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DISCUSSION PAPER

'HOO-HA IN HULI': CONSIDERATIONS ON COMMOTION AND COMMUNITY IN THE SOUTHERN HIGHLANDS PROVINCE OF PAPUA NEW GUINEA

Discussion
Paper 2003/8

In May 2003, the State, Society and Governance in Melanesia Project and the Centre for Conflict & Post-Conflict Studies Asia-Pacific hosted the Southern Highlands Province Workshop at the Australian National University. The workshop explored key issues in the Southern Highlands, the nature of conflict, the prospects for conflict transformation, and the possible roles for donors in conflict and post-conflict situations. This discussion paper by Laurence Goldman focuses on the Huli, their reasons for engaging in conflict and their strategies for conflict resolution. A full report on the workshop may be accessed at <http://rspas.anu.edu.au/melanesia/conferences.htm>

CONFLICT – WHAT IS THE PROBLEM? WHOSE PROBLEM IS IT?

For indigenes, governments and developers in Papua New Guinea (PNG), the idea of a 'community without conflict' may be an objective which is neither socially imaginable nor even desired. Anthropologists, in particular, have long argued that disputes *per se* are not symptomatic of anomie. Social equilibriums are predicated on cyclic patterns of grievance management and are not perturbed by them.

The legacy of anthropological research is the finding that all cultures possess a range of social control mechanisms for processing and settling disputes.¹ Conflict and conflict resolution characterise all social organisations irrespective of their locale or level of development.²

These are salutary lessons for observers of dissension in places where attitudes towards emotionally and physically scarred landscapes might otherwise compel us to read 'friction' as 'failure' – as a sign of a lack of rules sanctioned by judicial institutions or a reluctance to abide by them. Without engaging complex issues of 'false consciousness' and the local rhetoric of declining law and order (see Gordon & Meggitt 1985: 3), we should remain mindful that in the traditional stateless and acephalous societies of PNG, injunctions were rarely encoded in a formal *corpus juris*. Behavioural precepts were part of an undifferentiated class of 'correct ways of interacting' that were not dissected into the discrete categories of legal, social, religious or moral maxims. More often than not, norms were informally expressed through figurative genres of proverb or adage, they were often implicit in consensually arrived at resolutions and they were rarely objects of explicit litigation. This does not thereby allow us to infer that rules were 'weakly' held, applied or understood. There are no a-regulatory cultures, just as there are no

LAURENCE
GOLDMAN

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cultures that do not rely on 'talk' to express disagreement. The paradox of these universal truths is that while all languages have extensive vocabularies for wrangling, they reference such ubiquitous activity in 'negative' terms. Conflict is normal, but equally undesirable. Highlanders are agents of order but also disorder (cf. Gordon & Meggitt 1985: 13).

Observers often experience apathy when confronted with the cultural truism that fighting is both a recurrent and legitimate means of prosecuting claims or seeking restitution for many PNG societies.³ In what is loosely referred to as the 'cultural logics' of indigenous conflict systems (cf. Strathern 1993: 244), fighting forms part of a sequenced set of behavioural responses that may itself constitute a coda or precipitate closure. Attempts to gloss such commotion as part of an opposition between 'war' *versus* 'law' have long been rejected as ethnocentric and over-simplistic. It is more useful to focus on understanding the patterns of recourse to different conflict resolution mechanisms and the prevalent sequential relationships between physical and verbal conflict (cf. Roberts 1979). We may thus pose two immediate questions:

- What is the relative efficacy, cost and desirability of recourse to state judicial processes as opposed to, or in tandem with, recourse to the exercise of power governed by 'custom'?
- What are the politico-economic and risk management strategies for *talking* and *fighting*?

In formulating these questions we seek to clearly identify the range of conditions that drive or underpin perceptions of compliance or non-compliance behaviour when individuals operate within the pluralistic normative regimes of court and custom.

Most often, these co-existent constraint systems are contrasted as an adjudicatory and hierarchical appellate system *versus* a system of egalitarian self-help regulation. We know that both the rule of law and custom provide scripts for the interaction between disputants in the Southern Highlands Province (SHP). We are less certain about why the cultural rationales underpinning law and custom continue to be in, and produce, conflict; that is, why cannot such formal and informal resolution regimes be mutually reinforcing agencies for stability in the Highlands context? After more than three decades of concerted think-tank activity, the problems of 'law and order' in PNG remain intractable.

Importantly, our understanding of commotion in SHP communities does not seem to be anchored to, or informed by, reliable statistical data on the urban or rural environments.⁴ Longitudinal research projects on the rate, scale and nature of conflict across the SHP are scarce. The resurgence of tribal fighting is taken as a sign of such conditions, but it remains unclear just how far down the social structure the increase in violence goes. Rather, what passes as 'conventional wisdom' is a *gestalt*, the configuration of findings drawn from the experiences of visitors and workers, from the feedback of local inhabitants⁵, from the discourse of PNG '*law and order*' analysts⁶ and from the impressions created by national and international media broadcasts on worldwide trends and concerns in the Third World. These voices foreground the plight of PNG in terms of the prevalence of violence 'out of control'. From one vantage point, there may be nothing specious about advocating a position that says, "What's *your* problem? Conflict is custom". However, such a position appears untenable for two reasons:

- Within the rapidly changing social environment of SHP, the nature, place and impact of conflict has changed; many of the circumstances which obtained in the pre-colonial era no longer prevail.
- In the view of all stakeholders, the stated goals of development and sustainability cannot be achieved without changes in the current regimes of conflict management and resolution.

The case for 'intervention and prevention' is not easily rebutted by modernist academic arguments concerning the hegemony of Western knowledge, the cultural relativity of 'conflict paradigms', or the constraints of problem-solution prisms. In the SHP context, *intervention therapy* is very much a collaboratively constructed dialogue between indigenes and outsiders who are concerned to mitigate the adverse risks posed by changes in dispute practices. Perception is 'reality' and interventionism constitutes a key policy objective in contemporary indigenous knowledge frameworks.⁷

This paper explores the contours of social change with respect to the Huli people of the SHP. In the following sections I identify some of the key catalysts for 'violence' in the history of the region's transformation and the options for settlement-directed activity discussed in other Provinces. Few analysts who have observed

conflict in the Highlands over the last three decades would claim that there are simple solutions to be found. Not only may a one-model-fits-all answer drown in a sea of culture-specific conditions, the implementation and monitoring of solutions is also likely to tax the resources of stakeholders. Progress will then be pedestrian and it will depend, as we argue below, on achieving real change in the culture of mistrust, antipathy and opposition to Government agencies, authority and legitimacy. Unlock the mysteries of fostering 'community' social responsibility and participation (i.e. establishing community agency) and you begin to establish an effective interventionist system for conflict management.

CUSTOMARY DISPUTE MECHANISMS IN HULI

The Huli represent one of the major ethnic groups within the SHP and a microcosm of the factionalism⁸ that is endemic to both the region and the nation state of PNG. This population of approximately 100,000 people is divided into some 300-400 named patrilineal clan units, each of which is segmented into sub-clans and lineages. Satellite descent units of any clan may be dispersed across Huli territory, though usually each clan has a traditionally recognised locus of ritual and resource interests.

The Huli population now, as in the past, was formed by successive waves of in- and out-migration. Social mapping and genealogical data (cf. Goldman 1997-2002) have consistently shown that the margins of this population are inhabited by 'naturalised' Huli clans whose origins can be traced to neighbouring cultures such as the Duna, the Etolo, Kaluli, and Onabasulu from the Papuan Plateau (collectively referred to as Dugube by Huli), the lowland lake peoples such as the Foe and Fasu and Highland groups such as the Ipili and Wola. Even in the pre-colonial era Huli retained a heightened self-consciousness about their own tribal identity and divisions based on 'ethnic origins' (even for naturalised clans of several generations standing) were, and remain, well entrenched.⁹

As elsewhere in the Highlands, there was no pre-colonial overarching system of governance. Each clan and clan section had a headman who was a repository of clan history and who lead groups in feuding, ritual and warfare. Headmen 'held the talk' and intervened in disputes only as one voice amongst many. Descent unit names

were used to frame a dispute as between clan/sub-clan x & y, though rarely did such units act in concert. Fight parties were usually an *ad hoc* conglomerate of allies drawn through the personal networks of a principal fight 'owner'. Apart from the resort to physical violence, disputes were also prosecuted in public moots - informal gatherings of people to 'share the talk' on some issue. Agreements could be reached by consensus and through mediation. Lacking institutionalised authorities with power to impose judgements, it was not uncommon for claims to be aired in moots over a period of several months or even years.

To those unversed in the Huli cultural logic of revenge and redress (see Glasse 1959), the 'pay-back' system, the cycle of killing and counter-killing that can ramify from any breach of rights, may appear indiscriminate. But this would be to ignore the calculus of segmentary descent principles whereby the named clan section that 'owned' a fight was held corporately responsible for the actions of its members. Any descent unit member, kin or affine, could become a legitimate target for retributive homicides. Such actions were underwritten by the following mores: the belief that the spirit of a slain person would visit sickness on relatives who did not avenge a death¹⁰; the anger of relatives against a fight 'owner' who did not both avenge and compensate the death of an ally; descent unit pride at war prowess and the need to avoid public opprobrium and shame. The selection of particular individuals as pay-back targets might be fortuitous - they came, they saw, they killed - or combine a number of rationales based on the previous litigious history between perpetrator, victim or victim's group. Such opaque motivations allowed for multiple 'readings' of deaths depending on the social circumstances of the reader. Warfare always involved temporary cessation of movements between people over territory and often, if large-scale in nature, there would be migration of women and children to other parishes.

Where disputes developed into cyclic patterns of violence, this was followed by a prolonged period of inactivity during which third-parties might intervene to broker a settlement between groups. If the scale of the conflict was small, wergild (compensation) might be offered by one group to another. Equally, the conflicting groups might nominate a day to settle scores after which no claims for compensation would be pursued against the opposing fight owners. Most compensation payments were made to factions considered as allies. Internal dissension within a fight unit

often followed as claims for injury and death compensation were laid at the fight owner's door. These structural strains might then result in new and more varied patterns of pay-back in the area.

The local understanding of conflict and conflict settlement is expressed in the language of 'sickness' and 'healing': disputes are like medical pathologies to which compensation is applied as a form of folk medicine.¹¹ '*Talk Never Dies*' precisely because between potential litigants there were always a number of issues that remained unresolved after talking or fighting. That is, many claims would lay dormant until such time as a strategically significant dispute arose allowing claimants to 'activate' past unresolved disputes in a sequenced set of claims. Disputes were always 'multiple-claim' affairs. It was never the case that a "conflictless" set of conditions prevailed within any Huli community.

There are two important corollaries arising from the above discussion:

- Conflict generation was more than an immediate reaction to some breach of someone's rights or person. Litigants whose wealth stocks were depleted by compensation exchange might trigger any of a host of unresolved claims with other litigants to redress their depleted finances. Disputes were a structurally inherent and consequential by-product of a system of 'talk-directed settlement' that was unconstrained by the dictates of time.
- The onus for action and reaction was not delegated to, or usurped by, nominated agencies charged with monitoring adherence to rules and which might then intervene to restore 'order'. This lack of centralisation meant resolution by consensus and mediation occurred through the exercise of individual discretion and self-regulatory mechanisms. Dialogue, rather than closure (Henton 2000: 586), was the processual essence of this system.

Huli fought about 'land, women and pigs'.¹² They fought with bows and arrows, and with belief in the efficacy of toxic substances and sorcery. Importantly, the conflict system was uniform across the region; irrespective of locale, the types of disputes and the ways they were managed and resolved was the same from Margarima to Mogra-Fugua. As is indicated below, resource development projects in the region became catalysts for non-uniform, locale-specific disputes and claims on benefit streams

from outside of the region.

One of the factors driving traditional dispute resolution was a tacit understanding of the political and social-economic benefits of peaceful co-existence with resident others. Wars were most often fought with close neighbours with whom inter-marriage rates were high. Because one fought against those with whom one exchanged, third-party intervention through cross-cutting loyalties occurred. Moreover, personal reputations could be made and enhanced within these conflict cauldrons by speakers who employed rhetorical skills as "middle-men" to achieve consensus on dispute outcomes.

There were, however, other factors behind traditional dispute resolution which were more specifically associated with 'compensation' and these are still neglected in what passes for commonsense knowledge about Huli dispute processes. Notwithstanding the impression of lawlessness in Huli over the last decade, there is no persuasive evidence that cultural mores regarding compensation are being ignored or rejected. The continuing incidence and importance of compensatory exchange behaviour indicates the resilient vitality of 'custom' governing inter-personal and inter-group relationships.¹³ Paying compensation remains *the* conventionally oriented coda to conflict; it symbolises more than merely a rationale for pig husbandry or accumulation of wealth. Paying compensation:

- demonstrates both individual and corporate pride, as well as power, to acquit corporate social responsibility in a public forum;
- addresses the risk of the 'shame' (cf. Epstein 1984) that might otherwise ensue, and which remains a forceful sanction in Melanesian culture;
- allows for other complex economic relationships of credit and debt (e.g., bride wealth, loans and land payments) to be entered into, or acquitted, through dispute resolution channels;
- provides closure on the specific issues that were the basis for the compensation claims.
- symbolically invokes and reaffirms both (a) peoples' continuing membership of personal networks and social group statuses through exchange and consumption; and (b) the acceptance of norms of interaction that constitute the 'cultural identity and ethnicity' of the litigants;

- realises the obligations and responsibilities of people towards the ‘health’ – both physical and psychological – of those ‘injured’ by their behaviour.

Western enculturation often compels us to oppose *talking* and *fighting*. We express this in phrases such as ‘the time for talking is over’, ‘action not words’, or ‘walk the talk’. In Huli *bi* (talk) and *ba* (fight) are not opposed in this way; they form analogous and continuous modes of dispute interaction. They do not therefore attract opposed moral valences (cf. Goldman 1983 and Brison 1989). Factors driving the pursuance of claims through fighting include group reputation and group machismo. Arrows and argy-bargy are but two ways of prosecuting conflict and are part of a continuous series of options for dispute prosecution. Fighting and compensation are ceremonial events in which consciousness of the ‘system’ rules is heightened and re-affirmed by participants. These are the cultural scripts about how and why people exist as they do. Such public attestation of power and status - what people get out of fighting and compensating in the manner they do - has yet to be radically transformed by any social change movement. Huli fight and compensate as a ritual of deference to collective norms and societal values. Opting out is not an option unless one’s name and membership status is of no value. Power may flow from the barrel of a gun, but peace is financed from the banter of the garrulous.

There is nothing gratuitous about providing the above overview of customary dispute mechanisms in Huli. Historically informed understandings of these local dispute systems are needed because they remain vital and operational. Notwithstanding changes to governance structures (see below), the transformations wrought on dispute settlement were not so much ideological (involving fundamental transformations in beliefs and rationales) as idiomatic: the same things continue to be done for the same reasons, but through different channels, auspices or practices. In the move towards modernity, Huli communities became subject to new organisational and representational structures related to land, resources and the judiciary. Change meant an exponential growth in the overlapping organisational entities to which an individual belonged, but traditional patterns of cultural identity based on kinship and descent were not expunged. This made for the uneasy co-existence of custom *and* court at the very time when central government began to lose its core authority and legitimacy in the eyes of landowners.

CHANGING SOCIAL CONDITIONS

From the 1940s to the 1980s

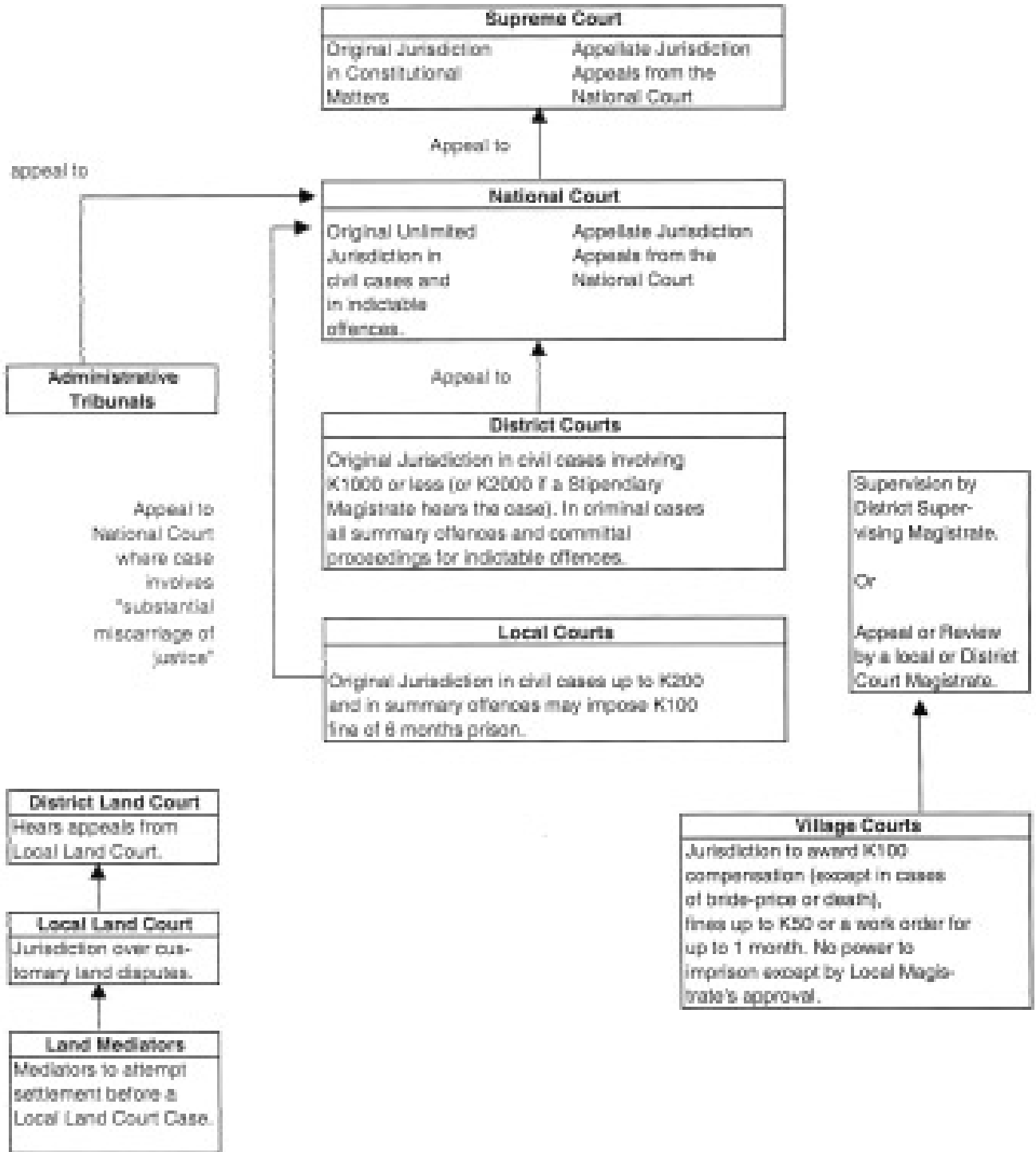
Following first contact in the 1930s, the layers of administration created by a mechanistic colonial bureaucracy began to affect the traditional system of conflict management. This involved the establishment of district and regional governance, Local Government Councils (LGC) and the imposition of: a multi-tiered system of state constituted courts following the 1962 Derham Report (see Figure 1); a Village Court system following the 1973 Village Courts Act; and other administrative agencies such as the Village Councillor system. In addition to this forensic edifice, disputes were also taken to, settled by, or sought to involve, mission workers, administrative agents such as *kiaps* or police contingents from Koroba, Tari or Komo.

This period saw the erosion of the localised insularity of a people who had for millennia relied on indigenous, grass-roots generated institutions of grievance management. The increasing exposure of Huli to outside agencies, imported technologies, structures of political representation and non-traditional lifestyles was buttressed by:

- an increase in tourism related activities in the SHP;
- the provincial management of district policy and public works programs in health, education and communications;
- the assimilation of cash and cash economy goods;
- and the gradual impact of increased access to education on the aspirations of youth who became dissatisfied with a subsistence agriculture lifestyle and sought employment opportunities in Hagen, Lae, Moresby and elsewhere.

There is good evidence to suggest that during this first-wave period in which the colonial presence became consolidated, the various ‘court’ systems imposed a quantum of fines and penalties that was quite at odds with custom. The short-term impact was to increase the level of litigation as disputants relied on the activation of pending claims latent in the customary conflict system to redress wealth imbalances. Elsewhere, non-customary impositions of homicidal compensation as ‘penalties’ merely exacerbated levels of inter-group conflict.

Figure 1 National Judicial System (Chalmers & Paliwala 1977: 94)



The lesson to be drawn from this period of response to 'law and order' is that interventionist activities can often be a catalyst for increased levels of the very activity they attempt to address. The whole 'court' system became a larger referral network for dispute processing and an alternative avenue of recourse when customary talking failed to produce a desired outcome. Risk management strategies weighed up distance, time, cost, and effort. At the same time, levels of frustration with the 'courts' rose because of two quite alien administrative conventions: (1) the distinction courts maintained between civil and criminal cases which often confused litigants; and (2) interrogative procedures which aimed to disentangle claim issues and produce a single definition of a wrong or breach against which a reparation calculus or penalty might be applied. This procedure was foreign to 'custom' in which litigants sought to 'entangle' issues in sequential chains of causation to reveal the "source, base, bone, root" event and where compensation might subsume multiple issues between the litigants. For Huli, case prosecution became an alienating experience, often resulting in frustration that parts of the multiple-claim web not dealt with in the courts then had to be pursued as separate, rather than aggregated, issues. Under these conditions, state 'law' began to lose social acceptance.

In these decades of assimilation, accommodation and adaptation to change, the profoundly politicised agendas associated with national governance had a significant impact on inter-group behaviour. Politics was viewed as a new theatre of competition for acquiring benefit streams. This was politics as patronage and this world-view lacked any embedded concept of 'for the community good'. Rather, politics became subject to localised maximizing strategies: (a) secure a position (for oneself or related other) as a member; (b) ensure one had a '*wantok*' as an elected representative; (c) invoke and rework regional myths of origins to create new provinces as smaller self-interested distributional pies. Fuelled by the belief that national government was corrupt and inefficient (a belief underscored by continual revelations and rumours) governance came to lack credibility in the eyes of the grass-roots populaces in the Highlands. Equally, it has to be acknowledged that there were no predisposing cultural conditions for landowners to become 'team players' in nation building. Simply expressed, there was no community agency for social advancement. Politico-legal infrastructures and

agencies were never welcomed as integral parts of people's lives. Having been engendered without collaborative debate and imposed without proper education campaigns, they induced apathy and antipathy. They were conveniences of, and for, an alienated cabal of decision-makers.

The downward spiral in social order – after some initial development successes in the 1960s-70s – was precipitated by a conjunction of factors that laid the ground conditions for inequality, frustration, and pedestrian progress. On the one hand, landowners had unfulfilled, but exaggerated, expectations; on the other hand, landowners could rightly point to their disappointments with unsustainable agricultural and small business (e.g. trade store) projects. We witnessed the "declining effectiveness of courts, the police and other law-enforcement agencies of the central government" (Gordon & Meggitt 1985: 247). What emerged was a newfound fervour for the pursuit of reparations through new claim types - road, vehicle and work related injuries - and even larger war compensation demands resulting from increased inter-ethnic communication and contact. Government infrastructure like schools, aid-posts, hospitals, and district offices became legitimate targets of vandalism in conflict or political related disenchantment. Prison sentences failed to stem the tide of disorder largely because incarceration lacks the stigmatic deterrent value found in Western cultures.

There are some systemic environmental conditions (both social and physical) that have constrained development progress in Huli, and which we identify as follows:

- The residential settlement pattern is one of scattered households, not nucleated village settlements. For 100,000 people distributed over often inhospitable territory, the reticulation of water, electricity and sanitation is problematic in the extreme. With extensive settlement change unlikely in the short term, the twin tyrannies of distance and distribution remain obstacles to development.
- With the exception of those roads close to resource developments, only the main trunk highways have sealed surfaces and remain useable most of the time. In times of conflict, these arterial links may be closed by warring factions, or used by local landowners in road blocks to extort money.

- Business ventures (cattle, coffee, crops, silkworms, etc) have proved unsustainable due to: the transport and communication problems alluded to above; lack of understanding about investment and replenishment strategies; competition by start-up trade stores which attract customers on a 'same descent unit' basis; and profit erosion through customary exchange activities or debit-credit relationships.
- The virtual absence of any local business employment other than small trade activities in Tari, Koroba and Komo. This remains particularly marked in non-project areas. Project benefits attained by the new 'Huli haves' rankle with the relatively disadvantaged 'have-nots'.
- Expenditure patterns reveal an inexorable and inexhaustible consumerism. Disposable incomes are dissipated on consumer goods for which there is no repair or maintenance infrastructure. Purchased goods quickly become unserviceable. This in turn drives the need for replacement expenditure.
- For that small percentage of Huli who bucked these trends, the options were very limited. The accumulation of wealth for its own sake was not yet valued and the traditional expectation that wealth would be distributed forced many skilled migrants to remain 'outsiders' for extended periods.

In effect the vast majority of the rural population saw themselves trapped between, on the one hand, their inability to extricate themselves from dependence on subsistence horticulture and, on the other hand, the drive to acquire money to purchase cash economy goods and satisfy other needs. Income windfalls were transient and made little substantial or sustainable difference to their lives. In the context of an increasingly alienated political and governance machinery, the rule of 'conflict custom' remained the cornerstone for the redress of grievances.

From the 1980s to 2000

Up until the late 1980s, the geometry of social group formation and custom, the infrastructure of ties between descent groups and land, remained largely intact and to a degree impervious to these sweeping transformations. But this was now a system whose ethical

underpinnings and familial control mechanisms had long dissipated. Elsewhere, the waning of the men's long-house tradition and increased rates of male-female co-residence had similar effects.

The contexts (e.g. magic, ritual, warfare) in which traditional leaders operated no longer obtained or had been dramatically altered. Many of the older incumbents of 'headman' status lacked education in, or knowledge of, pidgin/English. Where their representative functions were needed, especially in resource development areas, they were usurped by, or their powers were devolved to, younger literate males. As large contingents of Huli became semi-permanently resident in Port Moresby, discontinuities in the voices of representation began to emerge between grass-roots and migrant community members.

The cessation of most religious fertility cults, including the Bachelor cult, during the 1960s meant that the institutionalised inculcation of conventional Huli mores was left solely to religious, school or family agencies. But these belief systems had long been challenged by imported ideologies, producing a society with co-existent but plural moral codes. This non-uniformity and breakdown in low-level family control created the conditions for a more nucleated outlook on strategies to maximise income streams well before the onset of resource development.

Policing became impossible outside the restricted zones of influence adjacent to the small police forces in Tari, Koroba and Komo. Resources were simply inadequate for both the size of population and their dispersed settlement. In this respect one notes the police:populace ratios of Australia 1: 439; NZ 1: 692; and PNG 1: 1000. For Huli, it is unlikely the ratio ever reached 1:1000. Irrespective of these resource statistics, this was in any case a rapidly transformed theatre of conflict.

- The widespread importation of firearms and firearm technology meant that the sanction of force was not easily applied (most males over 18 had their own shotguns).
- New forms of injury were being perpetrated (including maiming and rape) and new practices such as kidnapping and ransom (as in Koroba-Kopiago election of 2002) were adopted.¹⁴
- Inter-tribal conflicts escalated in number, frequency and death counts. The scale of conflict rendered police impotent much of the time.

- The phenomenon of ‘rascal gangs’ that were mobile, armed, and transient posed insurmountable problems for policing.

By the 1990s the ineffectiveness of the court system had become apparent. There were staggering rates of acquittal, dismissed cases, adjournments and not-guilty verdicts. The appeals system (within the context of an under-resourced judiciary) only strengthened public opinion that litigation was a form of gamesmanship, another arena for ‘talking’ that bred contempt. Huli became adept at marshalling their own ‘evidence’ including Government reports that fell off the back of proverbial truck, using Huli lawyers and legal students, and even attempting to co-opt anthropologists.

The Resource Development Cauldron

The developments at Kare, Porgera, Hides, Kutubu, Mananda and Moran established SHP as a resource-rich province. For many Huli, this fulfilled traditional cargo-cult prophecies and their understandings of sacred landscapes. But the accelerated pace of transformation with respect to infrastructure development, business training and development, roads, and general wealth creation were seen to be unevenly spread.

Localised distribution of resource benefit streams became a source of frustration and division at both intra and inter-ethnic levels. Outsiders saw themselves as rural spokes to advantaged hubs of ‘elite’ village bases that garnered newfound reputations for inequity. In-migration to these mini-centres of wealth occurred with a consequential increase in levels of crime. Local governments were viewed as lining their own pockets by negotiating favourable landowner deals.

To accommodate modernity, the communities affected by development projects have been subjected to new organisational and representational structures. They have become members of Incorporated Land Groups, Landowner companies, Landowners Associations, Village Development Committees and Local Level Government wards (following the 1997 Organic Law on Provincial Government) as well as Petroleum Prospecting License (PPL) and Petroleum Development License (PDL) status groups. Because many of these schemes concern only localised areas (i.e. they are often facilitated by developers in specific project areas) non-participant communities feel disadvantaged. Equally, the new entities are bedevilled by

the problems that afflict all governance institutions: inadequate resources, insufficiently trained personnel and a constituency of ‘members’ who do not accept or appreciate the ideology of ‘for the good of the community’. It is not simply that such entities become unsustainable or unworkable under their guiding mandates, but that their constituencies treat them as new forums for pursuing politico-economic strategies. As is explained more fully below, they become colonised by Huli custom.

Within the project areas, decision-making was often concentrated in the hands of a few individuals or organisations that were frequently less than transparent in their communications with grass roots members. This allowed certain individuals to amass and manipulate large wealth and political control, inducing divisiveness within communities.

Landowners continued to regard themselves as competitors against Government for benefit streams through control of, and access to, their sub-surface resources. Equity, royalty, roads and infrastructure became the new battlegrounds. In this enterprise, politics was the means whereby they could influence outcomes by ensuring ‘one of us’ was in the Mendi lodge.

The argument made here is that a critical combination of social and economic conditions contributed to the deterioration of ‘law and order’ across the SHP. Whilst custom and court continue to operate in a coterminous fashion across the region, the efflorescence and vitality of custom is in direct proportion to the waning efficacy of the state judicature. This finding partly answers our initial question about the relative recourse to state as opposed to locally engendered dispute resolution mechanisms. The efficiency with which Huli continue to colonise and assimilate these new institutions renders them but new theatres for political strategists. In the context of the environmental conditions described above, it is little surprise that the Village Court system also fell prey to suspicions of corruption, manipulation and the failure of the magistrates to adequately supervise its administration.

WHERE WILL THE SOLUTIONS COME FROM?

It is pertinent to remind ourselves that despite numerous commissions of enquiry since the early 1970s, the introduction of Village Courts, States of Emergency, and various development oriented governance initiatives

and reforms, few inroads have been made into the continuing deterioration in law and order conditions. Even the most cursory review of the burgeoning literature on Highlands 'law and order' problems yields an intimidating set of 'I know why and we ought to' recommendations. Causal analyses have linked the resurgence of violence to globalisation, ethnicity and identity movements, dependency and inequality as well as social frustration. Anthropologists have mused about conflict in acephalous cultures with floating hierarchies of prestige.¹⁵ Some of the proposed solutions¹⁶ include:

- the removal of state law and sole reliance on custom;
- a 'glass windows' approach involving unprecedented levels of support for court institutions and the imposition of group fines (see Paney report);
- and the reintroduction of the *kiap* system.

There are also a number of top-down solutions:

National solutions

Few would disagree that the nation state in PNG presents as unstable, with an impoverished infrastructure and capacity to service its constituencies. This fuels the widespread perception that the state is inefficient and corrupt. At the very least there has been unmitigating erosion of partnership ideals and there is little appreciation that the state is a 'nurturing' organisation. Given the present circumstances, the inculcation and embedding of a 'theory of social formation and responsibilities' can only realistically evolve over the long-term.

Provincial solutions

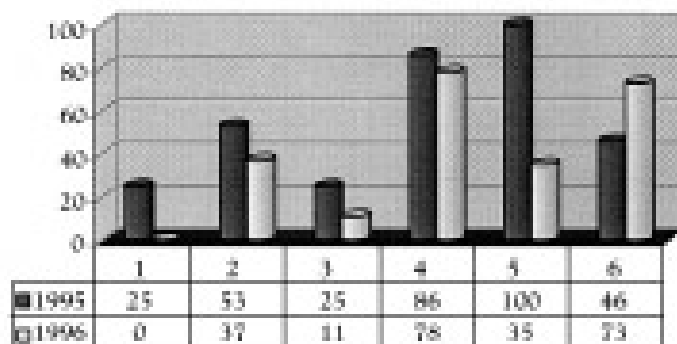
The devolution of control and decision-making to Provinces, and more recently to LLGs, was an attempt to address the tyrannies of distance and distribution alluded to previously. The scheme suffers, however, from the problems of general administrative decline:

- The theft or destruction of computers, vehicles and office equipment by successive administrations has weakened provincial infrastructures.
- Accusations have been made about the large-scale misappropriation of funds and irregularities in contract regulation and tendering processes.
- Provincial planners do not have the support of a research culture in which 'needs' based project inputs are part of decision-making processes.

• Infrastructure development since the 1990s has created high levels of provincial resource project dependency through tax credit schemes, etc. For 1993-2000, CNGL, as operators for the Joint Venture Partners, spent US\$20,000,000 in the SHP alone. In 1997, oil revenue contributed to 41% of the total provincial budget in SHP. Both SHP and Gulf Provinces are dependant on national government grants and oil revenue to cover recurrent and development expenditure.

- Government data indicates that the provision of health and education services declined in the very years that the income of the SHP was at its highest level. National health statistics for Nipa-Kutubu District show that, by comparison with other provincial districts and PNG median rates, Kutubians have lower than expected access to Health Extension Officers, communications and family planning.

Diagram 1: Three-Year Comparison of Health Indicators - Kutubu



Immunisation levels dropped significantly in the period 1995-8 to less than 30% of 1995 levels. Diagram 1 (above), drawn from the 2002 SEIS for Kutubu-Gobe (Goldman 2002), assessed six health service indicators: clinical visits, Community Health Workers and Aid Post Orderlies, communications, refrigerators, triple antigen cover and monthly reporting rates for a three-year period. The same scenarios are applicable across the region.

Clearly, the problems of governance and the administration of social services are not necessarily related to the presence or absence of resource development.

BARRIERS AND BRIDGES

Given that in this paper we can provide no more than an opening onto the kinds of 'interventionist therapies' required to address the problems outlined above, we offer the following set of recommendations:

- Micro-management at new 'community' levels to foster community agency and self-management in the process of development.
- Institutional strengthening of the present 'court' system by wider distribution of judicial functions to provide greater accessibility, presence and effective intervention.
- Increased police presence with specific interventionist agendas at the outbreak of violence and more effective policing of gun use and possession through the implementation of group fines.
- Increased business training in non-project areas focused on the development of maintenance and repair small trade initiatives.

It is our contention that, for all the reasons given above, custom will offer attractive avenues for conflict management while state legal institutions and administration continue to be weakened and undermined by 'image' issues. In the short-to-medium term, one must seek an accommodation and balance between court and custom by establishing fire-walls to uncontrolled fighting. Triadic conflict settlement based on tradition is effective, is indulged in by the populace, and is continuous with established mores. The wholesale reinvention of indigenous grievance management processes for Huli would

be akin to showing a professional golfer how to hold a golf club. What is required is control at the margins of the system.

The reliance on custom is in part due to the success of Huli in their indigenisation of state legal control (cf. Weisbrot *et al* 1982). This upward colonisation is manifest in the Village Courts and other institutions (though, paradoxically, the Village Courts initially imitated the style and penalties of District and Local Court magistrates). For there to be any change in the recourse strategies of litigants, there would need to be a uniform, widespread and simultaneous change in the clan descent system, use of wealth patterns, and economic subsistence bases. It is likely that transformation will most successfully occur without the forceful imposition of conflict resolution regimes. Without unilateral disarmament, any increased use of legitimate violence by the state will meet with antipathy and will be forcefully rebuffed by the populace.

Institutional strengthening of the court system is required, but in a much different form to that which has previously obtained. It may be that the new LLG wards can service the development needs of 'community agencies'. But whatever demarcation of social units is deemed appropriate, there needs to be more courts and more police to support the legal and executive functions. As we have noted previously, changes to the residential settlement pattern will not occur in the short-to-medium term precisely because the land tenure system will not itself undergo dramatic transformation. To develop corporate approaches to community wellbeing for Huli, an appropriate level of administrative zone has to be selected.

Micro-management in community development will most successfully occur in the short-term within the resource project areas. In effect, these will provide the kinds of modelling and scaffolding precedents that can be adopted by the rest of the region - if only because resources are available for such initiatives. The significance of establishing 'model' communities as incentives for change cannot be underestimated. At the same time, the success of engendering community agency will depend on how far one is able to educate landowners on the responsibilities of self-empowerment and control. Drawing again from the recent Kutubu SEIS, when asked about the provision of better services in the area 74% of respondents indicated that they felt this was the duty of the developer; only 26% identified their community as having any responsibility for development priorities.

While there are no simple solutions for sustainable development, especially where the infrastructure to support a market economy is still underdeveloped, more can be done to encourage minor training and business ventures in non-project areas. This culture of consumerism requires small trade businesses in repair and maintenance. Extension of training opportunities to non-project areas will go some way towards alleviating impressions of relative deprivation.

Perhaps the hardest task of all will be to overcome distrust of, and disrespect for, all forms of state governance which is seen as a cannibal of landowner protein. The baggage of the *wantok* system and endemic factionalism cannot be overridden by minor successes on the front of social progress. This is why any faith placed in the judiciary as a source of control is misplaced and ill conceived. Furthermore, no amount of well intentioned psychotherapy via the medium of managed development will independently halt the upward colonising tendencies of Huli. Whilst politics is perceived as patronage rather than as a participatory endeavour, the court system will continue to be subverted. Top-down role models may be one answer to these 'image' problems.

Laurence Goldman, May 2003

AUTHOR NOTE

Laurence Goldman is Associate Professor in the School of Social Science at the University of Queensland. He has a PhD in Social Anthropology from the University of London and has done the majority of his fieldwork with the Huli in the Southern Highlands.

ENDNOTES

- 1 In PNG, these mechanisms range from informal moots to court-like institutions and may include: the competitive channeling of opposition through forms of exchange; retributive practices including physical violence, witchcraft and sorcery; shame and public opprobrium through harangue or public/private announcement protocols; withdrawal and avoidance; and compensation.
- 2 These understandings are implicit in much of the literature on 'law and order' in PNG. Cf. Fitzpatrick (1980, 1982), Paliwala (1982), and Strathern (1993).
- 3 Cf. MacIndoe (1981) for similar sentiments about Simbu.
- 4 Gordon & Meggitt alluded to similar problems in Enga in their sub-section on 'The Problem in and of statistics' (1985: 19-24). See also the findings of the Paney Report (1973) - The Committee to Investigate Tribal Fighting in the Highlands.
- 5 The SEIS for Kutubu-Gobe (Goldman, Kameata & Brooksbank 2002) noted that 79.5% of respondents felt that 'law and order' problems had increased in the project impacted areas. 44% of respondents stated they thought it was resource project related, but 56% felt that it was only partially or not at all related to the inception of resource project - that in effect other drivers and social conditions were responsible for deterioration in 'law and order'.
- 6 The phrase is understood to refer to levels of conformity to criminal law prescriptions about violence, theft, disturbance of peace, and the firm administration of penalties for breach.
- 7 While this may not be reflected in any developed critical indigenous scholarship, it does subsist at the level of commonly agreed world-views.
- 8 This phrase glosses the conditions of widespread and embedded fears, mistrust and security concerns within and between groups.
- 9 In the Hides area, this manifested itself during the 1990s in a major land dispute between Huli vs Dugube, even though paradoxically the Dugube in question were all long-term naturalised and resident Huli. Similar 'ethno-theories of ethnicity' are reflected in the mythical and ideological foundations of the *Hela* political movement which seeks to create a new Province from 'common origin' landowners.
- 10 Similar findings have been made by Sillitoe (1981) for the Wola of the SHP.
- 11 I have argued elsewhere (Goldman 1983) that the Huli nomenclature for compensation pigs encodes a folk medicine, just as the term 'compensation' in Huli is etymologically derived from the term 'to make/get well'.
- 12 Claims most typically included pig damage, illicit sex, homicide, debts, theft, compensation, land, insult, poisoning, trespass, bridewealth, custody, and sorcery.
- 13 There appear major differences here between Huli, and Melpa or Engan practices as described by Feil (1979) and Gordon & Meggitt (1985). Engans manipulated stereotyped ideas of compensation to exploit *baim bodi* homicide compensations. In Huli, to the contrary, there is no evidence that traditional payment categories have been subverted by new exigencies in the social environment.
- 14 Although the rules of fighting and engagement appear, as in Enga (see Gordon & Meggitt 1985: 154), to have remained much the same.
- 15 Strathern (1977) identifies the combination of (a) high population density; (b) large political units; (c) avid response to economic development; and (d) aspects to group dynamics as structural conditions for warfare in the region.
- 16 See Gordon & Meggitt (1985) for an overview of these suggestions.

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