

Problems of Peace-Makers in Papua New Guinea: Modalities of Negotiation and Settlement

Andrew J. Strathern

Pamela J. Stewart

Follow this and additional works at: <http://scholarship.law.cornell.edu/cilj>

 Part of the [Law Commons](#)

Recommended Citation

Strathern, Andrew J. and Stewart, Pamela J. (1997) "Problems of Peace-Makers in Papua New Guinea: Modalities of Negotiation and Settlement," *Cornell International Law Journal*: Vol. 30: Iss. 3, Article 4.
Available at: <http://scholarship.law.cornell.edu/cilj/vol30/iss3/4>

This Article is brought to you for free and open access by Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in Cornell International Law Journal by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact jmp8@cornell.edu.

The Problems of Peace-Makers in Papua New Guinea: Modalities of Negotiation and Settlement

Andrew J. Strathern & Pamela J. Stewart*

Introduction

This Article proposes that inter-relations between clan and tribal groups in the Highlands of Papua New Guinea can be used as a model for studying peace-making between warring groups in the international arena. These patterns of relations were disrupted by the imposition of colonial control. The resulting problems appear in events and processes within the post-colonial state. The state's sovereignty is contested both by separatist or micro-nationalist movements and by individual clan groups who occasionally oppose state control over land, forestry, or mining resources. Compensation issues run through each of the historical periods considered, from the pre-colonial to the present. Attempts by state authorities to impose solutions by force or to negotiate with groups are construed as models of ways in which states may approach "intermediate sovereign" groups. Settlements made with such groups are likely to work only if they satisfy the group's wishes at multiple levels.

I. General Themes

A. Inter-Group Relations and Sovereignty

One branch of modern anthropology concentrates on historical change and narratives of change. However, our knowledge of how political groups operated in pre-colonial contexts is complicated by the fact that most actual observations began in colonial times. With this caveat in mind, it is worthwhile to begin by recapitulating how anthropologists studying parts of Africa, Melanesia, and elsewhere have modeled these societies through mid-twentieth century concepts of "ordered anarchy" and "segmentary political systems" arising out of British social anthropology.¹ For the purposes of this paper, an initial comparison between inter-group relations and sovereignty is necessary. In such a comparison, tribes and clans may be seen as comparable to sovereign groups between which international

* Department of Anthropology, University of Pittsburgh, Pittsburgh, Pennsylvania, and Centre for Pacific Studies, School of Anthropology, James Cook University, North Queensland.

1. For more information on these concepts, see generally E.E. EVANS-PRITCHARD, *THE NUER* 139-91 (1940).

30 CORNELL INT'L L.J. 681 (1997)

relations existed.² The comparison is, of course, imperfect. We are not arguing that such groups saw themselves entirely as "sovereignties." In the first place, they were not hierarchically organized as clearly bounded entities with a formalized politico-legal structure. Nevertheless, an analogy of this kind is useful for understanding how states and intermediate sovereigns interact. Within a wider ethnic or linguistic group, individual major political units existed, numbering from several hundred to several thousand persons. These groups could combine for war against other groups and could collaborate in order to bring about peace. Group leaders orchestrated such collective processes through exhortations of solidarity and appeals to self-interest. While we cannot speak of "government" within their units, we can speak of them as presenting a united front to outsiders and as not recognizing control by any political power beyond that within their own group.

How then, did international relations proceed between groups of this kind? Such groups interacted through trade, intermarriage, negotiations, and compensation payments for killings if these were enjoined by the "local international rules."³ Between certain groups no compensation payments were made. In such cases, the absence of a regular expectation of payment anticipated permanent hostility between the groups involved. Yet even in that case, trading and intermarriage might continue to occur. The resulting networks of kinship and friendship would mitigate hostility and provide pathways for negotiation over the disputed issues. This process could lead to informal alliances between segments of the tribes, dissolving their absolute hostility. Such international relations did not proceed through legally established frameworks; however, this is not to say that no framework existed.

Tribes, for example, could be paired with each other because they shared a single divination-substance used to test the truth of assertions in disputes.⁴ They also had a material interest in the children of intermarriages because divinations might proceed through the bodies of persons so related. A sister's son might swear an oath on his mother's group's divination-substance in order to establish the innocence of his own (i.e., his father's) group in a dispute over a killing. International relations in that case were mediated through human bodies that constituted and represented the relations in question. Mechanisms of this sort are specific to a

2. See, e.g., JAMES B. WATSON, *TAIRORA CULTURE* (1983). The phrase has been used in this context by anthropologist James B. Watson writing about the Tairora people of the Eastern Highlands of Papua New Guinea. *Id.* at 6.

3. "Local international rules" are the local rules by which relations between separate, independent, politically organized groups were structured.

4. The single divination-substance was a plant, stone, or living creature associated with a sacred origin story of the group(s) involved. It, therefore, represented a source of power. It was believed that the substance could act directly on the bodies of descendants of a group's founder. A sister's son shared in the bodily substance of his mother's group through his mother's blood and therefore could offer himself as a kind of pledge by swearing an oath over the substance. See, e.g., ANDREW STRATHERN, *ONE FATHER, ONE BLOOD: DESCENT AND GROUP STRUCTURE AMONG THE MELPA PEOPLE* 41 (1972) [hereinafter *ONE FATHER*].

kinship-based polity and are not readily evident to those who operate in a bureaucratically organized state structure.

B. Segmentary Social Systems

The tribes described above were not unitary groups but were divided into segments which could oppose each other at one level, yet unite in the face of an enemy at a higher level. Existing hostilities within tribes were mediated by intermarriage, exchange, and the intervention of secular and religious leaders who represented values shared by the contestants. The processes of segmentary opposition and cooperation could be much more complicated in practice than a simple, regular, segmentary model would suggest.⁵ In all cases, these processes were not automatic, but depended on circumstances and negotiations, and above all, on the material flow of wealth goods.⁶ Nevertheless, the most important rule was that groups which opposed each other in one context could unite in another context to confront a group more distantly related on the segmentary calculus. This rule, derived from the "segmentary system," has allowed for the creation of larger units in the context of colonialism and state control. Thus, it provides an easy ideological vehicle for the subsequent creation of intermediate sovereigns.

C. Modalities of Settlement

Intergroup rules provided a framework for the articulation of force, diplomacy, and exchange within the segmentary scale of relations. In his autobiography, Ongka, the leader of the Kawelka tribe of the Mount Hagen area in the Western Highlands of Papua New Guinea [PNG], depicted how these rules operated:

Now I want to talk about how we fought. Sometimes we fought with sticks. If a woman was raped she would scream out and come home covered in mud, then her menfolk would go out together and seize pigs from the nearest house of the rapist's group or wait for them behind a turning and set on them with sticks. These were big long cudgels which each man cut for himself and put aside. When they used them they all ran forward together in a row, the sticks poised above their heads, it looked like the rafters of a house or the long supports to which we bind sugarcane stalks. Heads and arms could be broken. We of Mandembo clan in Kawelka tribe fought with the Membo clan in this way, we pushed each other to and fro back into each other's territory. We did the same with the neighbouring Tipuka clans, chasing them as far as the banks of the Mōka river in the valley, and then they raced back at us and chased us back up the hill to home.

5. The segmentary model predicts that groups opposed at a local level of social structure will unite at a higher level against a common, less closely related, enemy. See, e.g., THE NUER, *supra* note 1, at 143-47.

6. Wealth goods could be cattle (in parts of Africa) or pigs and forms of valuable shells that circulated through bridewealth and compensation payments (in the PNG Highlands). See generally ANDREW STRATHERN, *THE ROPE OF MOKA* 93-114 (1971) [hereinafter MOKA].

There were no courts of justice then. Only the big-men could step in between the fighters, call to either side to keep its distance and arrange for pigs to be paid as compensation for wounds inflicted. Each side had to pay out this compensation to its own supporters, and many pigs were spent in this way. The blows could even be fatal.⁷

Ongka's colonial experience colors his account. His people first encountered the Australian explorers in the 1930s, and were brought loosely under governmental control by about 1945.⁸ Ongka was made a "bossboy," headman (*tultul, luluai*), and Local Government Councillor up until and after PNG's political independence from Australian rule in 1975.⁹ He notes that in pre-colonial times only local leaders or big-men, who acted as bankers and diplomats for their groups, could intervene in fighting and begin the peace-making process through compensation. Significantly, he does not say that big-men instigated or controlled the actual fighting or that they were involved in the incidents leading up to it.

Ongka describes the combat between the two Kawelka clans, Mandembo (his own) and Membo, as a means to protect and gain territory. However, in other contexts, the clans were close allies who joined forces to fight and oppose the third clan, Kundmbo. This dynamic conforms to the expectations of the segmentary model.¹⁰

Ongka's account also pinpoints the major modality of peace-making: compensation. Killings between groups in a segmentary kin-based polity can lead either to a continuous blood-feud in which further killings erupt into occasional warfare, or compensation payments. In the most densely populated areas of the PNG Highlands, forms of compensation were highly developed and evolved into processes that over time could theoretically convert hostility into alliance. Two forms of payment for killings were used. In one form, the killers directly compensated the kin of the person killed. In the other, the instigating group paid reparations to its allies for killing warriors in support of their cause. The first method, direct payment, was only utilized within a tribe or within an alliance-circle when allies had fought among themselves. The rules of "scaling" were thus fairly clear. Failure to pay automatically meant the assumption or resumption of hostilities. Between allies, a unilateral compensation payment could be transformed into a complex two-way set of reciprocal exchanges known as *moka*.¹¹ In this case, peace-making by compensation was not just a single

7. ONGKA: A SELF-ACCOUNT BY A NEW GUINEA BIG-MAN 49 (Andrew Strathern trans., 1979) [hereinafter ONGKA].

8. See *id.* at 130.

9. See generally DON WOOLFORD, PAPUA NEW GUINEA: INITIATION AND INDEPENDENCE (1976) (recounting the story of Papua New Guinea's independence from Australia).

10. The Kundmbo, however, had a cross-tribal ally in another tribe, the Minembi, which was otherwise a tribal group opposed to all the Kawelka. Inter-marriage, propinquity, and exchange of personnel led to this situation, which negated the segmentary model at one level while conforming to the principle of balanced power which underpins the model. See ONE FATHER, *supra* note 4, at 31-53.

11. See generally MOKA, *supra* note 6.

event. It was a historical process that needed to be maintained. This point is important in the present discussion.

This particular modality of peace-making articulated and facilitated a processual vision of peace-making over time. First, a single medium was used. The payment or exchange of wealth focused the groups on a common value, symbolically equivalent to human life itself. Second, the payment or exchange took place at multiple levels as gifts passed through big-men's hands and were distributed widely. Third, individuals could extend these payments further by making individual exchanges. Fourth, over time, compensation payments could convert hostility into competition over the size of gifts made between parties. A single modality sufficed to achieve all these ends.

D. Functions of Settlements

The various functions of settlements included: payment for killings; payment to allies; compensation for a sexual offense, theft, misuse of a piece of land, verbal insults, or failure to prevent a death.¹² Settlements could also be used innovatively to affect positive changes, such as setting up a new alliance. On the whole, however, they were a means of restoring or enhancing an existing status quo. This occurred because each group's sovereignty was already recognized. Generally, settlements were not made to give new recognition to a group, but to re-establish a stable relationship between groups. In this regard, the functions of settlements are distinguishable from those involved in state and intermediate sovereign conflicts, in which the intermediate sovereign (IS) seeks to establish itself as an independent power. This difference pinpoints the obvious difficulty that recognition of IS sovereignty poses for the state. The enclaved IS threatens the state's own sovereignty. This threat is paralleled by the challenges posed to a new nation-state, such as PNG, by dissident clans or tribes and regional separatist movements. The difference in a settlement's functions also indicates why one may be harder to arrange today if it depends on *rearranging* rather than *reaffirming* the overall political structure.

E. Forms of Negotiation in Settlements

Negotiations between groups might involve the invocation of mystical sanctions and processes as a way to bridge the gap between hostile groups.¹³ In the PNG Highlands, a ritualized pattern of communication between groups complemented the controlling influence of sanctions. In Mt. Hagen, as Ongka's account makes clear, groups placed tremendous emphasis on the rhetorical abilities of big-men in mediating political disputes and converting force into persuasion.¹⁴ In moots (community meetings to discuss disputes), the two sides, arriving with spears, bows, and arrows,

12. See Andrew J. Strathern & Pamela J. Stewart, *The Embodiment of Responsibility: "Confession" and "Compensation" in Mount Hagen, Papua New Guinea*, PAC. STUD. (forthcoming 1998).

13. See *supra* text accompanying note 4.

14. See *supra* text accompanying note 7.

would be carefully separated. People were expected to listen quietly as orators told their versions of history. Orators tempered their accusations by expressing themselves in “veiled” or “folded” speech, an indirect way of speaking that only leaders on the opposing side might fully understand. They also used other forms of symbolic communication. For example, a group that had lost a member in a fight would arrive caked in yellow mud as a sign of mourning and protest. Their attendance at a moot indicated their potential willingness to accept compensation as well as their marked grief at their loss. After settlement had been reached, orators would break into a particular style of speech, paradoxically known as “arrow-talk” (*el ik*), indicating that a ritualized agreement was about to be reached.¹⁵ The strong ritual constraints on both verbal and non-verbal expression reveal the potential fragility of peace-making through negotiations. Modern use of such ritual forms, when extended to higher levels, are more likely to break down because the rituals are unable to constrain the behavior of groups too remotely inter-related to respect each other. The next section exemplifies how the issue of scale is significant in dealing with intermediate sovereigns.

F. Colonial and Post-colonial Contexts of Change

Many of the problems present in PNG and other parts of the world mirror the problems that existed during colonial times. For many years, the literature in political anthropology has analyzed these dynamics. A classic study of this order can be found in the anthropologist Evans-Pritchard's work among the Nuer of Africa, in which the prophet figure played an indigenous intermediate sovereign role.¹⁶ The Nuer prophet holds spiritual powers that are highly venerated by the Nuer people. The role of these prophets as IS leaders has more recently been studied by another anthropologist, Sharon Hutchinson, who has shown that Nuer prophets continue to perform the duties of peace-makers as well as fighters.¹⁷

In the 1990s, a Nuer prophet named Wutnyang Gatakek raised his own army which joined the Sudan People's Liberation Army (SPLA), the remaining portions of the Anyanya II Army. The united forces delivered a powerful surprise attack upon, and temporarily captured, the Sudanese government-held town of Malakal. This same prophet also “repeatedly sought to defuse intensifying intra- and inter-ethnic conflicts, [arising] between various Nuer communities and between them and their Dinka, Anyuak, and Uduk neighbors.”¹⁸

15. At this point, everything could backfire: a piece of “folded” speech might be interpreted as a show or an admission of a previous killing, whether it appeared in the “arrow-talk” or earlier in the moot, and fighting would then erupt. See Pamela J. Stewart & Andrew J. Strathern, *Arrow Talk: Indirect Speech in Contemporary Intergroup Arguments in Mount Hagen* (1996) (unpublished paper presented at American Anthropological Association meeting) (on file with authors).

16. See generally E.E. EVANS-PRITCHARD, *NUER RELIGION* (1956).

17. See SHARON E. HUTCHINSON, *NUER DILEMMAS* 338-45 (1996).

18. *Id.* at 338-39 (citing as comparative authority DOUGLAS JOHNSON, *NUER PROPHETS* 348-51 (1994)).

The SPLA is an IS which began to assert control over the Western Upper Nile during the 1980s, when it prevented further Arab militia incursions into that region. The SPLA rose out of, and modeled itself after, the resistance formed against the Northern-based Anglo-Egyptian Sudan that Evans-Pritchard studied earlier. Since the time of Evans-Pritchard's fieldwork in 1930 and the end of the Condominium in 1955, the Nuer have been drawn into a web of "government authorities, district councils, party bureaucracies, regional assemblies, and national parliaments—all of which were constantly being reshuffled, reorganized, and disbanded."¹⁹

Dealing with non-state collectivities poses similar problems for modern governments as it did in the colonial era. The collectivities may operate like tribes with warlords acting in the role of tribal chiefs, or they may operate as part of a wider segmentary group diffused across the landscape. Difficulties arise in dealing with collective groups when they do not have a single leader who might speak with one voice for the group, and when the power of the collectivity is diffused. During both colonial and contemporary times, mining companies that have attempted to negotiate with local groups sometimes misunderstand the diffuse power structure and ask to speak to the area's group leader. This is an attempt to create an IS-type figure with whom the company or government officer can interact in a procedural manner that conforms to one with which he is familiar and provides a context where he understands the rules of engagement. Sometimes a group that does not perceive any merit or immediate gain from interacting with the officer elects an unimportant or non-powerful person to interact with him. In this way, they either deceive him and gain better control of the situation, or at least distance themselves from the officer. If the newly appointed indigenous official gives them orders, they conveniently ignore them.²⁰

II. Exemplifications

A. Contested Sovereignty within PNG

PNG's independence came without any concerted struggle against the colonial power, Australia; but it has been followed by many struggles that anthropologist Robert Foster calls "nation making."²¹ These struggles have taken two forms: the effort to create a national consciousness through the use of symbolism that transcends local contexts, and the effort to deal with groups that actively oppose the state in its role as peace-keeper and guardian of law and order.²² The distinction that anthropologists customarily draw between nation and state is crucial here. The state of PNG was created out of two colonial territories with different histories and formal sta-

19. *Id.* at 25-26.

20. *See, e.g.,* ANDREW STRATHERN, *A LINE OF POWER* 53-69 (1984).

21. *See generally* NATION MAKING: EMERGENT IDENTITIES IN POSTCOLONIAL MELANESIA (Robert J. Foster ed., 1995).

22. *See id.* at 18; *see, e.g.,* ROBERT J. GORDON & MERVYN J. MEGGITT, *LAW AND ORDER IN THE NEW GUINEA HIGHLANDS* 71-91 (1985).

tuses: the northern territory being New Guinea and the southern, Papua.²³ Straddling these two territories, within the valleys enclosed by central mountain cordilleras, are the Highlands Provinces, which were opened to the outside world in the 1930s, much later than most regions. In 1975, highlanders were reluctant to accept independence since they feared that it would result in the withdrawal of Australian resources and personnel and domination by the more highly educated coastal population. The new national government, led by coastal politicians, thus began with a legitimacy problem: it did not represent "the nation."

Since then, party politics have focused on the creation of *ad hoc* alliances which enable one bloc to hold a majority within the Westminster-style parliamentary government. Highlanders have achieved great prominence in politics since 1975, but there is still only a weakly developed ideology of the nation as such, and allegiance to the nation cannot invariably stand counter to tendencies to oppose the state over pragmatic issues. Lack of national development as an imaginative construct, in historian Benedict Anderson's terms, easily fosters opposition to the state whenever a group's perceived local interests do not coincide with those of their compatriots.²⁴

This point is relevant because it indicates that the formal concept of sovereignty has to cover more than one base in order to be effective. Sovereignty may be defined as a legally independent status vis-à-vis outsiders, but it cannot operate effectively unless there is some sense of the legitimacy of authority within its borders. States use the rhetoric of nationhood in order to confer such legitimacy on their formal powers. Unless the state can invent an adequately ritualized form of symbolism, however, it may find that creating internal legitimacy is difficult without the assistance of an external enemy, especially if the local form of sociality is tribal.

The situation in PNG constitutes the segmentary variant of the violation of political scientist Stephen Krasner's "Westphalian principle" of the autonomy and territoriality of the state.²⁵ Krasner points to several instances in European history where, for practical reasons, states have accepted diminished control over their domestic affairs and/or their boundaries.²⁶ This exemplifies the trade-off between the state and its constituent units, which can occur when these units deny the superior power of the state, deny its internal sovereignty. State authorities may decide to tolerate this denial if it does not lead to a threat of overall secession and is context-bound. Alternatively, they may decide to oppose it and risk stimulating even greater opposition. The overall problem may be called the "internal Westphalian dilemma."

23. See WOOLFORD, *supra* note 9, at 1-3.

24. See generally BENEDICT ANDERSON, *IMAGINED COMMUNITIES: REFLECTIONS ON THE ORIGIN AND SPREAD OF NATIONALISM* (1991).

25. Stephen D. Krasner, *Compromising Westphalia*, *INT'L SECURITY*, Winter 1995/96, at 115.

26. *Id.* at 117.

Creating a nation based on an amalgam of diverse local groups is obviously more difficult when a great diversity of cultures and languages exists, as is the case in PNG. Forceful imposition of national authority further impedes the state's endeavor to attain internal sovereignty. The role of the PNG police in quelling tribal battles in the Highlands is a case in point.²⁷ The warriors tend to view the state as an interloper, interfering with their right to fight each other. However, those who are not directly involved may welcome the intervention, arguing that it can restore order to an area where life is disrupted. Police raid villagers as reprisal for fighting, burn down villagers' houses, confiscate putatively stolen property, and jail relatives of the fighters as hostages. The power of the state is impressed upon local people in ways that are reminiscent of colonial times, but not conducive to nation making. In turn, the police may themselves be ambushed and killed in revenge for their killings. As a result of the re-scaling of segmentary principles, all police may be seen as enemies and potential targets. This may implicitly produce a cycle of vengeance between the police and the public. This cycle is contrary to the need for the police, as an arm of the government, to appear as impartial mediators in a conflict between groups. Consequently, the government loses legitimacy through the application of the very force that, in a sense, sustains it. What the state gains, the nation loses. If the people continue to resist, what Gregory Bateson calls "symmetrical schismogenesis" sets in.²⁸ If their resistance subsides, the schismogenesis is complementary, but does not lead to any genuine acceptance of legitimacy.²⁹

Similar considerations may apply to relations between sovereign states and an IS. Force by itself may be necessary, or may be exercised by both sides, but it is not a basis for peace-making. Neither nation making nor inter-nation making can proceed simply on a basis of force.

B. Micro-national and Other Resistance Movements in PNG

The forerunner to the revolutionary Bougainville Freedom Movement (BFM), supported by the Bougainville Revolutionary Army (BRA), began by organizing local opposition to colonial administration policies. One early segment of the movement, the Napidakoe Navitu, was established in 1969 to protest the Administration's proposed resumption of plantation and mining lands. Acting as an IS, Napidakoe Navitu represented local villagers in two settings. While unsuccessful in their legal action against the Administration's resumption of land, they succeeded in negotiating compensation payments. The group's main objectives were political autonomy, better education, and the economic, social, and political development of Bougainville. Napidakoe Navitu was generally hostile to the Administra-

27. *But cf.* Andrew J. Strathern, *Let the Bow Go Down*, in *WAR IN THE TRIBAL ZONE* 242-50 (R. Brian Ferguson & Neil L. Whitehead eds., 1992) (discussing a switch from exchange to violence as a means to resolve disputes, and indicating that police action is accepted if it is convenient) [hereinafter *Let the Bow*].

28. See GREGORY BATESON, *NAVEN* 177 (2d ed. 1958).

29. *Id.*

tion and later advocated Bougainville's secession from PNG. Conflicts over royalties from the Bougainville copper mine and the environmental effects of this mining project have been a major factor in the development of the secession movement.³⁰

Today the BFM is still fighting for secession. In March of 1997, the PNG government was planning to hire "mercenaries" to act as advisors in training their army to fight the BRA more effectively. The BFM exemplifies an IS that has produced a revolutionary situation which is very difficult to resolve.³¹

A similar movement, founded the same year as the Napidakoe Navitu, was the Mataungan Association. It was formed to protest the Administration's decision to form a multiracial local government council on the Gazelle Peninsula. Soon after its formation, the Association's interests spread to include land issues, economic enterprises, and the preservation of cultural heritage. After the Association made various demands of the Administration that were not satisfactorily met, it announced that it would break away from the rest of the territory of New Guinea unless these demands were satisfied. The Administration initially reacted with a show of force, but later introduced legislation designed to create a new type of local self-government for the Gazelle Peninsula that satisfied the Association's demands, relieving its desire to seek a secessionist split. In this instance, an IS withdrew demands to become a sovereign entity and has subsequently integrated into the state system as a small political party allied with others.³²

Another IS was the Papua Besena movement, which failed in its attempt at separatism. This movement emerged explicitly to oppose the Australian government's commitment to grant independence to a unified PNG. The movement lacked a coherent organizational structure and chose to work through already established Papuan organizations. Its first leader was Josephine Abaijah, previously an employee of the Public Health Department, who charged the Australians with neglecting Papua, a former British colony. The claim of financial neglect was not substantiated, but it appealed to local sensibilities in the face of failed development schemes in the region. Abaijah also opposed the presence of immigrant laborers from the Highlands region in the capital city of Port Moresby because they competed with coastal and hinterland Papuans for unskilled jobs. Papuan public servants who held a dominant position in the bureaucracy prior to independence supported Abaijah's movement because they feared they

30. See James Griffin, *Napidakoe Navitu*, in MICRONATIONALIST MOVEMENTS IN PAPUA NEW GUINEA 113-38 (R.J. May ed., 1982) [hereinafter MICRONATIONALIST MOVEMENTS].

31. However, Radio Australia broadcasted news on October 10, 1997, that a truce had been declared in the nine-year civil war as a result of closed peace talks at the Burnam Army Camp in Christchurch, New Zealand, between officials of the different interested parties. The truce calls for an immediate stop to an armed conflict and for all parties to work toward reconciliation. See *Papua New Guinea Signs Truce with Bougainville Rebels*, ASSOCIATED PRESS, Oct. 9, 1997, available in 1997 WL 4887406.

32. See Ian Grosart, *Nationalism and Micronationalism: The Tolai Case*, in MICRONATIONALIST MOVEMENTS, *supra* note 30, at 139-76.

would lose this position over time. While appealing to the idea of underdevelopment and neglect, the movement was based on a temporary coalition of interests at a particular historical period. However, it was eventually engulfed by the overall drive for unification of the two colonial territories under one parliamentary government.

Interestingly, in the absence of a "ready-made" ethnic identity, Papua Besena invented one, through statements such as the following made by Abaijah: "I am a Papuan. That makes me different from other people. I feel I have a nationality, a name, and a common future with Papuan people."³³ The "other people" are the "New Guineans," and the contextual reference is thus a colonial one couched in the mythopoeic terms of nationalism. Precisely because the primordial basis was weak, Papua Besena took on the trappings of a kinship polity. In fact, Besena means "clan" or "tribe." However, this particular IS failed because it lacked a valid basis, and Papua merged with New Guinea to form a single country.³⁴

C. Clan and State: Compensation in a New World

Local systems of compensation in the Highlands of PNG have also gone through a series of marked changes. The introduction of government courts for criminal and civil offenses, characteristic of state government, has not greatly contributed to inter-group adjustment in the postcolonial context. Punishment and incarceration of individuals does nothing to solve the social problems that follow killings and assaults at local levels. By and large, these problems must still be settled through compensation practices. The state may intervene in the process as well. For example, it may require the establishment of special purpose Trouble Committees to determine amounts of compensation.³⁵ While the state's intentions are laudable, they may result in reducing discussions to haggling over amounts rather than expanding such discussions to achieve reconciliation between the groups themselves. The Committee's deliberations take a commodified and reified form, reflecting new forms of capitalist economics that have become prevalent. The state may also require individuals to pay a fine to the police, which merely reduces the amount of wealth available for the compensation process proper.³⁶ Further, a jail sentence acts, not as a solution, but as a time-bomb, as people may wait until offenders return from jail before exacting revenge. Local Village Courts established by state ordinance help to resolve minor disputes, but lack the legal powers to punish killings or tribal fighting.³⁷

33. Bob McKillop, *Papua Besena and Papuan Separatism*, in *MICRONATIONALIST MOVEMENTS*, *supra* note 30, at 329 (quoting *SHAPING THE FUTURE: PAPUA NEW GUINEA PERSONALITIES* 32 (F. Steinbauer ed., 1974)).

34. *See id.* at 329-58.

35. *See, e.g.*, ANDREW STRATHERN, *VOICES OF CONFLICT* 155 (1993).

36. *See* GORDON & MEGGITT, *supra* note 22, at 25-26.

37. Handbook for Village Court Officials, No. 1, at 33-34 (1976) (Papua New Guinea).

Compensations are also much harder to organize if killings occur between unrelated groups brought into contact through travel, migration and urbanization. Yet this is precisely the context in which killings occur more frequently today.³⁸ At local levels, the enmities between groups are exacerbated by an escalation in killings caused by the introduction of guns, by alcohol consumption in village taverns, and by a curtailment of the elaborate *moka* exchanges which used to channel competition between groups into contests of prestige obtained through displays of generosity. Competition is increasingly focused on parliamentary elections since power is concentrated in the new political positions. However, politicians are unable to control conflicts at the local level unless they also attempt to foster practices of compensation between groups. In fact, elections are surrounded by political conflicts that bring about killings and destruction of property.³⁹

In the economic arena, clan and state may be even more explicitly pitted against each other. This new context of demands for compensation arises from enterprises of economic development, especially capital-intensive mining projects for gold, copper, gas, and oil.⁴⁰ In these contexts, associations, based on an expanded clan ideology, tend to emerge as IS or quasi-IS in relation to the central government. At issue here are the rights of locally defined interests vis-à-vis the wider state interests. From the point of view of the central government, sovereignty may include the residual rights over mineral resources, but local groups do not see it that way. Local groups do not generally accept that the state has a legitimate eminent domain right to resources either above or below ground surface. In fact, the national government has sometimes left it up to international companies to negotiate terms with the local people, implicitly abandoning its sovereign role.⁴¹

Local groups treat companies as they treat the state, refusing to grant sovereign rights to either. When they demand monetary compensation which excludes benefits to other groups in the nation-state or forcefully hold up projects by blocking roads or threatening workers, they are clearly acting as a rival IS. Such situations can be defused only by a combination of "generous" payments and a great deal of time spent in diplomatic discussions. Such conversations attempt to lower the levels of suspicion between the local population and the company personnel. As one Australian liaison

38. See, e.g., *Let the Bow*, *supra* note 27, at 234. See also Hal Levine, *Ethnogenesis Among Urban New Guinea Highlanders*, in *WORK IN PROGRESS: ESSAYS IN NEW GUINEA HIGHLANDS ETHNOGRAPHY IN HONOUR OF PAULA BROWN GLICK* 199-211 (H. Levine & Anton Ploeg eds., 1996).

39. See generally Andrew Strathern, *Violence and Political Change in Papua New Guinea*, *PAC. STUD.*, Dec. 1993, at 41-60.

40. See Andrew J. Strathern, *Compensation: What Does It Mean?*, 1 *TAIM LAIN: A JOURNAL OF CONTEMPORARY MELANESIAN STUDIES* 1 (1993).

41. This has happened, for example, in dealings between Chevron and local people in the Southern Highlands Province, and in the Enga Province between Porgera Joint Venture and the Ipili/Paiela people. Field visit to Duna area, Southern Highlands Province (June 1994).

officer for a mining company put it: "The Enga [in whose territory this mine is] are sure that the company is cheating them in general. From time to time they think they've worked out exactly how, and that's when we can expect trouble and have to get into some hard negotiating."⁴² In this case, the company had built a large round house, in traditional style, but with open sides, right inside the mine headquarters. It was used for meetings to defuse hostilities and to rearrange compensation packages between it and local leaders.⁴³

Local groups have also banded together as quasi-IS in order to oppose the putative pollution of their rivers and garden lands by mine effluents.⁴⁴ It is doubtful if any scale of compensation will ultimately be able to satisfy these demands, especially since both Australian law firms and European Commission lawyers have filed suits or begun to take an interest in documenting deaths of people and livestock or wildlife from river pollution.⁴⁵ Environmental issues have formed a powerful symbolic element in the case mounted by the Bougainville Revolutionary Army against the mine on Bougainville Island.⁴⁶ These issues, dealing directly with land and its resources, have proved to be the most difficult to mediate in the long term and are likely to continue to be difficult in the future. If land issues are at stake between a state and an IS (or between states) then we may always expect peace-making to be difficult.

Once again, we may compare this situation with "international relations" in what we can call Old Melanesia.⁴⁷ In the old context, land was not usually directly at stake; or if it was, a victorious group would drive out another and occupy some of its land, but might later set up mutual compensatory exchanges to restore friendship and intermarriage. More commonly, disputes stemmed from injuries to the person, such as killings and rapes. These disputes were solved or their solutions marked by exchanges of wealth goods and often by arranged intermarriages, bringing the dispute into the ambit of the kinship polity. Such options are simply not available when the local group deals with a company or the State. In this context, relations may become polarized and the local group emerges as an IS. This occurs because there is no effective modality through which negotiations can proceed as long as the two sides are fundamentally at odds, as is exemplified by the confrontation between Bougainville separatists and the central government of Papua New Guinea.⁴⁸

42. Interview with Fritz Robinson, Australian Liaison Officer, in Duna area, Southern Highlands Province (June 1994).

43. Field visit to Duna area, Southern Highlands Province (June 1994).

44. *Id.*

45. *Id.*

46. Cf. Moses Havini, *Human Rights Violations and Community Disruption*, in *THE BOUGAINVILLE CRISIS* 31-37 (R.J. May & Matthew Spriggs eds., 1990) [hereinafter *BOUGAINVILLE CRISIS*].

47. See generally HAROLD C. BROOKFIELD & D. HART, *MELANESIA: AN INTERPRETATION OF AN ISLAND WORLD* (1971). Brookfield and Hart use the term "Old Melanesia" to refer to a reconstruction of the character of indigenous societies prior to the extensive effects of colonial change. *Id.*

48. See *supra* text accompanying notes 44-46.

The Bougainville case also illustrates why peace agreements may be very difficult to make as well as subsequently difficult to maintain. In this case, the separatist movement has had a far more powerful set of symbols on which to draw than had Papua Besena, as Bougainville is an island set apart from mainland PNG.⁴⁹ Its peoples share many cultural practices with their southern neighbors in the Solomon Islands, which were formerly administered by the British. They can point to their distinctive dark skin color to distinguish themselves from the lighter-skinned mainlanders. While the huge copper mine in their midst brought economic development, it also brought influxes of outsiders and environmental pollution. Like the Mataungans and the Papua Besena, Bougainville attempted to declare its independence from the rest of PNG during the 1970s, but was pacified by the introduction of a decentralized provincial government system from 1979 onwards.⁵⁰ The original main supporters of the Bougainville Revolutionary Army, the Nasioi people, are the ones whose environment has suffered most from the mine.⁵¹

Killings between the PNG Police/Defense Force and BRA fighters have caused a vengeance situation that has not been settled by compensations. The central government has tried to stress the benefits of a settlement for the ordinary population, but they have been unable to successfully negotiate with the BRA, which has remained committed to separatism. This is a clear example of how neither the modalities nor the rhetorical forms employed have so far been able to overcome these adverse circumstances in order to produce a lasting peace settlement.⁵² Meanwhile, to recoup its losses of mining royalties, the central government has encouraged large-scale mining projects elsewhere, which lead to gains in revenue, but also to new confrontations with clan and regional groups as noted.

The most important lesson here is that if an IS (a) begins itself to use "statist" terminology to describe its activities, especially by calling itself an "army" (compare here the IRA in Northern Ireland), and (b) killings take place which rouse "primordialist" senses of violation, but are not dealt with in "primordial" terms such as ritualized compensations, then the conditions for peace-making or peace-keeping become very problematic.

Douglas Oliver provides an excellent account of the negotiations between the central government and the separatists up to 1991.⁵³ He includes a picture of an October 1989 ceremony at the Arawa township (the town created to serve the mine), which is captioned: "Prime Minister Namaliu (left) joins hands with Joseph Kabui [the Nasioi Premier of the Provincial Government and also chairman of the Interim Government of

49. See generally James Griffin, *Bougainville Is a Special Case*, in *BOUGAINVILLE CRISIS*, *supra* note 46, at 1-15.

50. This government system was subsequently revoked in 1995.

51. See DOUGLAS OLIVER, *BLACK ISLANDERS: A PERSONAL PERSPECTIVE OF BOUGAINVILLE 1937-1991*, at 166, 205 (1991).

52. However "accords" have been reached from time to time, and further talks were taking place in Wellington, New Zealand, in August and September of 1997. See also *supra* note 30 and accompanying text.

53. See generally OLIVER, *supra* note 51.

the Republic of Bougainville delegation that met with the central government at Honiara in the Solomon Islands in 1990] over traditional pig and food assembly.”⁵⁴ Both leaders bowed slightly in the picture as they extended their right hands over a large slaughtered (sacrificed) pig and a bunch of plantains to be cooked for a feast. A crowd of urban people stand at a short distance watching. The symbolism in this ceremony expressed an air of equality and reconciliation between the leaders. However, one pig was clearly not enough since the conflict continued. Ritual can play a creative role in bringing about peace, but only in conjunction with many other factors.

III. Implications

A. What Works, and Why

This section will summarize the implications illuminated by the case studies. Voluntary bilateral peace-making can work only on a basis of mutual respect, understanding and shared goals. Such a sharing of aims can proceed only if there are forms of language and action by which to express them. Further, peace arrangements will work only if their terms are adequately shared among the sections of the populations served by peace-makers.

Comparing conflict and peace-making in the “old international context” with their counterparts in contemporary situations, we have found that the roots of contemporary IS-style movements can often be traced to colonial times. However, this does not mean such movements are simply to be “explained” in colonial terms. The contrast between old and new highlights the inherent complexity of contemporary political affairs under which confrontations involve more levels and scales of interest. Today, the state enters into affairs at the local level and vice versa. This inherent complexity makes settlements more difficult, although sometimes it is used creatively to facilitate them.

B. Modalities and Messages

In the Old Melanesian context, PNG Highlands social leaders employed the single formal mechanism of compensation to settle a range of disputes over a range of segmentary contexts. Compensation was, and remains, a modality with many functions. It was accompanied by ritualized actions of appeasement and reconciliation that reinforced the outcomes of verbal rhetoric by leaders. The compensation was itself both medium and message, and it was accepted as the way to make peace or to mark it. In contemporary events, the principle of compensation remains, but the context has changed. Compensation may take place between unrelated groups or between local groups and the government. These contexts mean that shared values are no longer strongly operative. The PNG State was able to absorb several IS-style movements at and shortly after independence; but at

54. *Id.* at *illus. opp.* p. 245.

least one group, the BFM, has evolved into a full-scale IS entity. The BFM claims its own sovereignty. The state will thus have difficulty dealing with it, unless either it grants the BFM such sovereignty or the movement collapses through internal factioning, disillusionment, or prevalence of the perception that the central government offers the better deal. Ritualized messages work only if the medium to convey them is available.

C. Shared Values

Nevertheless, tribal groups have made interesting attempts to find new shared values through the symbolism of place and of the nation. The following section focuses on cases involving gender symbolism.

Women have played, and continue to play, many roles in peace-making processes. Some of these are changing with shifting societal circumstances.

In the 1980s, an issue arose in the central Hagen area that might have given rise to combat between two groups but was evaded by various peace-making strategies. The two groups, the Elti and the Penambi, are neighbors, closely intermarried, and historically paired as allies. An Elti man had launched an attack on one Penambi man's house and killed a brother of another prominent Penambi man. The Penambi organized a demonstration march of mourning in which the mourners were caked with yellow mud as is the traditional practice. Women and children were positioned at the head of the procession, indicating that their group as a whole was going to behave "like women," that they would seek peace not war. The march took place in Mt. Hagen town even though such demonstration marches traditionally would have gone forward on open land in the countryside. This movement into the city, the seat of the Provincial Government, symbolized the new awareness of the Government's role as a link to the wider nation.

Another example of women acting as peace-makers occurred in the Nebilyer Valley, where women's clubs (*ab klap*) began forming in early 1982 and continued to gain popularity over time. On September 13, 1982, one of these women's clubs played a pivotal role as peace-makers between opposing tribal alliances. In an unprecedented action, women from the neutral Kulka tribe's women's club, supported by the Provincial Government in Hagen Town, marched out onto the battlefield between the opposing sides, carrying the PNG flag, the symbol of unity. After distributing cash crops (European vegetables, such as onions and cabbages), soft drinks, cigarettes and 100 kina (PNG currency) from their club funds to both sides, they planted the PNG flag on the battlefield and told the warriors to go home, which they eventually did. The Kulka women's club's intervention preceded the compensation event which took place on August 14, 1983. The women were allowed to make public speeches at the event, a context where usually only men would be allowed to speak.⁵⁵

55. Cf. FRANCESCA MERLAN & ALAN RUMSEY, *KU WARU: LANGUAGE AND SEGMENTARY POLITICS IN THE WESTERN NEBILYER VALLEY, PAPUA NEW GUINEA* 156-97 (1991).

The women's speeches emphasized that fighting was not an action which conformed with the women's club's goal of improving the living conditions in the community through pursuing *bisnis* or cash-producing activities. One woman clearly stated that the club's technique of marching onto the battlefield carrying the PNG flag and distributing food to both sides equally was a means of mediating a resolution through the action of exchange itself.⁵⁶

These women used a mix of male and female oratory to effect a peaceful resolution through their speeches. Utilizing *el ung* (arrow talk), a form of male oratory, these women incorporated stylistic elements that would not traditionally have been used by women, while working within the framework of typical negotiations.⁵⁷

A more traditional way in which women have served as peace makers is through intermarriage as objects of exchange. However, this practice is changing. In a recently reported article, an 18-year old woman was offered as a part of compensation payment by her group to another group in a Minj custom known as "head pay." In this practice, a female from one group is given in marriage to and goes to live with a man from another group. Although this practice has perpetuated through history to the present, in this instance the woman refused to be a payment and her case went to the Mt. Hagen National Court. The judge found that the woman's "rights to freedom of choice of a husband and thus her general constitutional rights to freedom were violated."⁵⁸ The judge also held that the custom violated her right to equality since it "targets only young women, not eligible men."⁵⁹

This situation reveals the conflict between the modern nation's guidelines for human rights protection and the cultural practices of many local people who view the state as an interloper, interfering in indigenous peace-making mechanisms. It is also apparent that human interests and perceptions may divide along lines of gender and age and that the state-based ideas of personhood conflict with those of the indigenous kinship polity. Interestingly, the spokesperson for the kinship polity in this case, Dr. John Muke, a lecturer at the University of Papua New Guinea, in Port Moresby, with a Ph.D. from Cambridge University in England, was a product of the new nation-state.⁶⁰

D. Making it Stick

IS movements have problems in making their programs "stick," as do states in dealing with them. One theory explaining why the BRA on Bougainville declared unilateral independence from PNG is that its leaders Francis Ona and Sam Kauona were concerned that they might otherwise lose control

56. *Id.* at 172.

57. *See, e.g., id.* at 194-95.

58. Sean Dorney, *The Constitution, Change and Custom—Miriam Wins*, THE INDEPENDENT (Papua New Guinea), Feb. 14, 1997, at 13.

59. *Id.*

60. *Id.*

over their movement to others or that the populace might not continue to give them support.⁶¹ Where an IS is an unstable entity making any agreement with it as a whole is obviously hard to do. Creating durable peace arrangements between clan groups were ongoing historical processes. The peace was not just made and then left to happen. It had to be remade constantly by continuing exchanges. Otherwise it could revert to hostility. In this sense, there was no clear legal framework for peace. Peace was a social not a legal construction. Nevertheless, compensation was the "high road" followed in entering into the processes. In dealing with an IS, a state may have to assist in stabilizing it in order to deal effectively with it, but this process can obviously backfire.

E. Satisfying Wishes at Multiple Levels

As previously noted, satisfying the group's wishes at multiple levels is an important criterion for peace making. First, participants have to agree on what the wishes and shared values are. For example, differences in such values may arise between different genders, as the Mount Hagen case exemplifies. If only the leadership is satisfied, rival leaders are excluded, or the interests of a populace diverge from those of the leaders, wishes will not be satisfied. The functions of peace-making are involved here. Where these desires have to be met in many modalities, not just one, negotiations will be complex and vulnerable to cross-cutting aims. Diplomacy may involve more trade-offs and loose ends, and lasting settlements without the use of force may be hard to obtain.

F. Force versus Diplomacy

While force or a threat of its use has a part to play in diplomacy, its use in the PNG context has proved problematic and has led to a hardening of local opposition and to vengeance situations between new categories, such as people and police. In the old contexts, diplomatic speakers had to combine statements of their strength with a recognition of the strength and the equality of their opponents. In today's situations, the contexts are often putatively quite unequal, as when a conflict occurs between a clan as an IS and the government. If the government uses force, it is also condemning its own legitimacy while increasing its power. The diplomatic rule then is to conceal inequality as much as possible. When that cannot be done through rhetorics of nationhood, the state may reveal its hand, as it has recently done by passing legislation that outlaws certain compensation demands against it by clan groups over mining issues.

G. Outcomes

The effect of such a ruling may be either to quell the movement or to escalate its resistance to the point where it challenges the state's legitimacy, as

61. OLIVER, *supra* note 51, at 244 (citing *Post-Courier* (Papua New Guinea), May 21, 1990).

happened in Bougainville.⁶² In general, we can recognize two quite different outcomes of state versus IS encounters. Either the status quo will be reinstated or it will be overturned, depending on the power available to either side and their aims. If the aim is to set up viable international law in state-IS dealings, the rule of diplomacy must be to maintain attitudes of mutual respect and to try to create a meta-pragmatics of shared values that can then translate into agreements and rules. Without a ready-made ideology, such as compensation to construct such a meta-pragmatic code, it is evident that the problems of peace makers are indeed considerable.

62. *Id.*

