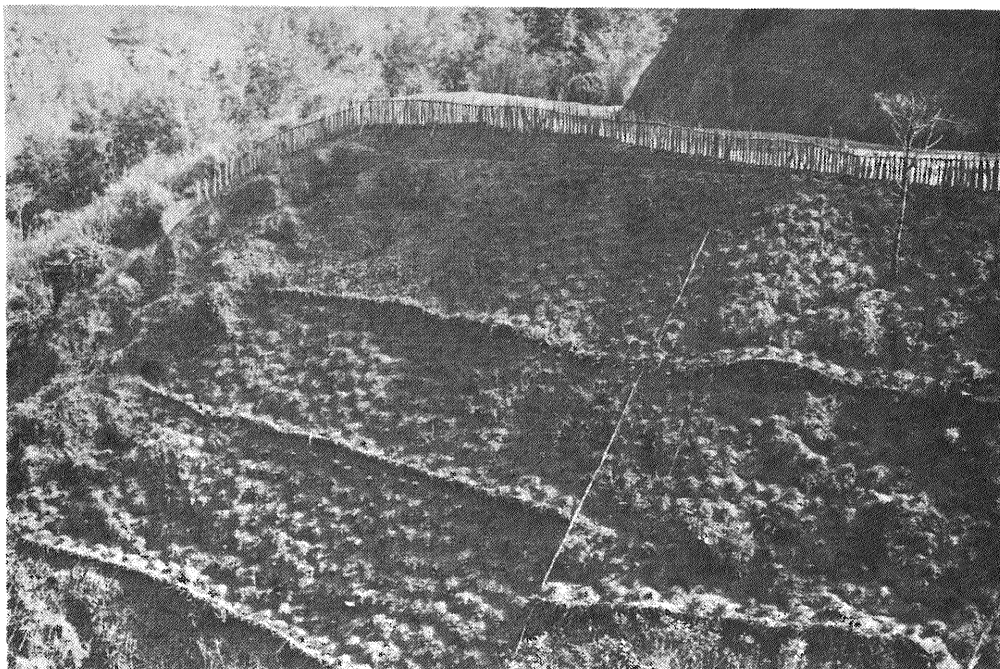


Plate 2. Sweet potato cultivation on steep slopes requires soil erosion techniques. In this garden the internal subdivisions along the contours also serve this purpose

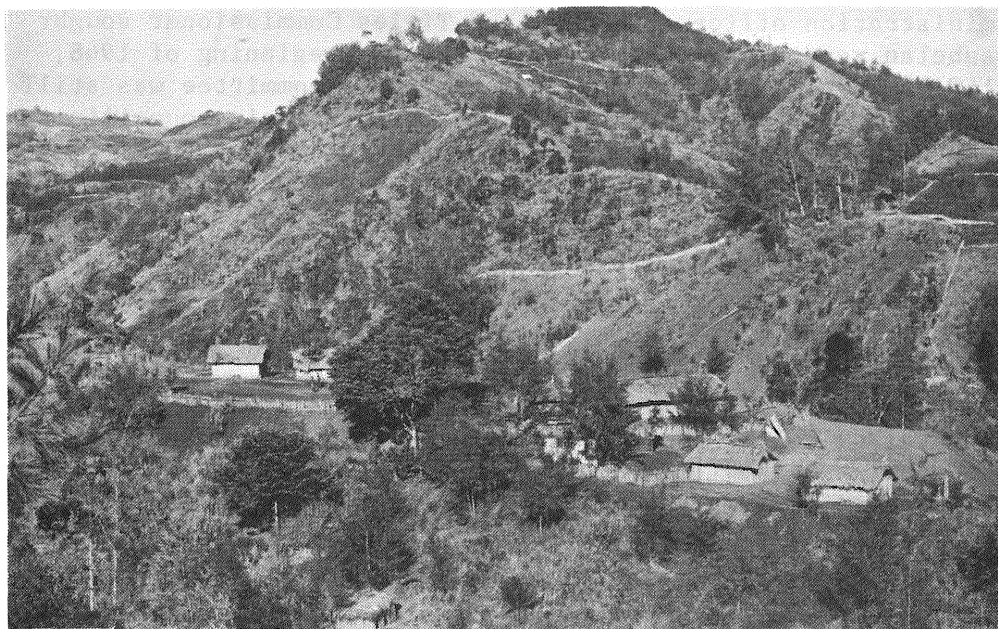


Plate 3. A recently established ridgetop hamlet at about 6,200 ft. The long men's house is surrounded by a group of new-style women's houses.



Plate 4. Coffee trees are planted in small groves, usually in dips where the soil is moister, and under casuarina shade.

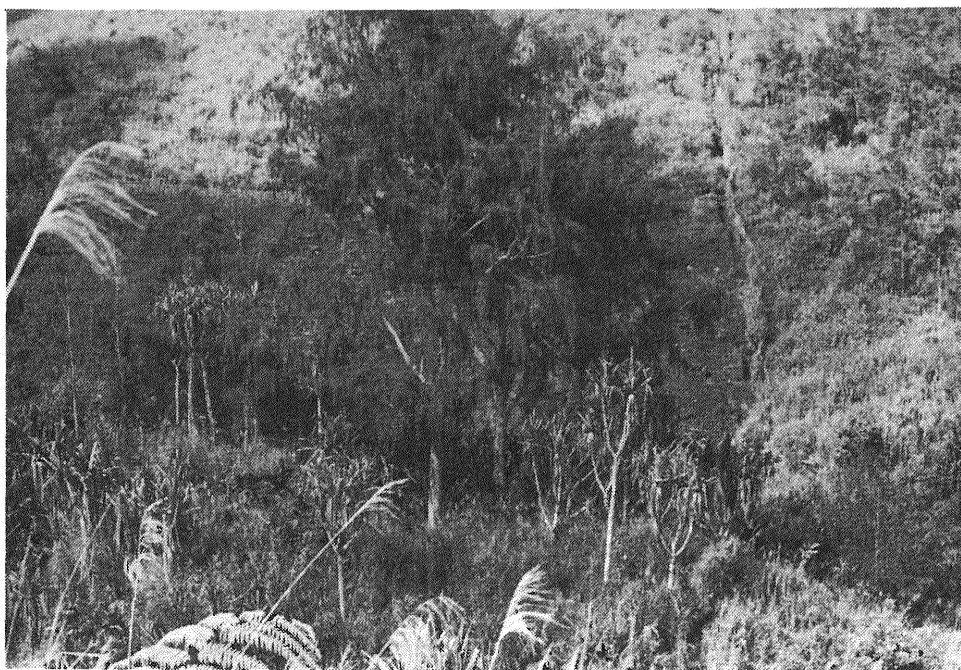


Plate 5. Karuka (nut) pandanus is grown in extensive groves over 7,000 ft.

backs of a questionnaire, and the brevity of field research which precluded a full understanding of members' status in their communities, the following information provides a reasonable picture of the kinds of men chosen (see also Table 4.3).

Table 4.3

Nontraditional experience of Nimai
demarcation committee members

Member	Age	Pidgin knowledge	Employment (years)	Appointed/elected Administration	position Council
1	45-50	Nil	3	Nil	School committee
2	40-45	Nil	1½	Nil	School committee
3	45-50	Nil	Nil	Headman	Nil
4	45-50	Nil	¾	<u>Bosboi</u>	Nil
5	45-50	Nil	Nil	<u>Tultul</u>	Nil
6	35-40	Little	1½	Nil	Nil
7	35-40	Little	3	Nil	Nil
8	30-35	Good	1½	Nil	Nil
9	40-45	Good	9	Nil	Nil
10	45-50	Nil	Nil	Headman	Candidate
11	35-40	Good	Nil	Nil	Candidate
12	45-50	Nil	½	<u>Bosbai/ tultul</u>	Nil
13	35-40	Good	3	Nil	Ward committee

Source: interviews

All members interviewed were middle-aged to older men, with established families but no formal schooling.¹ Of the 13 Nimai members, less than half understood or spoke any Pidgin, while only 4 were proficient in it. Similar figures were found in Dinga and Kere, and are of considerable importance

¹ Meaning one or more years of primary education, excluding Pidgin or vernacular schooling by mission catechist teachers which generally concentrates on religious matters.

in considering how effectively members were able to acquire accurate information about the aims and practices of demarcation.

Members' experience of wage employment, and administrative and council responsibilities are assumed to be significant in influencing both their knowledge of (and perhaps receptivity to) new ideas, and the 'models' of procedures, task-performance, etc., with which they were acquainted.¹ Nine Nimai members had worked for wages,² 8 outside the highlands as unskilled plantation labourers recruited under the Highlands Labour Scheme to serve eighteen-month contracts. Half of the Dinga and Kere members had been similarly employed. Five Nimai, 7 Dinga and 5 Kere members had served as bosboi, headmen or tultul before the council was established in 1965. Since 1965, 2 Nimai members had stood unsuccessfully as councillors, while 3 had held minor council positions. Two Kere members and one Dinga had held such positions (while 4 Dinga claimed to have been invited by fellow clansmen to stand as councillors but had refused).

Although the Nimai members were born and had previously resided in eight separate hamlets (except one who was born outside Nimai territory), 8 lived in Koge in 1968 and the rest in neighbouring hamlets (none further than twenty minutes' walking distance away).

Six Nimai members were baptised Lutherans and seven Catholics, both missions having worked in Nimai territory since the late 1940s. Although there had been strong rivalry between the missions and their adherents³ I am not sure to what extent this continues, or whether it has, or had, any effect on land matters.

While interviewing the committee members I attempted, without much success, to assess their knowledge of the aims and procedures of demarcation. Since most interviews were conducted in January 1968, before the scheduled Land Titles Commission instruction course at Madang, it is perhaps not surprising that most answered that they were waiting to hear more

¹ See p.57.

² None was in wage employment in 1968. None owned, or claimed to have a share in, any of the numerous Nimai tradestores, though all except one claimed some cash income from coffee.

³ See Julius (nd).

from those who attended the course.¹ Nonetheless, members had already received information from three major sources: first, and probably most generally, from their councillors, who had selected the committee members and were themselves informed by the council adviser; secondly, from an instruction lecture by the Madang Land Titles Commissioner during his visit the previous year; and thirdly, from the patrol officer supervising demarcation in the District. My evidence of the effectiveness of these sources is twofold: there are the comments of members during interviews, uneven and impressionistic evidence at best; and there is the evidence of the members' actions when they started demarcation. Before describing the latter, I shall attempt to tease out what seem to me the significant threads in members' views of the aims of demarcation.

One Nimai member said his subclan had previously (before 1940) been driven off land by the neighbouring Dinga tribe: he hoped to be able to regain this land through demarcation. Another, citing a land dispute which had been arbitrated by a patrol officer, said that the committee members would rehear such cases, which had been settled 'unsatisfactorily', and 'mark the land properly'. A third Nimai member also emphasised that many boundaries marked previously by patrol officers were 'incorrect', and that demarcation would enable the people to make their own decisions which could then be confirmed 'for good' by the planting of cement posts. Another member, closely associated with a mission, stressed a religious ethic to the effect that, 'When I was baptised I was taught the ten commandments. They say you musn't take what belongs to someone else.... When I settle [land] disputes, I'll make sure the land goes to whom it really belongs'. He was particularly concerned about two plots of land, one of which his subclan had won from other people and was still occupying, and another which it had lost to the Tabare tribe. He wished to return the former and regain the latter, claiming that 'my father showed me the marks, so I know them and can correct them'.

In similar fashion 12 Dinga and 5 Kere members emphasised land disputes, the reasons for them, and how they would handle

¹ Typically the answer was: 'now we are ignorant, later when the "school" [i.e., course] is finished we will know what the "true fashion" of demarcation is and begin work'. Cf. Salisbury's (1966:321) comment that 'there was...intense interest among the Siane in establishing what the "true" story was, and in discussing the true meaning of each event of the story'.

them. The problem, according to one Dinga, was that previously 'We were big men, strong during the fighting times, and [we] gained much land which we have now planted with coffee and other things....What can we do when those we took it from want to take it back? They must pay us...[or] perhaps we can divide the land'. Another, comparing the old days when they fought over land, declared that, 'We were crazy then. Now if we argue over land we committee members must settle things. If two men dispute, I must listen to their talk, find out who the true owner is and give the land to him'. One Dinga justified his position as a committee member by saying that, 'Some men don't know where the targets [boundary marks] are planted or who the owners are. I'm an old man, I know these things and I can settle the disputes. Young men are no good for this work'. Two Kere members significantly claimed that their past experience as village officials especially qualified them for demarcation work. Thus one described how people had listened to him when he was a tultul, and how they trusted him because he worked for a mission: 'So it will be with the work of marking the land - I'll be able to settle things when people get angry'. Finally, one Kere member was in favour of marking the tribal boundaries first because, he said, people were always fighting over them.

These comments and opinions suggest strongly that, before demarcation began in 1968, Nimai and other members of the Sinasina committee considered that dispute-settlement was their major function. Many of them mentioned simmering disputes, often relating to land lost during past warfare which they assumed would be settled through the demarcation process. Though often disparaging the past in comparison with the present ('Many Chimbu have died in fights over land', said one Dinga, 'it will be better if we have definite boundaries marked with cement posts'), most were realistic about the problems facing them. In particular, although they thought that the occupants of land gained in past fighting might recognise the claims of the dispossessed, they stressed that they were unlikely to give up improved land without adequate compensation. They distinguished concisely between graun i stap nating (Pidgin 'unimproved land'), and graun i gat bisnis/bilas ('business' or 'decorated' land, i.e., improved). The latter phrase was used especially to refer to coffee plantings, which have proved to be a particularly disruptive factor because of their long-term productivity and because they provide most cash income.

Members also argued that payment and visible signs of authority were necessary: pay because the work would be time-consuming and keep them away from gardening and other tasks,

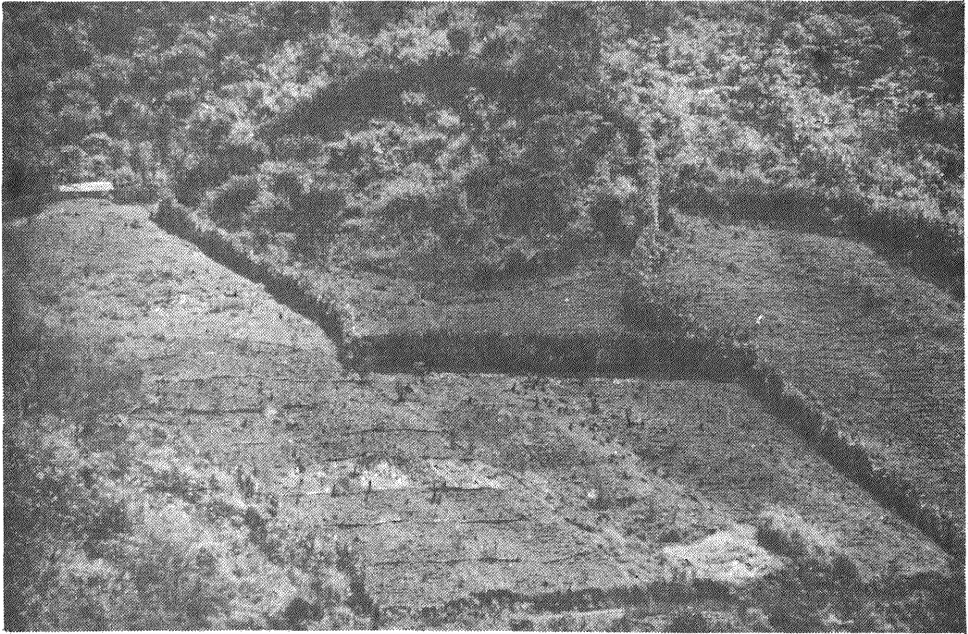


Plate 6. At high altitudes (above 7,000 ft), tall tanget hedges clearly demarcate holdings (Dom Nuku territory at 7,500 ft).



Plate 7. Little forest remains in Nimai territory. This is on the boundary with the Dom, Gunangi and Kere tribes at about 8,400 ft. The centre clearing was made by Dom who are establishing new karuka pandanus groves.

and insignia of authority because they were concerned about the possible dangers such as 'When I try to settle a dispute, the people may be angry and attack me'. Similar requests were made by the Kerowagi committee members.¹

Sinasina comments before demarcation began might be paraphrased as: 'The job is settling land disputes, a lengthy and difficult task, and we will need both pay and authority to back our decisions'. To what extent this was the message they heard, as against their own interpretation, is extremely difficult to determine.² In the following description of their actions it is important to remember that most members had previously been village officials and they probably interpreted their new roles in terms both of their past roles as agents of indirect rule and their contemporary needs and pressures.

Sequence of Nimai demarcation

According to the then Chief Commissioner, the work of demarcation committees falls into two overlapping categories: 'talks between meetings and...meetings' (Kelliher 1967:1). During the talks between meetings the committee members representing adjacent landowning groups are supposed to agree upon common boundaries, which are then marked temporarily. Such activities are expected to take place at 'opportune times in traditional circumstances' (Kelliher 1967:1), whereas the formal committee meetings are to be held at regular intervals (usually every fortnight) at a fixed place. The formal meetings are attended by the committee chairman and clerk as well as committee members.³ The formal meeting records undisputed plots of land already temporarily marked, and after a suitable time lapse allows contrary claims to be raised and authorises the committee members concerned to replace the temporary marks with cement posts. Disputed land is to be taken note of, discussed, and put off to a later meeting. Should disputed land be brought before three consecutive meetings, settlement is to

¹ See p.43.

² See further pp.90-2.

³ Whether all members of a demarcation committee attend each meeting depends mainly upon the size of the adjudication area. If the area is small enough all members may attend; if not, de facto division of the area into sub-areas may result, with demarcation either proceeding from one sub-area to another as each is completed or proceeding simultaneously in all. In Sinasina some confusion resulted from all three practices being followed at one time or another (see p.61).

be attempted by the committee chairman. If still unsuccessful, such a dispute is to be deferred until the final inquiry by a Land Titles Commissioner into the otherwise complete demarcation plan. This, in brief, was the official view of demarcation activity by members.

During the five-month period of my field research in Nimai, talks between meetings and temporary marking of boundaries occurred on sixteen separate days,¹ while seven formal committee meetings were held (see Table 4.4).² During a brief return visit in October, I observed one further meeting, at which the first permanent marking with cement posts was begun.

Table 4.4

Sequence of Nimai demarcation, 1967-68

Month	Event
December	Meeting
January	Meeting (abortive) Meeting Marking (1 day) Madang instruction course
February	Meeting Marking (2 days) Meeting Marking (3 days)
March	Marking (2 days) Meeting Marking (1 day) Meeting Marking (1 day)
April	Marking (1 day) Meeting Marking (5 days)

¹ Ten were directly observed and six documented by visiting the land in question and interviewing committee members and others who had been present.

² Five meetings were attended personally. Data for the other two were collected from minutes, and from interviews with the attending officer, chairman, committee members and others.

Formal committee meetings

As noted,¹ some confusion among members resulted from the fact that at one time all members of the Sinasina committee met together, while at a later date meetings were held only in one area (ostensibly for a small group of members) and, very briefly, meetings were held alternately in two areas. In late 1967 meetings concentrated on the southern side of Sinasina, around Igidi rest-house, and involved only members of that region. In December, however, a meeting of all Sinasina members was held at Kamtai base camp in the north of Sinasina and it was decided to hold subsequent meetings at Koge, in Nimai territory. All meetings until 20 March (see Table 4.5) were attended mainly by members from the Nimai, Dinga, Tabare and Kere tribes (being the nearest), although there were also a few members from the southern side of Sinasina.

At the 20 March meeting the supervising officer decided that attention would be paid only to the Nimai members in whose territory the meeting was held. At the same time he arranged for the following meeting to be held at Igidi in the south. There was thus uncertainty as to which members were supposed to attend which meetings. For Nimai members this caused the least difficulties since most meetings were held at Koge, and, except for the abortive 4 January meeting, at least ten of the thirteen Nimai members attended all meetings listed in Table 4.5.²

A further problem concerned the dates of meetings, which were supposed to be held on the same day each fortnight. The officer and the committee chairman each held a copy of a calendar of proposed meetings and members were informed at the end of each meeting of the date of the next one. (Reminders were also usually sent out from Kundiawa through the Kamtai station a day or so before a meeting.) Lack of communication twice resulted in abortive meetings: on 4 January the chairman and clerk arrived to find no members, while on 8 February a large group of members assembled but no officials arrived.

As my research and the demarcation in Sinasina started almost simultaneously, most of the formal meetings observed were

¹ See p.59 fn.3.

² The average meeting required $3\frac{1}{2}$ man-hours in attendance and travelling time per member. If ten Nimai members attended all seven meetings, the total time spent by them at formal meetings was about 227.5 man-hours.

Table 4.5

Formal committee meetings attended by Nimai members,
December 1967 to April 1968

Date	Location	Duration (hours)	Members present	Chairman and clerk present	Admin. officer present	Affairs of meeting
22.12.67	Kamtai	3	40+	Yes	Yes	Recording names, residence, etc. of members
4. 1.68	Koge	-	5, only Nimai	Yes	No	Meeting abandoned - not enough members
11. 1.68	Koge	2	Not known	No	Yes	Instruction in principles and practices of demarcation
8. 2.68	Koge	3½	40+	No	No	Wrong date, thus no officials, discussion of Madang course
15. 2.68	Koge	3	40+	Yes	No	Recording members' names, etc., some instruction
14. 3.68	Koge	4	30+	Yes	Yes	Officer concentrated on Nimai demarcation; problems, etc.
20. 3.68	Koge	2	30+	Yes	Yes, and LT Commissioner	Instruction, advice on problems
11. 4.68	Koge	Not known	Not known	Yes	Yes	Recording marked ground, dispute inspected

concerned more with recording members' names¹ and with instruction talks rather than their official work of recording work in progress by the members (see Table 4.5). Not until the March-April meetings was recording begun, by which time at least eight days of marking had been undertaken by Nimai members (see Table 4.4). That five meetings were supervised by the officer rather than the chairman, may also have reflected the early stage of demarcation in the area (although the time this officer was able to give to the two partly functioning committees in Chimbu was restricted by more pressing administrative tasks, particularly the elections for the Kundiawa council and the House of Assembly in early 1968).

The supervisory officer in practice ran the meetings and obscured the role of the chairman, who acted primarily as his interpreter. Thus the meeting at Kamtai in December 1967 was entirely taken up by the officer recording each member's name, father's name, and place of residence. He also attempted to record the names of members' subclans' lands although this was far from satisfactory since, as the members warned him, groups were more often than not intermingled on land with one name. On 11 January he instructed members to mark large areas of land belonging to a single clan. When a Nimai member reported that he had marked an area belonging to four men, the officer used this as an example of what not to mark.

As mentioned, chairmen were appointed for the Sinasina and Waiye-Dom committees in 1967, and were then sent to Madang to observe functioning committees. In accordance with the Commission's policy, both men were chosen from outside the adjudication areas in which they were to work, in each case from the adjoining area. These two chairmen were considerably more experienced in modern Chimbu life than committee members (cf. Tables 4.3 and 4.6). They were also active entrepreneurs, both having encouraged expatriate private enterprise to use their land (one for a tradestore and the other for coffee), and both had shares in small trucks. The Sinasina chairman stood out at committee meetings because of his high-quality clothing and his practice of note-taking.

The only meeting run by the Sinasina chairman (on 15 February) was opened by a councillor from the south of Sinasina²

¹ Due to the piecemeal nature of nominations in Sinasina (see pp.51, 54).

² Also a candidate for the House of Assembly elections. I suspect he was using the meeting as part of his political campaign.

Table 4.6

Two Chimbu demarcation committee chairmen

Committee	Age	Education (years)	Pidgin knowledge	Previous employment	Council position
Sinasina	40-45	5	Good	Mission catechist, police	Councillor
Waiye-Dom	40-45	3	Good	Mission catechist, medical assistant, storekeeper	Councillor

Source: interviews

who in a short speech mentioned that the members who had attended the Madang instruction course had been telling others what they learnt, and concluded by lecturing those present on the virtues of punctuality. The chairman then said a short prayer (a Madang practice), called a roll of members, and then gave a short talk, asking members to quicken their marking activity. A Dinga disagreed with him, arguing that they should proceed slowly since only a few members had attended the Madang course and that precipitate action would cause suspicion among those who had not attended. The chairman then read in Pidgin the Commission's instructions entitled 'Stret pasin bilong demarcation'; translating and explaining as he read. Afterwards he gave a copy to one member from each rest-house area. The proceedings were less formal than meetings run by the patrol officer (despite the prayer which was not said when the patrol officer was there), with greater participation by members who without knowledge of Pidgin, spoke in their own language.

The meeting attended by neither patrol officer nor chairman occurred within a week after the members returned from the Madang instruction course (8 February). By 10 a.m. about fifteen members, chiefly from Nimai and Dinga but including one or two from both Dom and Tabare, had gathered in front of clan D's men's-house at Koge. Two prominent younger middle-aged members (from Dinga and Tabare) who had been to Madang addressed them, mainly on the subjects of pay and uniforms. These were, they said, matters which the Madang Deputy Commissioner had advised them to bring before their council. Within an hour over forty members had gathered so they moved to the front of the government rest-house on the edge of Koge market. In

the absence of officialdom, two councillors (a Nimai and a Dinga) 'supervised' the meeting. One began with a prayer, prompted by those members who had been to Madang and then both spoke briefly, cautioning members not to provoke fights, especially since so many people were occupying land to which their claims were doubtful. They were answered at length by Dinga, Tabare and Nimai members who had been to Madang, all attempting to allay the councillors' fears concerning fighting. If necessary, they claimed that the demarcation committee would be backed by police protection. They also discussed the procedure to be followed when rights to coffee and the land on which it grew were divided, stressing that compensation would have to be paid (\$1 per tree or an agreed sum). Before the meeting closed, an area was marked out on the southern side of the market-place for the construction of a committee meeting-house (which was never completed).

Demarcation operation between meetings

During the sixteen days¹ that Nimai committee members worked between formal meetings, thirty-five boundaries² were discussed, inspected and, in some cases, demarcated. After outlining the procedure followed by the members, I shall describe a number of cases.

Procedure. After discussions among interested persons, usually at night in the men's-houses, word was passed around that the 'land committee' (gaba komiti) would mark a particular boundary or discuss a particular piece of land. The next day the relevant committee members, the claimants to the land, and other interested persons gathered outside one of the men's-houses in Koge village. Intense discussion took place, often lasting more than an hour and involving as many as forty men. Then the marking party walked to the land where the exact location of boundary marks and the history of ownership and use were discussed further. Where boundaries were in question agreement might or might not be reached. If it were, the respective right-holders (gaba nim) whose lands were being

¹ On nine days an average of 30.5 men spent an average of 3.5 hours each on demarcation work (including travelling time). The total time spent by the Nimai (members and others) during the sixteen days of marking was about 1,708 man-hours.

² 'Boundary' is here used in a general rather than definitive sense for denoting the object of attention. In several cases specific rights, i.e., of use, were in question rather than the location of boundaries.



Plate 8. Demarcation instruction in the Waiye-Dom area. Principles are explained by the chairman and a patrol officer using sticks on the ground.



Plate 9. Talks at 'opportune times in traditional circumstances': preliminary discussions held in front of a Koge men's house.



Plate 10. Discussion at the boundary site, with a line of tall cane-grass in the background. The committee member on the right holds tangets for use as markers.



Plate 11. A boundary is agreed upon, and adjoining landowners shake hands under the watchful eyes of fellow clansmen.



Plate 12. Disagreement breaks out. A Committee member (foreground) points angrily to where he considers the correct boundary to be. Other members are planting a tanget marker behind him.

divided often shook hands, and the marking party cleared the undergrowth along the boundary line. Then, with meticulous attention by the right-holders and the committee members to accurate alignment, tangets were planted at short intervals along the border. Where agreement was not reached, argument often threatened to lead to physical violence. In such cases committee members and others usually mediated, stopped the marking, and either led the marking party elsewhere or disbanded it.

It was difficult to discern who, or which group, suggested or instigated demarcation of a particular boundary or plot of land. This was due partly to my ignorance of the language, and partly because events and decisions in Koge village could only be covered adequately for one clan.¹

No committee member (or other person) attempted to coordinate or direct the activities of the other members.

¹ See pp. 76 ff.

Although not all Nimai members were present on all occasions, generally at least one or two members present were neutral 'mediators' who did not directly represent those concerned in the particular case. Two committee members (of subclans A1 and D2) attended more marking operations than any others, were more active in organising preliminary discussion, in mediating in disputed cases, and in encouraging settlement, but neither organised nor led other members. The A1 member's involvement could be partly explained by the fact that he was the only Nimai member to attend the instruction course at Madang, although his 'prestige' as a leading figure may have been more important. I could find no particular reason why the D2 member so exerted himself.¹

Nimai demarcation: case material

In an earlier analysis of the Nimai response to demarcation (Hide 1971) I concentrated on (i) the large number of disputed cases (see Table 4.7), divided into three characteristic groups (see Table 4.8), and (ii) the relative lack of 'success' in settling them (see Table 4.7), which could partly be explained by the conflicting roles of the members. In conclusion I considered three major causes of this response: (i) the segmentary social organisation, (ii) the effects of over thirty years of colonial rule, and (iii) the inadequacy of information received by members, or understanding by them, concerning demarcation. That paper contained only a few cases to illustrate analytic statements. A body of cases can be used for the 'extended case method', or 'situational analysis' (Van Velsen 1967),² but this is impossible as I do not have enough detailed material on individuals and events through time. I have therefore decided to describe most of the cases and discuss the principles involved. The cases themselves provide an important record for few other records exist in Papua New Guinea beyond the files of Local Courts, the Land Titles Commission and the unpublished notebooks of researchers. Proposals for village-level courts increase the immediate value of such a record.³ The cases are set out accord-

¹ He was, however, my host during fieldwork and my presence may have affected both his participation and the incidence of Nimai demarcation as a whole.

² Cf. the use made by A.L. Epstein (1969) of twenty-one land dispute cases in his study of Matupit.

³ In April 1973 Cabinet approved a village court system in principle (Post-Courier, 6 April 1973, p.3).

Table 4.7

Nimai demarcation, 1968

Cases of demarcation	Total	Cases involving disputed land	Outcome		
			Marked	Not marked	Partially marked*
Intertribe	1	1	0	1	0
Interclan (within tribe)	23	17	11	8	4
Intersubclan (within clan)	8	6	5	1	2
Intrasubclan	3	3	1	2	0
Total	35	27	17	12	6

* Cases where, despite agreement about the location of boundaries and the identity of the primary right-holders, disagreement continued over certain rights, such as those to coffee trees.

Table 4.8

Major characteristics of disputed land cases

<u>Litigation an attempt to:</u>	<u>Interclan</u>	<u>Intraclan</u>
Encroach on fallow (or resist encroachment)	11	0
Reclaim land with coffee	0	6
Regain land lost in war	5	0

ing to the segmentary level involved (see Table 4.9) as this seems to be one of the three main factors necessary for understanding the Nimai response to demarcation. Epstein (1967: 224), after being puzzled that so many Matupit village meetings were unable to satisfactorily resolve land disputes, realised that what he was observing was 'less a judicial hearing than part of an on-going political process'. This insight is highly relevant to the present cases.

Table 4.9

Nimai demarcation, by land use and segmentary level

Land use	Intertribe	Interclan	Inter-subclan	Intra-subclan	Total
Fallow	1	11	2	1	15
Fallow and nut pandanus	0	1	0	1	2
Fallow and gardens	0	7	0	0	7
Gardens	0	1	1	0	2
Gardens and coffee	0	1	2	0	3
Coffee	0	0	3	1	4
Coffee and house-site	0	2	0	0	2
Total	1	23	8	3	35

Intertribal demarcation

Although Nimai committee members only once attempted to mark a boundary between their own tribal territory and the territory of another tribe, they discussed many times the possibility of 'correcting' such borders by demarcation. They were especially dissatisfied with sections of their boundaries with the Kere, Tabare and Dinga tribes (see Fig. 3) with whom they had frequently been at war before 1940 (and particularly before 1933). This warfare was predominantly waged below about 6,500 ft in the northern part of their territory,¹ and thus the land most frequently lost and gained in battle was within that zone now highly valued both for coffee and because it is easier to cultivate for subsistence purposes than the more rugged terrain in the south. Nimai dissatisfaction with some of these boundaries was tempered by their awareness that the LTC did not want them to deal with borders that had previously been settled by patrol officers. They also knew that the Dinga, at least, wanted to reclaim land at present held

¹ Although I collected no record of warfare across the Suai scarp with the Gunangi, there was some fighting with the Dom, whose territory spills across the saddle in the southwest.

by the Nimai. My evidence suggests that, compared to immediately neighbouring Sinasina tribes, this feeling may be stronger among the Nimai because they seem to have suffered multiple defeats in the decade before 1933, particularly at the hands of the Dinga and the Tabare (or an alliance of the two). Such defeats sometimes resulted in major routs, with many Nimai fleeing south for refuge, and subsequent losses of land. Although some land was returned to them during the colonial administration, living men can still remember cultivating land which now lies within the borders of the Tabare and Dinga.

During my research, Nimai were on the alert for signs of encroachment across their frontiers, and were extremely quick to react to suspected intrusion. The week following the marking by some Tabare of a small area of land close to their mutual border was full of tension, and when it was reported that an old tanget hedge marking this border (with c. ten-year-old casuarina and grass fallow on the Nimai side) had been tampered with, a group was immediately mobilised to go to inspect the site. The only evidence for intrusion was two decaying pieces of tanget, which some claimed proved that the Tabare had been trying to remove the border marks. Others expressed doubt but the more aggressive seized the evidence and marched off to present it to the patrol officer at Kamtai, determined to charge the Tabare. They met some Tabare on the road and forced them to join the party heading for Kamtai. But the patrol officer was away, and after further discussion most people agreed that the evidence only showed that a pig or a goat had rooted in the hedge. The incident nevertheless indicates that tribal frontiers remain a source of friction which can escalate very rapidly.¹

¹ See pp41-2 for the recent Kerowagi-Minj battles. For evidence that this concern is not merely a response to the activities of demarcation committees, see Julius (nd:4) who in 1952 recorded widespread resentment

...concerning the misappropriation of land by other groups. These disagreements were not normally between subclans or clans within a group, but between the larger groups [i.e., tribes]...certain of the Nimai claimed that...wrong decisions had been made in fixing boundaries. Also, there were instances of discontent concerning the alienation of land for European purposes.

Again, in 1954 it was reported that bitter controversy still existed between the Nimai and both Kere and the Dinga over their boundaries (CPR, no.8, 1953-54).

The case of intertribal demarcation attempted by Nimai (and Dinga) committee members appears at first sight to contradict what has been said of frontier hostility, although it was occasioned by a dispute, since it hinged upon an intertribal transfer of land rights.

Members of subclan A3 started to clear an area of between ten- and fifteen-year-old fallow adjacent to the Nimai border with the Dinga in the west. Dinga Kireku clansmen immediately disputed their claim to the land. After a violent verbal argument, both groups decided to go to the Administration for arbitration, despite a Dinga committee member's attempt to persuade them to discuss the matter before the committee members of both groups. They were told by the patrol officer to bring the dispute before the formal committee meeting scheduled for the following day. They did so and were advised to attempt settlement through their respective committee members. A meeting was held on the disputed land, supervised by a Dinga committee member (who had attended the Madang instruction course). This member was particularly well-placed to mediate in the dispute since he belonged to a previously Nimai segment now absorbed by the Dinga. He was also married to a Nimai woman (though not of clan A). Over forty people were present, the Dinga seated on one side of a path facing the Nimai on the other, with the major claimants seated in the centre. The hearing began with a prayer, and an exhortation by the Dinga committee member that they had come to talk and not to fight. Evidence from both sides was then heard. The dispute hinged not on the location of a boundary but on the nature of rights granted by a deceased A3 man, who had been married to a Dinga Kireku woman. This man's son admitted that his father had invited his wife's Dinga relatives to garden with him when the land in question had last been cultivated but denied that the land had been ceded to the Dinga, which was what the latter claimed. Discussion continued for almost two hours without either side weakening, and eventually the Dinga committee member closed the hearing, advising both sides to consider the matter further before attempting settlement again.

Despite intertribal hostility, intertribal transfers of rights to land are common, especially between affines. Usually

only rights of usufruct are transferred, at least nominally and in the first instance, but the exact nature and extent of the rights transferred is rarely made explicit. Rather such transferral is part of a process, starting at the moment a woman moves from one group to another as a bride and maintained with more or less intensity according to such factors as the stage of the marriage, the distance between the respective groups of affines, and sometimes the state of political relations between them. Most Nimai marriages are with other tribes as until about 1950 they formed an exogamous group. Thus of the 186 plots¹ cultivated by thirty-two women of sub-clan D1 (in 1972), only 3 per cent were located on land belonging to the three other Nimai clans, but 12.4 per cent were in other tribal territories. Although intertribal affinal transfers are relatively common, most are probably only short term. Thus what was originally an affinal relationship becomes for the next generation a matrilateral tie, which may, for the immediate kin, no longer retain the importance with which the former relationship was held. Thus in this case the original grantor's son, with his father and mother both dead, probably had increasing obligations to his wife's relatives (who were Nimai not Dinga). By disputing his matrilateral kinmen's claims, he was signifying to them the limits of their claims upon him.

The importance of process in such relationships between individuals, groups and land cannot be overemphasised. Process clearly operates at several levels and on different time scales. The above case instances a stage in which demographic growth in Nimai clans led to alteration in the exogamic rules. The latter change will, through time, repattern affinal relationships and thus the direction of land transfers. Even without change of process at that level, however, an adult son's affinal relationships replace those of his father, and thus with each generation a household reorientates its configuration of social and land relationships. Process is not restricted to social phenomena and in the above case social and ecological processes are interdependent. Long fallow periods between cultivation, necessary under present techniques for maintaining soil fertility, increase the possibilities for the ambiguous interpretation of the location of previous boundaries and the nature of the rights granted.

¹ By plot I mean a section of a garden, referred to by Nimai as ginibe.

Interclan demarcation

Of the 35 cases of Nimai demarcation, 23 were between members of different clans. Table 4.10 shows the number of cases involving any one clan and their distribution between any two clans.

Table 4.10

Distribution of twenty-three interclan demarcation cases

Clan	A	B	C	D
A	0	4	3	1
B	4	0	3	4
C	3	3	0	8
D	1	4	8	0
Total	8	11	14	13

In Table 4.11 correlation with the demarcation cases appears to show a significant difference between the number of demarcation cases occurring within either of the allied pairs of clans (A and D, 1 case; B and C, 3 cases), and the number between them (19 cases).

Table 4.11

Interclan demarcation: distribution, outcome, and interclan political relationships

Clans	Total cases	Marked	Not marked	Partially marked*	Inter-marriage**	Warfare
C v.D	8	5	3	0	Yes	Yes
B v.A	4	3	0	1	Yes	Yes
B v.D	4	2	1	1	No	Yes
B v.C	3	0	1	2	Yes	No
A v.C	3	1	2	0	Yes	Yes
A v.D	1	0	1	0	No	No
Total	23	11	8	4	-	-

* See note * in Table 4.7.

** In all cases, only since about 1950.

There is no relationship between the population size of the clans and the number of cases in which they were involved. In Hide (1971) I suggested that two factors might explain why

so many demarcation cases occurred between clans. First, since the Nimai were until recently a single exogamous unit, I said that the four clans were not 'stitched together by frequent intermarriage', as were many clans in central Chimbu (Brown 1964:338), and thus suggested that the absence of affinal links inhibited interclan transfers of land rights. Secondly, I stated that before pacification Nimai clans had fought each other and that territorial gains and losses had resulted. This was confirmed by the fact that five of the interclan demarcation cases concerned attempts to regain such land (see Table 4.8). Attempts to encroach on fallow (Table 4.8) seemed to have developed since pacification as an alternative means for adjusting clan-land ratios, given the absence of interclan affinal ties, and in the light of Brown and Brookfield's (1959:24-5) conclusion that the encroaching party usually gained 'either a part of what he seeks, or else [was] permitted to complete the present cultivation cycle before withdrawing'. Unfortunately I do not have the necessary data on each clan's landholdings to be able to demonstrate this latter point (as was possible for the NLC hearings in Chimbu, see Table 2.1).

In the absence of such numerical data, some light can be thrown on the distribution of demarcation cases between the clans by considering the state of political relationships between them. For council purposes the Nimai are today divided into three wards, the large clans A and C each electing a separate councillor, and the two much smaller clans B and D combining to elect one. Although this alignment has no purpose other than administrative convenience, at least during the period from 1930 to 1960 the major political cleavage was between clans A and D on the one side and B and C on the other, despite some quarrels and open fights.¹

Demarcation between clans C and D. Over the past thirty years clans C and D have mainly stood in opposition to each other, and they were the first two Nimai clans to intermarry, about 1950. The landholdings of clan D generally cluster in the western parts of Nimai territory, and those of clan C in the east, but there are exceptions. The first three cases dealt with here concern such exceptions.

¹ A major fight in 1960-61, caused by adultery between a clan D man and the wife of a man of clan A, saw clans D and B allied against clan A. This was perhaps important in making the union of clans D and B acceptable in 1965 as a council ward. Their 'separateness' is, however, shown by the fact that they elect their councillor alternately from each clan at each election.

The flat, previously swampy, land lying to the immediate north and east of the Catholic mission station at Yoba forms part of a major territorial block held by clan C. However, near a present men's house of subclan C2 were three small (less than one acre each), separate plots claimed by three men of subclan D2. All three plots were being used, or in fallow after use, by members of subclan C2. This situation probably arose from a serious fight between clans C and D in the early or mid-1930s, caused by a D3 man running off with the wife of a man of the Tabare tribe. The Tabare asked clan C to get the woman back but they refused until infuriated by constant Tabare insults. When members of clan C asked the D3 man for the Tabare woman, he denied having taken her. They therefore shot one of his pigs. In the ensuing fight clan C first drove clan D to take refuge with clan A in the far southwest of Nimai territory, but were later themselves driven back by the combined forces of clans D and A until fighting was halted by the Administration. Clan D holdings within the eastern C block around Yoba were probably seized by clan C at this time. Demarcation apparently provided clan D with the opportunity to reactivate their claims. During discussions between the respective demarcation committee members and other men of both clans, the C2 user of the first plot claimed that his father had paid the D2 claimant's father two pigs for the land (precisely what rights had been transferred was unclear). The D2 claimant said he wanted the land back, to which the C2 user agreed on condition that the pigs his father had paid were returned. The D2 man said he had no pigs, emphasising that the transaction was long past and was therefore no longer relevant. Despite the attempts of committee members to persuade the two parties to agree, nothing was settled.

The second plot, claimed by a different D2 man, was used until recently by two men of C2. In this case the D2 claimant agreed to transfer his rights in return for \$4. This was paid on the spot by the two C2 men, and the presence of the demarcation committee members provided a form of public or official ratification of the transaction. Since the D2 claimant was married to a woman of subclan

C4, it is possible that he preferred to forego his claims (in return for compensation) rather than offend the clansmen of his affines.

The third plot was claimed by the demarcation committee member of D2, and used by his opposite number in C2. As with the first plot no agreement could be reached.

I was not able to discover which party had requested demarcation of these cases. Since subclan C2 had been using the land for some time it is most probable that the initiative came from clan D. Moreover, there was much fighting over the flat land around Yoba until about 1940, since it lies close to the Nimai frontiers with the Tabare and Kere tribes. Although fertile soil, it was undrained until the early 1950s mainly, it seems, because people were reluctant to invest extensive labour in an area liable to periodic ravages. In the 1950s, however, peace, steel shovels, and coffee combined to provide favourable circumstances for draining the land. Thus land which had not been particularly valued when abandoned by D2 in the 1930s had become highly valued by the 1960s. Though none of the plots claimed by clan D were so low-lying that the massive (5 to 6 ft ditches) drainage works of some adjoining lands were necessary, and none had been planted with coffee, their evaluation of the present and future use of the land probably led them to press these claims.

If clan D initiated these cases, then their relative lack of success could imply that their tactics were faulty. One cannot know to what extent they expected their claims to be fully accepted, or only hoped for some recognition of their legitimacy and thus the possibility of compensation. Whether or not they underestimated the resistance to their claims, it is important to remember Brown and Brookfield's (1959:25) conclusion that Chimbu (and Nimai) tenure 'cannot be looked on as permanent. Not only is it necessary for each claimant to exercise his rights, but he must do so when his neighbours exercise theirs, if he is not to risk becoming the victim of successful encroachment'. In such situations, it is probably rare to gain all one claims, and the very act of making a claim may be more significant than the outcome.

Nonetheless, the reason the D2 claimants were generally unsuccessful in their claims may flow from the segmentary hierarchy of groups making up the Nimai, and the nature of intra-level hostility which has been called segmentary opposition (Sahlins 1958). Fig. 4 shows an interclan boundary confrontation or land dispute in an ideal situation in which the opposing clans each occupy a single territorial block.

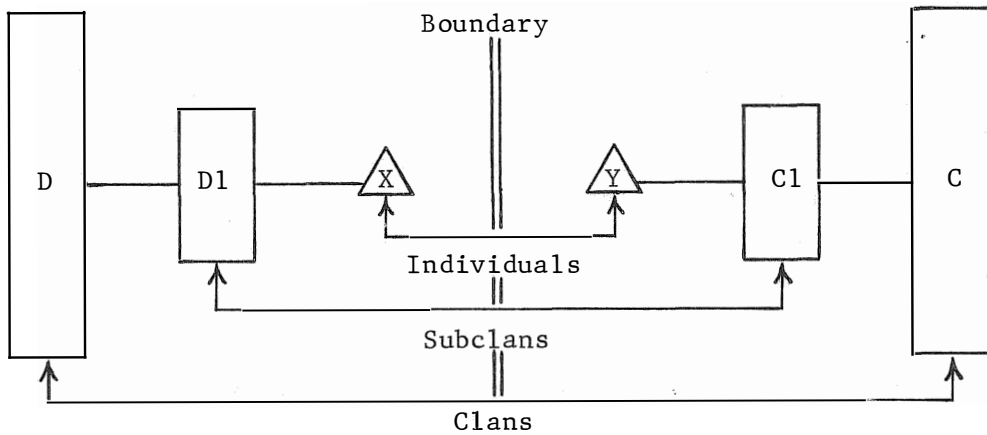


Fig. 4. Interclan land dispute: two territorial blocks

In such a case individual landholders X and Y share a boundary which separates not only their holdings but also those of both their respective subclans and clans. In the event of a dispute between X and Y, they are theoretically able to call upon the support, first of their subclans and then of their clans, since each segmentary level feels itself threatened by claims against a section of common boundary, or a part of the territory.

The three Yoba cases where three individuals of D2 claimed separate plots of land lying within the territorial block of clan C, provide a different configuration in Fig. 5.

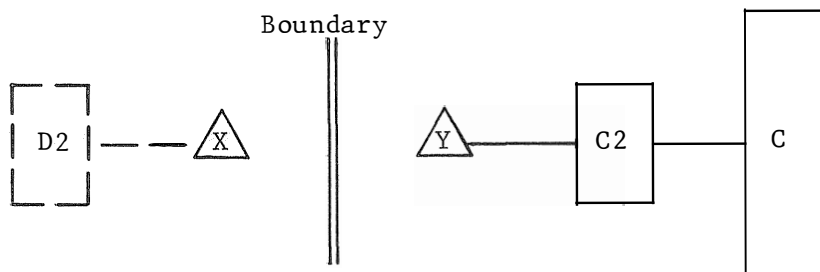


Fig. 5. Interclan land dispute: outlying individual plot

As shown in Fig. 5, the position of such an individual (X) is structurally very weak, since such plots are isolated not only from major clan blocks, but also from subclan holdings. Claims to the outlying plots were weakened by the fact that the latter were about half a mile inside clan C territory. There was, I believe, little chance of the D2 claimants being able to mobilise much enthusiastic support from their fellow subclan members, let alone their clansmen.

A month after the Yoba cases, committee members of clan C and D were again at work.

In the early 1950s subclan C1 was primarily settled in the southern part of Nimai territory at over 6,500 ft. At the time a general relocation of Nimai settlement around 6,000 to 6,100 ft was taking place, apparently spurred by the establishment of the Catholic and Lutheran mission stations (and especially their schools) in the lower zone. Subclan C1, however, was without a large enough settlement site to completely relocate at the lower altitude. They therefore acquired more land from clan D, especially subclan D2, to expand their small site at Kolai, a ridge which rises southwards from clan D's section of Koge village. Some of this land they bought (with pearlshell), while some was given by a D2 man to the husband of his sister's daughter, then employed as a policeman (a rare and powerful occupation in Nimai at the time). By 1968 the C1 settlement at Kolai included the majority of the subclan. The initiative for demarcation again apparently came from clan D. The first boundary marked was the border between the northernmost C1 land, and the holdings of the D3 committee member and man of subclan D2. This was apparently prompted by a rather vague claim put forward by a C1 man to the D3 land. The latter, however, was fully planted with mature coffee (besides including a house-site), and the claim was squashed, with the claimant agreeing that it was rightfully D3 land.

The second marking took place 300 yards further up the ridge, along a section of boundary between the C1 Kolai settlement and the surrounding D2 land. Although nothing was openly disputed, men of D2 said later that if subclan C1 had not been so well established there, with a considerable number of houses and coffee plantings, they would have

attempted to reclaim the land that they had granted some twenty years before. However, they considered they could not afford to compensate C1 for all the improvements.

The third location was to the west of the ridge. A man of subclan D1 had been clearing fallow for a new garden, but was opposed by a C1 man who disputed the location of their mutual border. Although the land concerned was no more than twenty square yards, the demarcation committee members were unable to persuade the two men to reach agreement.

In these Kolai cases clan D was in a considerably stronger position than that of the isolated D2 claimants at Yoba.

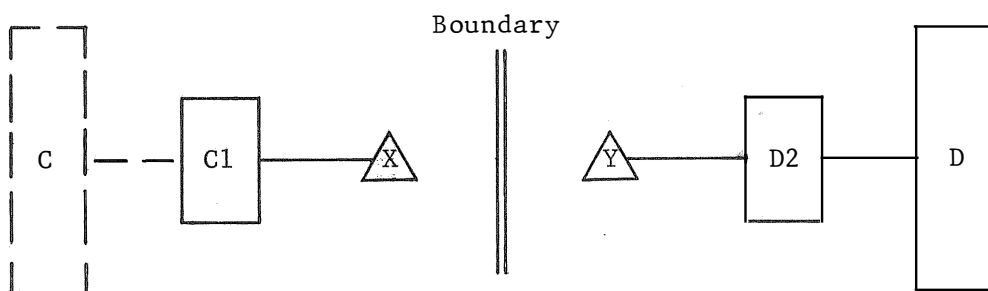


Fig. 6. Interclan land dispute: outlying subclan block

As shown by Fig. 6 subclan C1 was firmly established, despite being surrounded by clan D holdings, since the original land grant was not questioned publicly and their position was strengthened by their obvious occupation of the land. Further, they were increasingly linked to clan D by affinal ties, which though not guaranteeing peaceful relations between the two groups, provided a growing network of links through which land transfers might take place and open hostility be contained.

Clan D's action in employing demarcation in at least the first two cases of Kolai marking seems to indicate their concern with clearly defining the limits of the land granted to C1, and thus forestalling what may have appeared as possible claims by C1.

Demarcation between clans B and A. The two major inter-related cases of demarcation between clans B and A are discussed in detail.

At some time in the past clan B granted members of clan A rights within the former's large holding on the northeastern border with the Tabare tribe. In 1960-61¹ during a fight with clan A in which clan B was allied with clan D, a man of clan B was killed and his clansmen refused to allow clan A the use of the land which they had previously been granted. Clan A appealed to the Administration, claims were lodged with the Land Titles Commission (Claim no.1 of 1965), but a hearing was never held. The Administration, however, established a boundary between the two clans to prevent further violence, leaving clan B in control of the land. By 1968 relations between the two clans had improved to the extent that A clansmen were using the disputed land for pig commonage. The land, however, had been under long fallow, and, with a pig ceremonial scheduled for the following year, clan A wished to bring it under cultivation. They thus suggested to clan B that they use demarcation to 'correct' their boundary. Clan B agreed to move the boundary in favour of A, but demanded that in return they concede them land which clan B had previously held within the large block of A holdings on the western Nimai border with the Dinga. Here clan B's rights derived from the time they had fought with clan A against the Dinga and driven the latter off this land. In retaliation for their exclusion from clan B's land in the northeast, clan A had subsequently excluded clan B from this land. With both sides in apparent agreement over the two cases, the new boundaries were marked by their demarcation committee members. In the northeast there were no complications, while in the west there were difficulties due to two small plots of coffee held respectively by two men of subclan A2, and one man of A1. During discussion on the spot, one of the coffee owners stated that if clan B wanted his coffee trees as well as the land they would have to buy it from him. Another member of clan A reminded clan B that A had already paid a pig (it was not clear whether he meant that the pig had been paid as compensation for the death in the fight between the two clans, or in return for using

¹ Not 1963 as appeared in Hide (1971:53).

the land).¹ When clan B replied that they would pay back the pig, an A clansmen remembered that they had, in fact, paid two pigs. Clan B then suggested that they would return two pigs, but that the A owners should continue to harvest the coffee until it died after which the land on which it was planted should revert to B. While some members of A were inclined to accept this offer, others declared that since B were taking back the land they must take the coffee also, and pay for it. Clan B refused to accept this, and further discussion on the future of the coffee was put off. Talk then turned to the casuarinas growing on that part of the land under fallow, and it was agreed that either their A planters should be allowed to cut them, or that if clan B wanted them they would have to buy them from the planters. Again nothing final was concluded due to the absence of one of the casuarina owners. Despite such lingering problems on the western border area, clan A immediately moved onto their reacquired land in the northeast and began cultivation. Eight months later, under the supervision of the committee chairman, the committee members attempted to replace the temporary markers in the western area with cement posts. Immediately an A clansman objected to B's claims, protesting that he had been away when the temporary marks had been placed, and a long and increasingly heated argument broke out. At the climax the committee member for clan B shouldered a cement post and prepared to break off the talks. As he left he shouted a reminder to the men of clan A that both they and his clan held similarly strategic positions on the opposite borders of Nimai territory, A facing the Dinga, and B the Tabare. Since they did not want his clan holding land among them, they could defend themselves against the Dinga - his clan would certainly not help them. As a parting shot, he said that his clan would now take back the land they had given to clan A. The chairman of the demarcation committee then spent a long evening reconciling the two groups. I believe his

¹ Cf. Brookfield and Brown (1963:139): 'The use of valuables, pigs and food as compensation for improvements, garden damage, injury in land disputes, and services obscures the distinction between land sale and other transactions...'

success was mainly due to the fact that clan A, having already cultivated the land that they had regained, were not prepared to lose their investment, and thus brought pressure to bear on their clansmen who were unwilling to concede clan B's claims.

The cases between clans C and D showed how the claimants to outlying plots were disadvantaged vis-a-vis the right-holders to the major surrounding clan block. The two cases just described between clans B and A, besides providing further details of the instability of such a position (with both clans denying each other access to land after a fight), give public expression to one reason for such interdigitation of clan lands. Brown (1962:62) suggested that scattered landholdings within Chimbu tribal territories may have facilitated defence for 'any attack on a part of a tribe threatens the land of many segments, and they join together in defense'. This is nicely corroborated by the threat of the clan B committee member above. But how relevant is such a reason when open warfare is no longer possible? Was such thinking significant when clan B agreed to return to the pre-1960 status quo with both clans interdigitated on the Nimai borders? Despite the replacement of warfare by litigation, in which the clarity and strength of one's claim should be more important than the strength of one's fighting force, it may still be considered preferable for clans to retain the potential for a united front on the tribal borders. Nonetheless, the initiative for demarcation came from clan A, whose committee members (and others) stated that what they wanted was to be able to cultivate the long, well-fallowed ridgeside which was very conveniently near their then major settlement site. Whether they advanced the defence argument in persuading clan B to agree I do not know. As clan B was so much smaller (164) than clan A (786) the B committee member's threat could have been mainly an oratorical device, albeit with traditional precedents, with which to berate clan A for reneging upon their agreement. As noted above, I think clan A were forced to agree by the very real threat of losing the crops they had planted on the regained land, especially since the production was to meet the increased demands of a pig ceremonial the following year.

The other two cases of demarcation between clans A and B concerned short sections of boundaries between major blocks of clan territory. In both cases boundaries were aligned through current gardens without dispute.

Demarcation between clans B and D. Of the four cases involving clans B and D, three were straight-forward and boun-

daries were marked without difficulty. In the first, the initiative for demarcation came from subclan D3, whose small holding in the northeast had been encroached upon by clan B when the latter had cultivated the previous year. The boundary was adjusted the required few yards and targets planted within the existing clan B garden. In the second, an outlying plot claimed by a lone B1 man in the midst of a large D2 holding was again recognised without dispute. The two cases both concerned plots of less than an acre each under advanced fallow and surrounded by predominantly clan B holdings. Both were claimed by the committee member of subclan D3, through inheritance from his father, who died in 1950-51 after a career of some renown. Although his rights to the first plot were upheld by the clan B committee member, the latter's fellow clansmen denied his claims to the second. They stated that the D3 member's father had, after marrying the widow of a clan B man, transferred the rights to this plot to themselves, a claim which was reported to have been supported by some members of clan D in preliminary discussions. The D3 member denied that his father had done so (though his denial was weakened by the fact that he had been away working on the coast when his father died), claiming instead that clan B members had only been invited to use the land. Despite a clan B suggestion that since they had accepted his rights to the first plot he should recognise their claim to the second, the D3 member remained adamant and no settlement was reached.

Demarcation between clans A and C. All three cases between clans A and C concerned outlying plots, one of which was settled without dispute during other marking. In the second, subclan C3 claimed rights in an area of fallow which members of A1 had begun to clear for cultivation. The area was predominantly held by clan A but despite the fact that C3 received little support from other clansmen they resisted attempts by clan D to overrule their claim. The third case was rather more complicated, concerning intermingled claims in the vicinity of a now abandoned settlement and ceremonial ground site in the upper part of Nimai territory. A man of subclan D2 had recently cleared a garden, receiving assistance from a sister's daughter married to a man of subclan A2. The latter had mobilised some fellow clansmen to extend the clearing into an area which they claimed they had previously cultivated. Subclan C3, although recognising the rights of the D2 gardener, disputed the A2 claims, stating that they had first cleared that land, which they had later used for a settlement site. The respective demarcation committee members heard the case but, unable to achieve a settlement, brought the matter before a formal committee meeting. No settlement was reached during the period of research.

Demarcation between clans B and C, and A and D. The fact that these two pairs of clans have been allied in opposition to each other appears to explain the fewer demarcation cases within each pair. The larger number of cases between clans B and C (three as compared to one between clans A and D) may possibly be related to the fact that their alliance, unlike that of the latter, is 'strained' by intermarriage. The case between clans A and D concerned a small plot of land claimed by subclan D2 and used by A2, and did not progress beyond preliminary discussions. Clans B and C were involved in acrimonious debate. After reaching tentative agreement on a subclan B1 claim to an outlying plot used by C3 within the latter clan's block at Yoba, amicable relations between the two clans broke down completely over a disputed border in the midst of a large B holding. As in the dispute between clans B and A, prior agreement to the previous case was immediately revoked and a stalemate resulted.

Intraclan demarcation

As with interclan cases, there was no obvious correlation of demarcation between subclans of the same clan according to clan size: three cases occurred within clan D, two each in clans A and C, and one in clan B. It is, however, significant that five cases concerned conflict over coffee planted on land to which the planter did not hold primary rights (see Table 4.9). Of the other three, one concerned land regained through interclan demarcation, while two relating to small fallow plots were settled without difficulty. The disputes over coffee plantings illustrate the disruption that this valuable tree crop has caused. Apparently some early plantings were in the form of 'demonstration blocks', with each row of trees owned by a different man and planting carried out under the patrol officer's supervision. One of the clan D cases concerned such a plot.

The plot of less than a quarter acre was entirely planted with mature coffee by men of all three D subclans, but was claimed by one D2 man who demanded that the demarcation committee members mark the land and give him back the use of it. In discussion, one member suggested that the coffee owners should continue to harvest their coffee provided they paid some money to the landowner. This brought an angry rebuke from one coffee planter to the effect that he had already paid a considerable contribution to the landowner on the death of the latter's father and that he was not going to pay any more. The landowner then delivered an ultimatum: the coffee

planters must either pay him or cut down their trees to allow him to use the land. Although a further suggestion was made that the landowner should take over the trees after the present crop had been picked, no final agreement was reached. Some days later it appeared that the landowner had been appeased, at least temporarily, by being allowed to harvest the trees for a month.

While the landowner had no compunction in asserting his claims against his fellow clansmen (and fellow subclansmen) in this case, this was not so on a later occasion when members of subclan D3 were starting to clear land to which they held primary rights and proposed to take action against a D1 man who had a small coffee grove on its edge. The D3 committee member (who also held rights in the land) dissuaded them from doing so on the grounds that they were all of 'one blood'. Had they not been so, he later explained to me, he would have tried to resume the land. However, in the first case the coffee planters' rights to use the land rested on nothing but a patrol officer's selection of the ground as a suitable demonstration plot, whereas in the latter the D1 planter's claim was based rather more securely on an earlier grant. In the similar case that occurred between subclans A2 and 3 there was also no outcome since one of the claimants to the land was in gaol at the time. The security of an earlier grant is, however, a relative matter as evidenced by the clan C case.

Three men of subclan C5 attempted to regain less than an acre of land which was entirely planted with mature coffee owned by five men of subclan C3. Use of the land in question had originally been granted to the major C3 planter in return for assisting one of the C5 landowners with a bride payment. While none of the planters disputed the C3 claims to the land, they did demand compensation for their coffee trees. A pig, a goat and \$14 were collected by the landowners but the planters (one of whom was the councillor of clan C) decided that this was insufficient. Further discussion followed and the landowners eventually decided that the planters could retain control of the coffee until it died, after which the land should return to them. They also ordered the C3 men not to plant any more coffee or casuarinas on the land.

In all the above cases there was little or no dispute concerning the identity of the landowner. Demarcation was essentially a means by which the landowner would confirm or rein-

force his claims to the land on which others had coffee, while in defence of their assets the latter, rather than assert the legitimacy or superiority of their claims to use the land, apparently took their stand immediately on the question of compensation for their trees. In the clan B case, however, conflict arose over land which, because it was swampy and lay within a much fought-over border zone, had not been cultivated within living memory prior to the early 1950s. With steel spades, several B clansmen had drained about half an acre and planted coffee. Argument broke out over the exact location of boundaries between the densely planted holdings, and the clan B committee member arranged a compromise.

Intrasubclan demarcation

Demarcation was attempted within subclans D2, D3 and C5. Although argument at this level was restricted to close relatives and thus did not involve many people, the three cases were all disputed vigorously.

In the C5 case a man attempted to reclaim a small plot of land on which coffee had been planted by a fellow subclan member several years previously. As in similar intraclan cases, the coffee planter did not assert rights to the land, but instead threatened to reclaim a plot on which the other had planted coffee. Both plots were small and the demarcation committee member suggested an exchange, making each man the owner of the land on which he had coffee. This was accepted, though reluctantly by the original plaintiff who complained that the plots were not of equal size.

The D2 case involved a small outlying holding under advanced casuarina fallow in the southern part of Nimai territory. Dispute broke out when a father and son started to clear in preparation for cultivation, and a fellow subclan member accused them of encroachment on his land, stating that his son was about to return from work in Port Moresby and would need the land. The committee members of subclans D2 and D3 attempted in vain to persuade the disputing parties to agree to a division of the land. The outcome was still uncertain at the end of fieldwork.

The third case, concerning subclan D3, was more complex in that it hinged upon the right of an elderly unmarried man of uncertain subclan allegiance to transfer land to another subclan (D2),

from whom he had earlier received assistance and with whom he now resided. His right to do so was loudly disputed by the demarcation member of D3 who claimed that the man had originally received the land from his (the committee member's) father. The land in question was under fallow at the time, and no agreement was reached.

Discussion: the Nimai response
to demarcation

The actions of the Nimai committee members reveal four major features. First, members were selective, attending to short, unconnected lengths of boundary, or specific plots of land, all of which were scattered mainly in the northern half of Nimai territory below about 6,200 ft. There was no attempt to work methodically across the tribal territory nor to mark the complete boundaries of any one plot. Secondly, nearly three-quarters of the cases involved dispute. Thirdly, the claimants in the majority of cases belonged to different clans. Finally, the 'success rate' was not high: barely half the cases were settled, while one-third resulted in no marking at all.

These observations confirm earlier comments by several writers that demarcation committees, instead of restricting themselves to their primary 'administrative' function of marking customary land boundaries on the ground, were also settling or at least attempting to settle disputed land claims, an activity which by law was the prerogative of the Land Titles Commission (B. Brown 1969:190; Lalor 1968:16; Lynch 1969:57-8). Lynch's statement (1969:57) that 'there can be no doubt that there is or will be a great deal of mediatory (i.e., sub-magisterial) functions involved' is amply born out both by the Nimai evidence, and by that from Gembogl and Kerowagi in other parts of Chimbu.¹ Furthermore, the Nimai members appear to have interpreted demarcation more in terms of their own needs than in terms of the aims and requirements of the legislation. To understand why this was so is not just an academic exercise, and it also requires more than an internal critique, by which I mean the identification of problems or barriers, followed by recommendations that if certain aspects were corrected the legislation would probably be implemented more smoothly. The latter is, or should be, the task of the implementing officers. Rather identification of a disjunction between official aims and on-the-ground implementation requires, first, an analysis of why this action occurred in these circumstances, and secondly

¹ See pp.41-3.

before demarcation began. Two main features of this structure should be noted. One is that several language changes had to take place before information reached the members. The personnel involved in Stage 1 were all English-speaking Europeans, responsible for drafting the legislation and to some extent planning its implementation. Those in Stage 2 were also European and English speaking but almost none had any formal knowledge of law. There were clearly some areas in which their actions differed from the intentions of the drafters. Transmission from Stage 2 to 3 was predominantly by means of Pidgin, since councillors in Channel A, and course instructors in C were all New Guineans. But it was Madang Pidgin spoken to highlanders with limited Pidgin. And the Madang Pidgin speakers had only a limited knowledge of the legislation and none of formal law. Between Stages 3 and 4 such information as was received in Pidgin (or more correctly their impressions of it - having never seen the legislation or experienced its implementation) was transmitted in Sinasina dialects (Channel A), Pidgin with Chimbu translation (Channel B), and Pidgin with some translation (Channel C). Clearly these multiple language changes provided considerable opportunity for distortion, modification or misinterpretation. While a relatively 'neutral' fact or simple order can probably pass through such a chain of transmission and reception without too much difficulty, new ideas or concepts, which are basic to new legislation, face many more problems. Terms such as 'demarcation', 'self-government', 'independence', 'insurance', which in English are heavily encrusted with historical implications, cannot be expected to simply pass down the chain of communication, after initial heavy stress at the top. This, however, seems too often to have taken place, with little attempt at translation or explanation; the result is a new label, usually subject to considerable variation in pronunciation, in the everyday language at the bottom of the channel, at which level there is no, or very little, or a very different, idea of its meaning.

The second feature of this communication structure is that linguistic differences may also be compounded by differences of culture. This was especially so in Channel C at the Madang instruction course.¹

These two closely related factors represent very real difficulties in accomplishing a rapid and accurate transmission of information or instructions from central government agencies to the village level. These problems with the 'downward' flow

¹ See appendix.

of information are compounded in the 'feedback' from the lower to the upper levels. In other words, messages flow down the communication channels more easily than up. In Papua New Guinea, where centralised legislation-drafting and policy-making machinery is combined with considerable variation in customary practice at the village level, there is an obvious need for regular feedback facilities to be carefully built into the system.

Social and political structure. When discussing demarcation with expatriate officials, I often heard statements closely reflecting the title of Vial's (1942) description of Chimbu warfare: 'they fight for fun'. Rather differently, Chimbu committee chairmen and members would declare that 'pait bilong tumbuna i stap iet' ('our ancestors' struggles are still with us' or perhaps, 'we fight for the same reason as our ancestors'). While both phrases are a common measure of the concern, or exasperation, with which the prevalence of violence in Chimbu is viewed, neither throws much light on why this should be so.

In the absence of such an analysis, the usual refrain is for more 'law and order'. During 1969 there were two outstanding examples in the House of Assembly, both arising out of the demarcation programme. Mr Yauwe Wauwe Moses, the Member for Chuave in Chimbu and himself a demarcation committee member, forecast that 'trouble is inevitable within the next five years if we do not give urgent attention to land problems', declared that he did not think demarcation committees were very effective, and suggested that 'responsibility for land demarcation should be given to the "kiaps"'.¹ Similarly, Mr Turi Wari, the Member for Ialibu in the Southern Highlands, stated that he did not know what were the functions or purposes of demarcation committees but 'what I do know is the work of the "kiaps"'. He claimed that people in his electorate were 'frightened because they do not understand the work of this [demarcation] committee', and 'disputes have arisen, and whenever land rights are discussed fights break out, and the people involved grab their spears and arrows'. He concluded that both 'my people and I would like to see the "kiaps" mark the land in our area'.²

The segmentary nature and political and territorial characteristics of social groups in Chimbu have been thoroughly

¹ House of Assembly Debates, vol.II, no.4, p.840-1, 3 March 1969.

² House of Assembly Debates, vol.II, no.4, p.1069, 13 March 1969.

described by Brown (1960, 1964, 1967), and the Nimai and other Sinasina tribes do not differ in any essentials. The most significant feature of such political systems for the present argument is the lack of what Brown (1964:336) calls a 'governmental structure' which results in a process by which 'groups mobilise in opposition to parallel groups or segments'. Under pre-colonial conditions, warfare played a crucial role in this system, and there are reports of fighting between groups at all levels down to and including subclans. It was, as Brown notes (1964:349), 'the accepted means of dealing with disputes of all kinds'. In such a system with no centralised authority or formalised courts, force provided not only the final sanction of an individual's or group's rights but also a decision-making process by which the demographic fortunes of groups could be significantly related to territory. In the words of Mr Turi Wari, 'many years ago, our ancestors fought...and the stronger tribes chased the weaker ones away with the result that they lost their land'.¹ Since the end of warfare and despite considerable litigation, a sufficiently effective means of decision-making in cases of land dispute has not been developed. Mr Moses and Mr Wari's requests that land boundaries be marked by Administration officers rather than local representatives are therefore reasonable. Their experience of the effectiveness of the officers backed by the police and the courts, and their awareness of the political conflict bound to surface as a result of local committee members' activities, predispose them to favour the former. Their requests underline my conclusion that intergroup decision-making on land problems has developed little under colonial rule. External authority removed responsibility from the local people and, by failing to create new agents empowered to wield authority at the local level, caused the lack of confidence revealed in the above appeals to the House of Assembly.

A further factor contributes to the structural vacuum resulting from the lack of decision-making processes affecting land. It appears to be a common consequence of colonial rule that the arena in which intergroup struggles for power can take place is constantly narrowed or restricted. This is a complex phenomenon, starting with the loss of local group sovereignty, hastened by monetisation and the atrophy of traditional exchange systems, and perhaps most importantly in Papua New Guinea, revealed by the lack of any institutionalised (and authorised by government) village-level dispute-settling structure. This restriction has resulted in a concentration upon land matters as both a real and symbolic testing ground for

¹ House of Assembly Debates, vol.II, no.4, p.1069, 13 March 1969.

intergroup political trials. Whatever the vicissitudes of exchange valuables, land is a constant in the lives of Melan- esians and it has provided a convenient focus upon which village-level politiking can centre. Indeed, A.L. Epstein (1969:199-200) concludes that for Matupit islanders 'litiga- tion over land was now one of the few means available to them of perpetuating the traditional social and political system', and that 'should the waging of land disputes cease to be a matter of public concern...then Matupit could well be on the way to losing its identity as a distinctive Tolai community'. By quoting Epstein on Matupit I do not mean to imply that the situation in Chimbu is similar in all respects to parts of the Gazelle Peninsula. Most particularly Chimbu is different in that it has had a shorter colonial history, has had no real land alienation (except in the immediate vicinity of Kundiawa township), and has had an overall land shortage for a consid- erably longer period. However, the similarities of govern- mental structure in the two areas may eventually lead to simi- lar results if left unchecked; the processes outlined above are mainly responsible for the way in which the Nimai demar- cation committee members responded to demarcation in terms of intergroup relationships.¹

Committee members' role ambiguity. Why were committee members unable to mark more than half the boundaries without continuing dispute over certain rights? According to the legislation and the Chimbu programme of implementation, each member acts as the representative of his subclan and his func- tion is to supervise the boundary marking of lands claimed by members of his group. In a politically neutral situation (as implied by the legislation), the role of a committee member is thus essentially administrative. But land is not politi- cally neutral in Chimbu and committee members understood this from the start. They viewed their task as one of settling disputed claims: hence their requests for marks of authority and powers to call upon police support. In the course of demarcation without such authority, they played a mediatory rather than magisterial role, their rate of success indicat- ing the limits of their mediating powers. Crucially, their roles conflict. On the one hand, as their group's represen- tative they had, in the eyes of their fellow group members, to take an active part defending claims and launching counter- claims in reply to other groups: they were in effect their group's claimant. But their task according to official in- structions, was to reach settlement and achieve on-the-ground

¹ See p. 71-89.

boundaries, in pursuit of which they had to compromise, to mediate between the claims of their group members and those of other claimants. Which role dominated in a particular case depended primarily upon a member's personal interests in the land under review and the level of grouping at which contrary claims were held.

Chapter 5

Conclusion

This study has described a series of legislative and administrative attempts to define rights to land in Chimbu during the colonial period. Chapter 2 showed that the main concern of the Administration prior to the establishment of the Land Titles Commission in 1963 was dispute-settlement. Promising early experiments with committees of local leaders lapsed, and due to staff shortages and clumsy procedures a considerable backlog of unresolved disputes accumulated under the Native Lands Commission. Chapter 3 documented the history of the Land Titles Commission Ordinance in Chimbu to 1967, again showing how land disputes remained the major focus of attention, although the Land Titles Commission generally proved as unsuccessful as its predecessor in solving them. The adjudication process was introduced in 1965, officials seeing it from the start as a hopeful means of dealing with disputes. After an outline of early demarcation attempts at the District level in Chapter 3, Chapter 4 focused in detail on the activities of part of one committee in Sinasina in 1968. This analysis revealed a significant discrepancy between legislative aims and action by committee members.

Although I believe that the goals of land tenure reform should be formulated in the first place by those whose lives are to be affected, a requirement which the Land Titles Commission Ordinance goes not meet, I turn now to the question of the suitability of the legislation to the local circumstances of Chimbu. The formulation, debate and final acceptance of tenure goals is a political process, for the questions involved are virtually all-embracing, affecting the nature of property relations among individuals and groups and consequently the structure of local, regional and national community and society. As of 1972, there has been no full-scale attempt on the national level to formulate tenure goals for Papua New Guinea, although a step in that direction has been taken with a planned commission of inquiry. In this conclusion I attempt

¹ See p.98, fn. 1.

to unravel the more important lessons to be learned from the abortive experience of the Land Titles Commission in Chimbu.

The Land Titles Commission Ordinance had at least two major objectives: (i) to establish a unified tenure system for the whole country; and (ii) to provide a basis for the development of a more productive agriculture by (a) settling extant land disputes, (b) creating a means for the settlement of new ones, and (c) removing 'customary' barriers to individual investment in land. In terms of the present study the second objective is clearly more important for, as Crocombe (1971:375) has written, 'the major issues now relate to the adaptation of kin-based, subsistence-oriented systems to current economic and political goals'. If the development of a more productive agriculture had been given first priority in planning the implementation of the Ordinance, its history in Chimbu might not have been so sorry, but this was not the case. In judging this failure it is important to remember that the similar legislation which was used so forthrightly by the British colonial government in Kenya was first implemented under emergency political conditions. Crocombe (1972:64) notes that however well intentioned and skilled the colonial officials, they 'cannot substitute for the fact that the ultimate decisions are and must be political, and can therefore only be taken by indigenous representatives after a full study of the available alternatives'. Thus the final answer to the question why the Land Titles Commission Ordinance was not used to 'revolutionise' Papua New Guinea subsistence-oriented agriculture and tenure systems (as it perhaps could have been), is probably to be found by considering the time at which the legislation was drafted and the lack then of active Papua New Guinean political representation and technical skills. What occurred, as this study has shown, is that while agricultural development was 'stalled', the Ordinance was restricted to concentrating, in the highlands at least, on the old administrative problem of land disputes. But the adjudication system was far too elaborate and expensive (in terms of money, labour and technical manpower) for such a subsidiary aim, and thus, when it became obvious that the ultimate aims of the legislation had been stalled at higher decision-making levels, any progress in adjudication in the highlands was bound to grind to a halt.¹ At this time also considerable differences of opinion on the adjudication policy and its applicability to certain areas

¹ Active demarcation of the kind observed in Sinasina in early 1968 and documented here apparently petered out everywhere in Chimbu during the same year.

were held by the Chief Land Titles Commissioner, the commissioners responsible for implementation, and various departments. In 1969 Mr R. Simpson, the land tenure adviser to the British Ministry of Overseas Development, visited Papua New Guinea at the request of the Administration to prepare a report on the Land Titles Commission.¹

More concretely, there is no record of co-ordination between DASF and the LTC at the planning stage in Chimbu, where co-ordination appears to have been solely with DDA.² Direction and supervision in the field was almost entirely in the hands of DDA officers, so it is hardly surprising that the concern with land disputes came to exert such a dominant position in the legislation's history in Chimbu. It is salutary to consider Healey's (1971:115) judgment of colonial administration in Papua New Guinea to 1963:

District co-ordination had not progressed to the stage where lands, agricultural and administrative field staff could submit a detailed development plan to central government with any hope that its provisions would accord with the statutory requirements of separate departmental policies.

According to Healey (1971:117), 'a thoroughly ad hoc approach was evident in all schemes to 1963', and the evidence of this study both supports his judgment prior to 1963 and suggest that there was no marked change by 1967. Although the reasons for the major shortcomings of the Land Titles Commission Ordinance lie above the District level, there seems little doubt that the existing District structure was mainly responsible for the implementation strategy. Accepting the very real problems of implementing ambitious programmes in areas such as Chimbu with

¹ See Simpson (1971). In early 1970 a delegation consisting of the then Director of Lands, Mr D. Grove, the Registrar-General, Mr Sheehan, and a research officer from the Department of External Territories visited Kenya, where Mr T.J. Fleming, land tenure adviser to the Kenyan Ministry of Lands and Settlement, was invited to visit Papua New Guinea to advise the Government on changes in the legislation (Alualua 1971:41-2). Following his visit (in March 1971) four new land bills were presented to the House of Assembly (see Grove 1972 and Ward 1972). The bills were later withdrawn and in June 1972 the new House of Assembly called for a Commission of Inquiry into Land Matters, which was finally appointed in February 1973 (Post-Courier, 1 February 1973, p.3).

² See pp. 32-41.

heavy rural population, high illiteracy rates, and administrative staff shortages, it is clear that, for any future land policy aimed at the whole population, far higher priority must be given to planning and to intensive communication of aims and methods. In regard to the latter, there is an urgent need for decentralisation from the District centre at Kundiawa - easy vehicular access has led to a false sense of security that information can be quickly and accurately passed on to rural villagers by day visits from officers driving out and returning to their comfortable Kundiawa homes by evening. Important lessons could be learnt by considering how information is acquired and disseminated throughout rural society. The importance of evening discussions in men's houses cannot be overemphasised. Accurate information is at a premium in rural society, for all information, especially that from 'outside' agencies, is constantly subject to distorting influences. One recent example: a rural development officer visited Sinasina to conduct a sample census of coffee holdings. Before half his interviews were completed, people believed that he was finding out how many coffee trees they had because the government intended to offer blocks of Wahgi river-flat land to those who had few or none.

The lack of planning in Chimbu in 1967-68 is further evidenced by official failure to realise the size and the consequences of the task undertaken. It is theoretically possible that, once the decision to mark subclan boundaries had been taken,¹ this could have been achieved by the committee members, although only over a long period of time and at heavy labour costs to the members, if the Nimai evidence is a reliable guide. What, however, would the benefits of such an operation have been, other than the freezing, on paper at least, of particular groups to particular areas of land? Provision for the survey of such boundaries was completely inadequate² and apparently there was no planning for the concurrent establishment of locally accessible registeries, a prime necessity if the recorded facts are not to lapse too far behind the realities on the ground. Further, although the marking of subclan boundaries had been declared the first priority, people were informed in 1967³ that on completion they could proceed to mark the boundaries of individual holdings if they wished. Fortunately, perhaps, this stage was never reached. Throughout Chimbu and

¹ See p.44.

² See p.37, fn.5, and pp.42-3.

³ See p.44.

Sinasina, an individual landholder's plots are fragmented, with his several plots scattered at various altitudes and on a variety of soils. Such a pattern is primarily adapted to pre-colonial conditions of subsistence agriculture, and there are many reasons for believing it to be inadequate for a more intensive, productive agriculture (should that be the stated goal). Be that as it may, a quick look at the average size, and therefore the total number, of such individually claimed plots, should have given the planners second thoughts about the feasibility of such a proposal. Table 5.1 gives data from two reports which provide the basis for a rough enumeration.

Table 5.1

Individual landholdings in two Chimbu areas

	Naregu*	Upper Chimbu**
No. of individual landowners	17	12
Total plots	103	60
Average plots per individual	6	5
Average acreage of one plot	0.7	0.4
Average acreage of individual's holding	4.2	2.0

* Source: Brown and Brookfield (1959:30).

** Source: Criper (1967).

Assuming an average of five plots per landholder (nearer ten in Sinasina according to Hughes' (1966) work among the Kere, and my recent work among the Nimai) and a minimum of 30,000 landholders in Chimbu (there were 35,483 married indigenous men in Chimbu according to TPNG nd:10), there would be at least 150,000 individual plots of perhaps one-quarter to one-and-a-half acres in size to have been demarcated. The means to handle such a task had simply not been planned for in 1967. The very thought of the steep, gullied sides of the Chimbu Valley and many other parts of the District dotted with thousands upon thousands of cement posts is laughable, and should have been to any planner who had laid eyes upon the terrain. Not ten yards from where I sit now, a man is using the broken-off lower stub of an LTC cement marker, unearthed from where it was so carefully planted four years ago, as a stool in a men's house. Peasants, least of all, should be subject to the follies of planners.

What then of immediate and future needs in Chimbu? It seems highly doubtful that a newly independent government will possess the resources to instigate general sweeping changes in

the customary tenure of mountainous terrain supporting heavy populations. The manpower and financial costs would be large and without a definite agricultural policy promising firm economic returns such a programme could hardly be justified. There must, however, be the opportunity for local bodies at the subdistrict, council or village and clan level to experiment with constructive projects involving the consolidation of holdings, improved fallow management and the like. I would prefer to see such schemes aimed at groups and not individuals as I do not believe it to be to the advantage of either Papua New Guinea or the District to support simply a small class of rural entrepreneurs. This, however, is a political question to be resolved by Chimbu and other Papua New Guineans themselves. A further political question of great economic significance is that of population growth. I believe it imperative that Chimbu take a close look at their rate of population growth, which although low until recently (Brown and Winefield 1965:183), has started to rise dramatically in some parts of the District (Smith nd). Unfortunately there has already been at least one poorly planned and inadequately pursued family planning project which has prejudiced villagers' acceptance of the most practical techniques, despite their continually expressed wish to control reproduction.¹ Such irresponsibility must be avoided. Accepting that most Chimbu land is likely to be held under customary tenure for some time to come, I see two needs which should be met. First, some form of local land court would be useful for handling all disputed claims to land. The actions of Nimai committee members during demarcation suggests that some such form of group representation could provide the basis of a court. Secondly, there have been several moves by small groups and individuals from high altitude areas (such as Dom territory both east and west of the Wahgi south of Kundiawa) with generally poor soils to flat, and most probably more fertile areas near Kerowagi and Kup in the west of the District. These migrants have obtained rights to use land from the local landowners and have planted cash crops but some do not have secure tenure. It is important in such cases that security of tenure be easily acquired.

¹ Cf. Christie et al. (1972:165).

Appendix

The Land Titles Commission demarcation instruction course, Madang

Between 1965 and 1967 some of the people of the Chimbu region were 'mildly exposed' to demarcation information. Council minutes and reports of early demarcation have revealed discrepancies between the intentions of the LTC and the interpretations and actions of committee members,¹ but explanation of such discrepancies was limited due to lack of data. This appendix describes the instruction course attended by twenty-three Chimbu committee members at Madang in January 1968. By considering both the contents of this course and the means by which it was communicated, I attempt to isolate some of the difficulties involved in accurate transmission of information to members.

Following the visit of the two committee chairmen and one patrol officer in September 1967 to observe demarcation in the Madang area, the LTC planned to send a larger party of Chimbu committee members as soon as possible for a one-week course, combining both observation of operating committees and more formal 'class' instruction.

Of the 23 members selected by the Administration, 9 belonged to the Sinasina and 10 to the Waiye-Dom committees (each member from a different rest-house area), in accordance with the policy of concentrating initially on these two areas.² There was also one member from each of the Yonggamugl, Gembogl and East Koronigl committees, plus the Waiye-Dom chairman and the clerk.

The course, which lasted four days, was conducted entirely by indigenous staff of the Madang Land Titles Commission: a Deputy Commissioner, assisted by a clerk and one committee chairman, all of whom had been closely associated with demar-

¹ See pp. 36, 41-4.

² See pp. 44-5.

cation work in the Madang region, and themselves belonged to that area. Instruction consisted of one-and-a-half hours in the field, five hours' observation of two committee meetings, and three hours in the classroom. All instructions and most questions and procedure at the two meetings were in Pidgin. Generally, though not always, one of the Pidgin-speaking Chimbu members interpreted into a Chimbu dialect for those of his companions (three-fifths) who did not understand Pidgin.

Field instructions

The Chimbu committee members were taken to an adjudication area where demarcation had been completed. Instructions took place on a side road, about half a mile inland from the main North Coast Road. A small village lay a few hundred yards away, with gardens and coconuts on either side of the road giving way to relatively dense secondary growth on small hills. Both the Deputy Commissioner and the chairman of the local demarcation committee participated in the instruction.

The Deputy Commissioner talked briefly on how demarcation had been carried out in that particular area, pointing out that although twelve subclans¹ held rights to the land there had been no disputes. He demonstrated how two committee members claiming adjacent land should walk together along their shared boundary, clear a line in the undergrowth and mark it with sticks or similar temporary marks. A month or so should then be allowed for any disagreements to be raised. Should no dissent be voiced, the temporary marks should be replaced by cements. He stressed that disputes render land useless since neither claimant can benefit from the land, and drew attention to the most common form of dispute in the Madang area, that involving someone who has planted or holds rights to, coconuts on land claimed by another. In such cases he recommended that an agricultural officer be asked to value the trees, and that the landowner should then buy out the owner of the trees, thus consolidating the rights to both the land and the crop.

¹ Normally liklik lain, or similar, in Pidgin. However, the Deputy Commissioner used the Kuman word igombono, which the Madang Land Titles Commissioner had been given by Dom people when visiting Chimbu in 1967 (personal communication, 18 April 1968) and had used in his roneoed 'Demarcation process' paper as the term for a Chimbu subclan. Igombono is usually used situationally and can refer to any group from a subclan to a tribe.

A Sinasina committee member then compared the situation in Chimbu with the Madang area, emphasising that population was far greater in Chimbu, that all land was used and that the holdings of different groups were extensively intermingled. Although some crucial questions were raised in the ensuing discussion, no conclusions were reached, mainly it appeared, because the Deputy Commissioner did not understand the details of Chimbu tenure which the committee members were unable to explain sufficiently in Pidgin. Thus, puzzled by the single blocks of Madang subclan land, the Sinasina member said:

Look, I'm a Dinga, but I'm married to a Nimai woman whose father gave me ground on which I have gardens. What happens in this case?

The Deputy Commissioner replied:

There are many different customs throughout the country, but with demarcation you must choose to which group you belong.

Unsatisfied, the Sinasina member said:

But I'm using these two grounds, one which came from my father and the other from my wife's father.

The Deputy Commissioner:

You don't have to give up your wife's father's land, but if he wants it back he has to pay you for the improvements. The land belongs to him, even though you're using it, but if both groups are willing then you can use the land belonging to your affines (go insait long graun bilong tambu bilong yu).

The Deputy Commissioner then continued with some general points: that demarcation must not degenerate into a race to grab land; that committees must not allow people to interfere with their work; and that the chairman's authority must be respected. He mentioned population problems, exhorting Chimbu members not to think simply in parochial terms of their own District but of the country as a whole, and he explained how the people of the adjudication area they were standing in had now used all their land and that if they wanted more they would have to apply to the government.

A final question was raised by a Waiye-Dom member as to what they should do in a situation where two groups had been fighting when government control was first established with the result that one had been confirmed in the ownership of a far larger area than the other. The Deputy Commissioner (unaware, I think, of the extent of this problem in Chimbu),

replied that Madang solutions might not necessarily fit the Chimbu case and that therefore they should work this out themselves. He stressed, however, that such problems could no longer be solved by fighting, that since they were all Christians now they should follow the Christian way of settling their differences quietly, and that with self-government approaching they must be prepared to do this themselves.

Observation of committee meetings

Two committee meetings were observed, the first lasting two hours, the second three.

The first was held under the chairmanship of the Deputy Commissioner, who with the Madang and Chimbu clerks, sat at a table in front of about fifty committee members seated on log benches, with the Chimbu members in a group at the rear. The meeting began with a short prayer in the local language, followed by the minutes of the last meeting. After a rollcall the Deputy Commissioner commented to the meeting at large: first, that when a chairman records a block of land, all members representing groups with rights to that land or adjacent blocks must be present. Members unable to attend should send substitutes. This, he said, was essential, otherwise mistakes could harm the interests of the next generation. He added that committee members should mark the land after their own custom, and then expounded the advantages of demarcation and registration: security and freedom from dispute would assist enterprise and development. Acquisition of title would allow rights to be defended in court, and besides, there was no knowing what lay underneath one's land. Should iron or copper be discovered later, it would clearly be to one's advantage to have legal title to the land. He then introduced the Chimbu members to the meeting, and explained the operation of a meeting: how the chairman must be in authority, how members should seek his permission before speaking, and how they should follow the Christian fashion, failing which nothing would get done. During the final three-quarters of an hour, details of land that had been successfully marked were recorded.

The second meeting followed the same procedure except that a different committee chairman was in charge. It also provided the Chimbu members with an example of what happens when a dispute arises during a meeting (in this case, due to a misunderstanding over a block of land which had been recorded under one name instead of two). After a very heated argument between the disputants, the chairman effectively restored control and took the opportunity to tell the visitors that anger should be confined to a meeting and not carried outside it.

Classroom instructions

On the final day of the course three hours of instruction and discussion were held by the Deputy Commissioner and the Madang clerk. The former first talked generally about demarcation. He recognised that the work would not be easy in Chimbu but said that it must not get swamped by council and government work. He explained that chairmen are appointed to areas other than their own so as to ensure their neutrality; that their duty is to help the committee members, to hold meetings every fortnight and to assist where there are disputes. Committee members, he said, must attend each meeting to ensure that they represent their groups' interests properly. He then asked them what was the Chimbu custom after marriage: could a husband use his wife's father's land? On receiving an affirmative answer he stated that:

If the couple go and work on the wife's father's land, then they must lose their rights to the husband's land.

To which a Chimbu replied:

We didn't have this law before. If the demarcation committee goes and talks like this there will be trouble.

The Deputy Commissioner explained:

One man cannot control two lands; either that of his father or that of his wife's father, not both at the same time. Suppose there are two subclans, each with a plot of ground inside each other's boundaries, they can exchange these plots if they want to.

There was no comment, and the Deputy Commissioner asked for questions. One member asked what they should do where a boundary which had previously been marked by the Administration or by a LTC Commissioner was still disputed. The Deputy Commissioner stressed that such boundaries were not to be touched. Another member asked about land supposedly bought by an expatriate but 'the pay had been too small'. The reply to this was that if there were no cement survey pegs around the land, then the demarcation committee could mark the land as still customarily owned.

Two final questions, or rather demands, by a Sinasina member concerned the status and validation of committee members in the practice of their functions:

All other officials have badges or uniforms. We have nothing. We need something to back our talk...

You said that members receive no pay - this worries me. In Chimbu our work is hard, especially when there is disputation. The government and the Commission must think about this.

The Deputy Commissioner replied that they should raise the matter of insignia at the Commission's annual conference, but that since the Commission could not pay committee members, this should be discussed with their councils. He suggested that perhaps councils could exempt them from paying council tax.¹

Following the departure of the Deputy Commissioner, instruction was continued by the Madang clerk, who began by saying:

Before, all land disputes were brought before the kiap, who did not understand our customs properly. Their decisions were not always correct, some people gained land, others were disappointed. Now we are doing this work. We know the boundaries, and we place the marks, so there should be no more disputes. There is no longer any need to bother the kiap with this kind of work.

He continued that, with the approach of self-government, it was only right that they should be able to do such things themselves. He emphasised again that disputed land meant unused land. With demarcation, disputes could be resolved, thus allowing successful development. Committees must be fair and should represent all groups whatever their numerical size. He was then asked by a Chimbu about what should be done where there was a significant difference in the amount of land held by different subclans. In reply he cited an example from the local Ambenob area where one large group, Tabar, was composed of four subgroups who had said that they were wan bel (literally, one stomach, i.e., undifferentiated), and had therefore asked that they be recorded together under the one name. The analogy with the Chimbu query was not clear, though it seemed he was suggesting that, in the case of two or three neighbouring groups with rights to differing quantities of land, they could agree to record their combined holdings under one name. He then considered a situation where land has cash crops on it, and the rights to the land and the crops are divided. He advised the Chimbu that this was a case for the two men concerned to decide - it was not possible to lay down a general rule.

¹ The annual council tax paid by adult men in Sinasina in 1968 was \$4.50.

The final part of the instruction period consisted of the clerk reading, and expanding in places, the Pidgin instructions prepared by the Commission for committee members.¹ His most lengthy explanation concerned a hypothetical case of two subclans disputing a common border. With the aid of the blackboard, he outlined the procedure whereby the boundary could be marked. He concluded by again emphasising the importance of committee members settling disputes amicably, above all of avoiding disputes between themselves which he warned would lead rapidly to chaos. Referring to the second meeting they had observed, he repeated that chairmen should strongly control meetings, thus preventing disputes from breaking out. Rounding off the course, the only committee chairman from Chimbu said:

Some of us are from Sinasina, some from Waiye-Dom, and a few from other places. But there are many other areas in the Chimbu District and I'm afraid that when we return people from the other places will say we're trying to boss demarcation. It would be better if there was another course for members from these other places. If it is too expensive to bring them to Madang, then the Commission should send the Deputy Commissioner and you [the clerk] to Kundiawa and you could instruct them there.

It should be noted that the three course instructors (whose ages ranged between about thirty and fifty) all belonged to cultures of the immediate Madang region. Only the committee chairman, who participated least in the course, had any first-hand knowledge of Chimbu tenure, having worked for some years with a mission in Sinasina. All had received their knowledge of demarcation from the Madang Land Titles Commissioner, probably in English and Pidgin, reinforced by several years' experience of demarcation in the Madang area. This experience, combined with their knowledge of their own tenure systems, undoubtedly affected their interpretation of the principles and procedure of demarcation.² Thus, during the first day of instruction in the field, the Deputy Commissioner described how demarcation had been carried out by twelve subclans each

¹ 'Stret pasin bilong demarcation', Land Titles Commission, roneoed paper, 27 October 1967.

² Cf. Chowning (1969) for an interesting discussion of ideological changes, especially Christian, arising from inter-tribal relations and acculturation.

holding a single block of territory within a small adjudication area. The weight of his instruction was to show that demarcation was concerned with the marking and recording of neat parcels of land owned without question by discrete and closed groups of people. This was reinforced later by the clerk. I do not know if the tenure situation in the vicinity of Madang was as uncomplicated as this prior to demarcation, or whether demarcation imposed a set of new restrictions on the customary means of acquiring both usufruct and title to land. It is clear, however, that the instructors did not realise what implications these principles might have for Chimbu tenure.

The Chimbu who had heard such statements as 'with demarcation you must choose which group you belong to' and 'one man cannot control two lands', were well aware that these conflicted with their 'custom' for

within the clan, segments of any order very rarely form single territorial units....Fragmentation of group territory...reaches its maximum at the level of small subclans or subclan sections...individual holdings...[range]...from two to twelve plots of land per land holder. (Brookfield and Brown 1963: 98-9)

It is therefore not surprising that the Chimbu members felt that if they returned home and put into effect what they had learnt immediately, there would be trouble. This also explains the Chimbu chairman's request that the Commission conduct further courses for members from other areas in Chimbu due to his fear that when he and the others attending the Madang course returned they would be accused of trying to 'boss' demarcation in Chimbu. This was, in fact, only the public statement of a point raised informally among the Chimbu members the previous evening, when they had strongly warned each other to be 'careful' when they returned home. They decided that they would gather other members and men together to try to tell them exactly what they had been taught. They felt, however, that there was bound to be considerable difficulty because, as they put it, so many people were using land which belonged to others.

During the course the Chimbu did try to explain to the instructors that their custom was opposed to some of the principles being taught them. The one real failure of the course was that the instructors had difficulty in adjusting their teaching to this feedback information from the members. How much this was due to linguistic difficulties and how much to the cultural difference between teachers and taught, I am

unable to say. It could be that Pidgin, although an adequate medium for the transmission of a relatively unambiguous set of principles, was, at least in this case, insufficient for a two-way exchange of information. The problem is clearly compounded when this exchange needed a comparison between two kinds of customary tenure and should logically have led to a revision of the principles.

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Abstract

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Both before and after the establishment of the Land Titles Commission in 1963, the main concern of the Administration was the settlement of disputes, although the Land Titles Commission generally proved as unsuccessful as its predecessor, the Native Lands Commission, in settling them. The adjudication process was introduced in 1965 and demarcation committees appointed throughout Chimbu. A detailed analysis of the Nimai demarcation committee in Sinasina revealed a significant discrepancy between legislative aims and action by committee members.

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