

# SECURITY CHALLENGES

VOLUME 10 NUMBER 2 2014



## Security in Papua New Guinea

### ***Land and Conflict in Papua New Guinea: The Role of Land Mediation***

Matthew Allen and Rebecca Monson

### ***"We only Get the Daylight Hours": Gender, Fear and 'Freedom' in Urban Papua New Guinea***

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## **Editors' Note**

This special edition of *Security Challenges* on 'Security in Papua New Guinea' is guest edited by Dr Sinclair Dinnen from the State, Society and Governance in Melanesia program at the Australian National University. Dr Dinnen has assembled a range of Papua New Guinea and Pacific specialists to discuss critical aspects of security in Australia's nearest neighbour as it marks the 39th anniversary of its independence. Papua New Guinea continues to face a plethora of security challenges and despite efforts to the contrary most of these defy simple explanation or easy solution. While Australia remains Papua New Guinea's most significant international partner in areas of defence and development cooperation, unprecedented levels of economic growth associated with the exploitation of PNG's abundant natural resources and ongoing processes of rapid integration into global markets have inevitably served to diminish the degree of influence and leverage that Australia once had. We are grateful to our contributors for shedding further light on some of these issues, and for participating in what will remain an important and continuing discussion among Australian analysts and policy makers.

*Stephan Frühling   Peter Dean   Andrew Carr   &   Iain Henry*  
Managing Editors  
September 2014





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# Land and Conflict in Papua New Guinea: The Role of Land Mediation

Matthew Allen and Rebecca Monson

Anecdotal evidence suggests that conflicts over land and extractive resource developments are on the rise across Papua New Guinea. These micro-level conflicts have the potential to scale-up and feed into large-scale armed conflicts—such as those that occurred on Bougainville and in neighbouring Solomon Islands—which require costly external intervention. Against this backdrop, this paper examines PNG's legally-mandated land mediation system in theory and practice. A number of weaknesses are identified and described; and a case study of an apparently successful “hybrid” approach is discussed. The paper concludes with recommendations for further analytic work and interventions that may strengthen the land mediation system and, in turn, the prospects for both national and regional security.

Struggles over land and natural resources have been an enduring characteristic of social and political life in Papua New Guinea since pre-colonial times.<sup>1</sup> However, extensive anecdotal evidence indicates that land dispute has intensified in many parts of PNG over the past several decades. This is attributed to the advent of large-scale extractive resource industries, accelerating rural-to-rural and rural-to-urban migration, continuing high rates of population growth, and the expansion of smallholder cash-cropping activities. Left unattended, land disputes can boil over into interpersonal and inter-group violence, which, in turn, can scale-up and escalate into more widespread armed conflict.

Land disputes have been a major, though not exclusive, cause of inter-group violence in the Highlands.<sup>2</sup> Land has also been at the centre of social and ethnic tensions in places where there are large numbers of migrant-settlers occupying customary land,<sup>3</sup> such as in the oil palm growing regions of West

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<sup>1</sup> Bruce M. Knauff, 'Melanesian Warfare: A Theoretical Perspective', *Oceania*, vol. 60, no. 4 (1990), pp. 250-311.

<sup>2</sup> Ibid.; Glen Banks, 'Understanding "Resource Conflicts" in Papua New Guinea', *Asia Pacific Viewpoint*, vol. 49, no. 1 (2008), pp. 23-34; Polly Wiessner and Nitze Pupu, 'Toward Peace: Foreign Arms and Indigenous Institutions in a Papua New Guinea Society', *Science*, vol. 337 (2012), pp. 1651-4.

<sup>3</sup> Notwithstanding a “double movement” currently underway—which involves the increasing “customisation” of alienated land on the one hand, and increasing legal encumbrances of customary land on the other—a significant proportion of PNG's land area remains under customary tenure: Colin Filer and Michael Lowe 'One Hundred Years of Land Reform on the Gazelle Peninsula: A Baining Point of View', in

New Britain Province.<sup>4</sup> Inter-generational disputes within landowning groups over the distribution of economic benefits from the Panguna mine were a significant cause of the Bougainville conflict.<sup>5</sup> Intergenerational and ethnopolitical grievances regarding access to and control over land were also central to the violence that took place in neighbouring Solomon Islands between 1998 and 2003.<sup>6</sup> Indeed intra- and inter-group conflicts over benefit-sharing have been an important factor in “resource conflicts” across the western Pacific<sup>7</sup> and have often been characterised by salient inter-generational and gendered dimensions.<sup>8</sup> The conflicts in Solomon Islands and Bougainville highlight the potential for localised, micro-scale disputes over land and resources to escalate and feed into large-scale armed conflict.<sup>9</sup> When such large-scale conflicts have occurred, they have directly engaged Australia’s national interests, and Australia has responded, in conjunction with regional partners, with costly peace-keeping and peace-building interventions.

A senior PNG Law and Justice sector official told us that “land use and land mediation will make or break this country”. The processes of social and economic change that give rise to land disputation are likely to continue to intensify over the coming decades, making the timely and effective resolution of land disputes a critical public policy issue for PNG. Moreover, the potential for such disputes to scale-up into larger armed conflicts that threaten regional stability and engage Australia’s national interests makes it an important policy issue for Australia. Effective land dispute resolution processes will be required to realise the Government of PNG’s objectives for increasing the economic productivity of customary land under the National

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Veronica Strang and Mark Busse (eds), *Ownership and Appropriation* (Oxford: Berg Publishers, 2011), pp. 147-70.

<sup>4</sup> Gina Koczberski and George N. Curry, ‘Divided Communities and Contested Landscapes: Mobility, Development and Shifting Identities in Migrant Destination sites in Papua New Guinea’, *Asia Pacific Viewpoint*, vol. 45, no. 3 (2004), pp. 357-71.

<sup>5</sup> Colin Filer, ‘The Bougainville Rebellion, the Mining Industry and the Process of Social Disintegration in Papua New Guinea’, *Canberra Anthropology*, vol. 13, no. 1 (1990), pp. 1-39; Anthony J. Regan, ‘Causes and Course of the Bougainville Conflict’, *The Journal of Pacific History*, vol. 33, no. 3 (1998), pp. 269-85.

<sup>6</sup> Matthew G. Allen, ‘Land, Migration and Conflict on Guadalcanal, Solomon Islands’, *Australian Geographer*, vol. 43, no. 2 (2012), pp. 163-80.

<sup>7</sup> Matthew G. Allen, ‘Melanesia’s Violent Environments: Towards a Political Ecology of Conflict in the Western Pacific’, *Geoforum*, vol. 44 (2013), pp. 152-61.

<sup>8</sup> Rebecca Monson, ‘Negotiating Land Tenure: Women, Men and the Transformation of Land Tenure in Solomon Islands’, in Janine Ubink (ed.), *Customary Justice: Perspectives on Legal Empowerment* (Rome: International Development Law Organisation and Van Vollenhoven Institute for Law, Governance and Development, 2011).

<sup>9</sup> Cf. Stathis N. Kalyvas, ‘The Ontology of “Political Violence”: Action and Identity in Civil Wars’, *Perspective on Politics*, vol. 1, no. 3 (2003), pp. 475-94.

Land Development Program. The way in which disputes over land and resources are managed will also influence the degree to which PNG is able to achieve peaceful, sustainable and socially inclusive economic development.

This article examines the state of land mediation in PNG. It is based on a review of the literature and relevant legislation, and brief periods of fieldwork conducted in Port Moresby, and in Hela and Eastern Highlands provinces, in mid-2013. The paper is divided into three substantive parts. The first briefly describes two new potential sources of land-related conflict: the reforms being undertaken as part of the National Land Development Program, and the so-called “land grab” that has seen the long-term leasing of more than 12 per cent of PNG’s land area over the past twenty years or so.

The second section examines PNG’s legally-mandated land mediation system in theory and practice. Land mediation has become orphaned by the institutional ambiguities surrounding the devolution of functions to the provinces and subsequent reforms to national departments and agencies. Lacking adequate funding, legally-mandated land mediation services have limped along, often replaced by informal mechanisms supported by provincial governments, Village Courts and, in resource-rich areas, services provided by resource companies and, in some cases, the parties to land disputes themselves. The problems in the land mediation system reverberate into the formal land court system, and proposed legislative reforms appear to have been stalled by “institutional friction”.

The final section of the article provides a case study of mediation approaches to inter-group fighting in the Highlands. This is directly relevant to the question of land mediation because there is a crucial interaction between land disputation and tribal fighting. Land disputes are a major cause of tribal fights; and the destruction of property and displacement of people during tribal fights can, in turn, produce new land disputes which must be addressed if the fighting is to be resolved. Land mediation and tribal fighting must therefore be dealt with in an integrated manner, rather than as distinct problems to be addressed by separate legal approaches. The District Peace Management Teams (DPMTs) of Eastern Highlands Province are good examples of what can be achieved through “hybrid” institutions that link state and non-state actors and integrate different sources of legitimacy and authority at different scales. The DPMTs also underscore the importance of these sorts of initiatives being embedded in wider systems of local, district and provincial level governance.

In concluding the article, we suggest some ways in which land mediation services could be improved and sketch out an agenda for further research, policy and programmatic work.

## Current Law Reform and the PNG Land Grab

Recent amendments to PNG's land law—made as part of the National Land Development Program (NLDP)—may contribute to an escalation of land disputation in rural areas. The NLDP seeks to implement the numerous recommendations emerging from the National Land Summit (held in 2005) and the National Land Development Task Force Report.<sup>10</sup> The NLDP is being implemented over the period 2011-2030 in four phases. The first and current phase (2011-2015) includes a number of pilot activities, one of which is a program of provincial engagement carried out by the Magisterial Service with a view to moving towards a “new look” land court. The main thrust of this engagement, taking place in eight pilot provinces, is to “resuscitate and invigorate the Provincial Land Dispute Committees (PLDCs)” and to seek commitments from provincial administrations that they will meet the costs of land mediators’ allowances.<sup>11</sup>

As part of the NLDP, a number of amendments to the *Land Groups Incorporation Act 1974* and the *Land Registration Act 1981* came into force in March 2012. Incorporated Land Groups have proliferated over the past twenty years, and are now thought to number more than 20,000. The amendments to the *Land Groups Incorporation Act* now require that all of these groups be made compliant with new governance requirements within a five-year window. The amendments to the *Land Registration Act* enable the “voluntary” registration of customary land. While rigorous analysis of the social impacts of these reforms is yet to be undertaken, informed observers are of the view that they could result in considerable conflict and violence. While registration of customary land is often directed at providing tenure security and reducing conflict, there is empirical evidence from many parts of the world that suggests it is often associated with an increase in disputation and conflict.

Furthermore, PNG is currently experiencing a so-called “land grab” which is likely to lead to an increase in land disputation in rural areas. This land grab has seen, since 1995, the long-term leasing of around 12 per cent of the nation's land area in the form of Special Agriculture and Business Leases (SABLs), a process which was the subject of a recently-concluded Commission of Inquiry. It seems likely that a significant number of these SABLs would enable foreign logging companies to circumvent the rigorous procedures of PNG's forestry legislation by dealing directly with landowner companies and exploiting loopholes in the *Forestry Act 1991*. Of even

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<sup>10</sup> See further Michael Manning, ‘The Paths to Land Policy Reform in Papua New Guinea and Vanuatu’, in *Making Land Work? Volume Two: Case Studies on Customary Land and Development in the Pacific* (Canberra: Commonwealth of Australia, 2008), pp. 285-305.

<sup>11</sup> M. Papuka, ‘Protocols for Provincial Engagements’, unpublished paper, Magisterial Services, Port Moresby, n.d.

greater concern is the possibility that the lease-leaseback provisions of the *Land Act 1996* may entail the transfer of the economic benefits that usually accrue to landowners under logging, mining, and oil and gas agreements to the holders of SABLs. According to Colin Filer, who has conducted extensive research on the subject, this would “almost certainly provoke an upsurge of rural social unrest and civil disorder”.<sup>12</sup>

The Commission of Inquiry found irregularities and flaws in relation to most of the land that has been leased, however the Government of PNG has been slow in responding to its findings. Prime Minister O'Neill has recently indicated that leases “that have been abused for forestry” will be cancelled or suspended and that cabinet approval will be required for leases over “large parcels of land”.<sup>13</sup> However, at the time of writing the Government of PNG is yet to release an official policy response and it remains to be seen if changes will be made to the *Land Act*.

## **Land Mediation in Theory and Practice**

The resolution of disputes about the use, ownership and boundaries of customary land is generally governed by the *Land Dispute Settlement Act 1975* (hereafter LDS Act).<sup>14</sup>

The LDS Act establishes a system of land mediation that is intended to be “close to the people” and to provide “an avenue for traditional dispute settlement processes to be utilized”.<sup>15</sup> It establishes a system of land mediation that is to be conducted by state-sanctioned Land Mediators. These mediators are intended to have detailed local knowledge of customary land tenure systems, which vary widely from place to place. The administration of the land mediation process is the responsibility of provincial governments. According to data maintained by the Village Courts and Land Mediation Secretariat (VCLMS), there may be around 1200 “permanent” Land Mediators across PNG. This is only an estimate, as the data held by the VCLMS is incomplete and is thought to contain inaccuracies.<sup>16</sup> According to an authoritative source within the VCLMS, there is only one female Land Mediator, who is in the National Capital District. There is, therefore, a strong need for more women as Land Mediators.

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<sup>12</sup> Colin Filer, ‘New Land Grab in Papua New Guinea’, *Pacific Studies*, vol. 34, nos. 2/3 (2011), p. 290.

<sup>13</sup> ‘PNG PM Says He Will Cancel Controversial Land Leases’, Radio Australia, 28 April 2014.

<sup>14</sup> Disputes between members of an Incorporated Land Group are governed by the *Land Groups Incorporation Act 1974*.

<sup>15</sup> Rudolph W. James and Lawrence Kalinoe, ‘Resolving Customary Land Disputes Settlement’, *Melanesian Law Journal*, vol. 43 (2005), p. 5, available at <http://www.pacii.org/journals/MLJ/2005/2.html> [Accessed 29 April 2014].

<sup>16</sup> The number of permanent Land Mediators may have increased since fieldwork was conducted in mid-2003.

Under the LDS Act, a land dispute can come before a Land Mediator via a number of routes. In practice, it seems most common for a person to register a complaint at the district administration office, which then assigns a Land Mediator. It appears that in some cases, a Land Mediator is not being assigned to parties due to a lack of mediators, or due to other factors including a fear of violence associated with a dispute. It should be noted the LDS Act provides that parties to a dispute may approach a Land Mediator directly with a request for mediation. In some instances people may be approaching 'informal' Land Mediators due to a lack of formal, gazetted Land Mediators.

The LDS Act provides that if land mediation is unsuccessful, disputes will proceed to the Local Land Court, with a further right of appeal to the Provincial Land Court. The approach of the courts is intended to be one of arbitration, with an emphasis on mediation and compromise.<sup>17</sup> However, according to a senior law and justice sector official with direct experience of this system, the magistrates who preside over them often adopt adversarial and adjudicative approaches. This particular official believes that these approaches are far more likely to exacerbate land disputes, possibly leading to violence. This is why the Magisterial Service is advocating for amendments to the LDS Act that would make it more difficult for land disputes to enter the courts (see further below).

Although the LDS Act largely replaced the role of the Land Titles Commission (LTC) with that of the Land Courts, the Act provides that the Head of State may still refer disputes to the LTC under particular circumstances. It has become common practice for the Head of State to direct the LTC to hear disputes regarding extractive resource developments on customary land, especially cases that involve the identification of landowners.<sup>18</sup> By 2007, the LTC had heard disputes associated with the Hides and the South-East Gobe oil and gas projects, the Kainantu gold project and the Ramu nickel project.<sup>19</sup> This practice is highly problematic for reasons that are outlined below.

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<sup>17</sup> Ibid.

<sup>18</sup> National Research Institute, *The National Land Development Taskforce Report: Land Administration, Land Dispute Settlement and Customary Land Development*, Monograph 39 (Port Moresby: The National Research Institute, 2007), p. 14.

<sup>19</sup> According to a paper written by an employee of Oil Search PNG Ltd, in the Gobe case no agreement could be reached after ten years and two Land Titles Commission (LTC) investigations. In 2002, the parties "agreed to disagree on the ownership of the land but agreed on a formula to split the accumulated money and the future stream of income ... the money accumulated during the dispute, which amounted to millions of kina, was distributed amongst the 21 ILGs": Willie Kupo, 'Customary Land and the Extractive Resource Industry', in Charles Yala (ed.), *The Genesis of the Papua New Guinea Land Reform Program: Selected Papers from the 2005 National Land Summit*, Monograph 42 (Port Moresby: National Research

Despite the vital role of land mediation in the resolution of disputes regarding customary land, land mediation services have been plagued by institutional uncertainties and ambiguities associated with the *Organic Law on Provincial Governments and Local Level Governments 1995*, as well as other institutional reforms. In 2009, the National Executive Council issued a determination stating that land mediation is a provincial function. However, unlike the system of tied national government payments to the provinces for Village Courts, there are no specific funds allocated to provinces for land mediation. In other words, the cost of land mediation services, in the form of allowances for Land Mediators and administrative and logistical expenses, is not currently funded through the national system of tied grants to the provinces.<sup>20</sup> In the absence of such funding, it is not surprising that the land mediation services mandated under the LDS Act are not being provided in many places.

In some provinces, such as Hela, land mediation has been partially privatised with parties paying up to 1000 kina each for mediation conducted by state-appointed Land Mediators performing their role outside the terms of the LDS Act,<sup>21</sup> or by informal, non-gazetted land mediators. Parties are willing to pay for these services because the stakes are very high in the context of compensation payments associated with extractive resource projects, and all parties are likely to benefit from a mediated outcome.<sup>22</sup> There are reports of similar user-pays land mediation systems operating in East New Britain and Morobe provinces, where they are organised by Village or Ward Committees.<sup>23</sup> In other provinces, such as Eastern Highlands

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Institute, 2010), p. 72. The Ramu landowner determination case has been recently completed following almost six years of deliberations by the LTC: 'Ramu Land Case Ends', *Post Courier*, 7 August 2013.

<sup>20</sup> Note that there is growing support amongst Government of PNG stakeholders for the introduction of two tied grants to the provinces for land mediation: a functional grant and payment for allowances.

<sup>21</sup> For example, a district-level Customary Lands Officer in Hela Province, who was interviewed during fieldwork, said that he frequently assigns up to eleven Land Mediators to mediate disputes over benefits associated with extractive resource projects. He draws upon mix of ad hoc and permanent mediators, but mostly the former as there are only around seven to ten "gazetted" mediators in the district. However, according to a senior law and justice sector officer in Hela, all of the permanent Land Mediators in the province have had their three-year terms lapse and the chair of the Provincial Land Dispute Committee (PLDC) is yet to appoint any ad hoc mediators. In this sense, Land Mediators are being assigned by the state (in the form of the District Administration), but not in accordance with the Act.

<sup>22</sup> A senior law and justice sector officer in Hela Province stated that a disproportionate number of cases before the District Court concern applications for stays and injunctions to prevent other parties from receiving compensation payments from resource companies.

<sup>23</sup> James and Kalinoe, 'Resolving Customary Land Disputes Settlement'.

Province, the provincial government is meeting the cost of land mediation; and in many places Village Courts are filling the gap even though they are only mandated to hear disputes over land use, as opposed to land ownership.<sup>24</sup>

Extractive resource companies often perform their own land mediation activities, sometimes interacting with state actors in the process, especially in cases where their own land mediators have been unable to mediate disputes to the satisfaction of the parties involved. In the case of the oil and gas sector, each resource project developer has a community affairs division that includes a dedicated land section that works on landowner-related issues.<sup>25</sup> According to a paper by an Oil Search (PNG) Ltd employee, the company performs the following activities in relation to land dispute management:

The community affairs division provides mediation services on disputed land claims. When mediation fails ... the company assists the disputing parties to pursue the issue through the formally established procedure defined in the *Land Disputes Settlement Act* ... In some instances, land disputes have ended up in the higher courts.<sup>26</sup>

The under-funding of land mediation services creates difficulties for the courts because the Local Land Court, while presided over by a Magistrate, requires two officially appointed Land Mediators to complete its quorum, at least one of whom should have mediated the case before it was appealed to the Local Land Court. The non-payment of allowances to Land Mediators means that the Local Land Court is often prevented from sitting. The failure to appoint and maintain a full complement of permanent Land Mediators, which is the responsibility of Provincial Land Dispute Committees (PLDCs), also frustrates the effective functioning of the Local Land Court (as well as land mediation services more broadly).<sup>27</sup> A further concern on the part of the

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<sup>24</sup> Note that Village Courts may assign temporary orders about land use when a dispute is pending but are not able to hear cases about land use separately from this.

<sup>25</sup> Kupo, 'Customary Land and the Extractive Resource Industry'.

<sup>26</sup> Ibid., pp. 71-2.

<sup>27</sup> The Senior Provincial Magistrate may also appoint "Ad hoc" Land Mediators. However, neither the Magisterial Service nor the Village Courts and Land Mediation Secretariat (VCLMS) regard this as good practice and it is discouraged by both agencies. PLDCs are essential to the effective functioning of land mediation services in the provinces and districts. According to an informant at the VCLMS, the following provinces did not have PLDCs as at mid-2013: Central, Oro, Enga, Western, Gulf, Madang, West Sepik, New Ireland, West New Britain, Simbu and Western Highlands. Interviews with provincial officials in Tari revealed widely contrasting understandings of the role and composition of PLDCs, indicating a need for training about roles and responsibilities.



Magisterial Service is that “Mediators out-vote the presiding Magistrate, often not on the bases of law, reason or logic, but to serve other expediencies”.<sup>28</sup>

For these reasons the Magisterial Service is seeking amendments to LDS Act that would remove the requirement that official Land Mediators preside alongside Magistrates in the land courts and make it more difficult for land disputes to enter the court system. The draft bill has been put before the Constitutional Law Reform Commission (CLRC) and requires further consultation before it can be tabled in parliament.<sup>29</sup> The Magisterial Service is of the view that land disputes should be resolved at the most local level possible, employing local knowledge and customary principles and approaches. This sentiment was also articulated by the 2007 White Paper on Law and Justice in Papua New Guinea:

justice is best served in the first instance by having an accessible dispute mechanism that is as close as is possible to the dispute and the parties i.e. a local forum, using local languages in a manner that encourages mediation and the preservation of peace and harmony ... Disputes should be resolved with the customary laws of the people being an integral facet of the process, not a residual overlay. Land disputes and customary law are inextricably linked.<sup>30</sup>

The White Paper was more or less in agreement with the National Land Development Taskforce’s (NLDT) (2007) recommendation that a single land court system or land dispute resolution mechanism be established to address the fragmentation of the current system. Both the White Paper and the NLDT called for the abolition of the National Lands Commission (NLC) and the Land Titles Commission (LTC), with their functions to be transferred to a consolidated land court system. Both also affirmed the need for a system that allows land disputes to first be considered at the community level, through a process of mediation and in accordance with customary laws and principles, before proceeding to the court system. However, the White Paper and the NLDT were at variance on the questions of whether an entirely new land court system should be established and the role of the Magisterial Service. While the NLDT called for the “removal of the *Land Settlement Act* from Magisterial Services”, the White Paper rejected the option of establishing a entirely new land court system on the basis that it would potentially be “expensive and remote from the people”, and instead

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<sup>28</sup> M. Papuka, ‘Additional PET Consultation Points—Clarifying the Situation on Land Mediators’ Engagement and Remuneration’, unpublished paper, Magisterial Services, Port Moresby, n.d.

<sup>29</sup> A senior national-level law and justice sector officer attributed the slow progress with this bill to “institutional friction” in the form of vested interests within the Department of Justice and Attorney General (DJAG) who are benefiting from the status quo. According to this informant, the bill was withdrawn from DJAG after three years of inaction, and submitted to the Constitutional Law Reform Commission.

<sup>30</sup> Government of Papua New Guinea, *A White Paper on Law and Justice in Papua New Guinea* (Port Moresby: Government of Papua New Guinea, March 2007).

called for the establishment of a specialist District Court (Land Division) within the Magisterial Service.<sup>31</sup>

It appears that several elements of the preferred option outlined in the White Paper have been implemented. However, a number of important reform agendas remain unaddressed, most notably in relation to the NLC and the LTC. The White Paper called for the abolition of these bodies and the transfer of their functions to the District Court (Land Division), with appeals to the National Court. Their continued operation is highly problematic, especially in light of the state's on-going practice of "opting out" of the LDS Act for extractive resource developments, instead directing the LTC to hear disputes regarding customary land in resource project areas.

As pointed out by the NLDT, a critical issue with the LTC is its lack of independence in accordance with the doctrine of the separation of powers.<sup>32</sup> Both the LTC and the NLC are quasi-judicial tribunals, located within the Department of Justice and Attorney General (DJAG). This means that the commissioners are subject to administrative control by the Minister and lack the independence of judicial office holders. Moreover, only the most senior commissioners are required to hold formal legal qualifications. In 2000 the National Court set aside a decision of the LTC in respect of the South East Gobe customary land dispute on the basis that the Commission had exceeded its jurisdiction and had failed to be fair and impartial, with one of the commissioners singled out for biased actions.<sup>33</sup> According to a knowledgeable insider, commissioners get paid very large allowances to sit on the LTC, which physically convenes at the location of the dispute, meaning that it is in the interests of commissioners to prolong deliberations and in the broader interests of DJAG to retain the LTC. These incentives contribute to the "institutional friction" that, in the view of this informant, is preventing the implementation of the reforms laid out in the 2007 White Paper.

## **Land Mediation and Mediation Approaches to Inter-group Conflict**

Land disputation and tribal fighting are closely linked, making it worthwhile to look at District Peace Management Teams (DPMTs), which appear to have been extremely successful in reducing tribal fighting in Eastern Highlands

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<sup>31</sup> Ibid.; National Research Institute, *The National Land Development Taskforce Report*, pp. 73-85.

<sup>32</sup> National Research Institute, *The National Land Development Taskforce Report*, pp. 73-85.

<sup>33</sup> Lawrence Kalinoe, 'Customary Land Dispute Settlement', in Charles Yala (ed.), *The Genesis of the Papua New Guinea Land Reform Program: Selected Papers from the 2005 National Land Summit*, Monograph 42 (Port Moresby: National Research Institute, 2010).

Province. DPMTs have been operating in this province since 2007, and tribal fights have decreased from a baseline of eighty-four fights in 2007, to four fights in 2010, with two 'active' fights as at April 2013 (according to provincial government data). The success of the DPMTs can be attributed to a number of factors.

The first important factor is their composition, which differs from place to place but variously includes provincial and district officials, local level government presidents, police, village court officers, Land Mediators, NGOs and community and church leaders. There are women on the DPMTs in Goroka and Unggai-Bena districts. The DPMTs are usually chaired by, and work under the supervision of, the District Administrator. This diverse membership reflects an understanding of the importance of adopting a cross-sectoral approach towards tribal fighting: a recognition that a range of both state and non-state actors must be involved if tribal fights are to be successfully mediated.

Secondly, the provincial administration has explicitly acknowledged the close interrelationship between land disputes and inter-group fighting. This relationship is borne out by district-level data on land disputes, land mediation and tribal fighting that is collated by the provincial administration on a quarterly basis. Land disputes are the main cause of tribal fights in Eastern Highlands Province, followed by sorcery (which is said to be often used as a ruse for underlying land disputation). The province has recognised the relationship between land disputes and tribal fights and, with the assistance of an Australian aid funded program, has invested heavily in the appointment and training of Land Mediators and in the regular collection and analysis of district-level data on land disputes and mediation. Eastern Highlands Province is one of the few provinces that pays allowances to Land Mediators on a regular basis. Informants in Eastern Highlands Province noted effective land mediation services are required not only to prevent land disputes from escalating into inter-group violence, but also to deal with land-related tensions caused by the fighting itself. Once a cease-fire is agreed upon, village courts and Land Mediators attend to the litany of disputes that must be resolved if a lasting peace is to ensue.

Thirdly, in terms of funding, DPMTs have been supported by a combination of provincial government, district, PNG-Australia Law and Justice Partnership, and District Support Improvement Program (DSIP) funding. The current MPs for Kainantu, Henganofi and Unggai-Bena districts have been especially proactive in supporting the activities of the DPMTs in their respective districts. During fieldwork a visit was made to the new District headquarters at Lahame in the Bena area. The MP for Unggai-Bena, Benny Allan, is currently serving his third consecutive term and, since first taking office in 2002, he has prioritised the resolution of tribal fighting as a prerequisite for restoring service provision in the district. It appears that he has consistently provided DSIP funds to support the work of the DPMT and

acknowledges the critical role of the provincial government in supporting peace-making activities. An important break-through in the peace process occurred in 2008 and 2009 when the churches formed the 'Pastors' Inter-denominational Peace Council' which has subsequently worked alongside the DPMT.<sup>34</sup>

After ten years of peace-making efforts, seventeen long-running tribal fights have been successfully brought to an end in the Bena valley. A major peace ceremony was held in 2011, involving compensation, gift-exchange and the signing of peace agreements. This is commemorated annually at 'Peace Hill', which stands as permanent memorial of the peace process and the fighting that preceded it. With the advent of peace in the Bena valley, government services to the area have been restored. The new District HQ—replete with a well maintained road link to Goroka (and plans to extend it to Ramu), mains electricity, staff housing, administrative offices and a clinic—stands as a testimony to what a proactive MP can achieve with the assistance of DSIP funds and strong linkages to a relatively functional provincial administration.

## **Research, Policy and Programmatic Agendas**

At the start of the article we made three interrelated points: local level disputation over land and natural resources appears to be increasing throughout PNG; these local-level conflicts have the potential to scale-up into more widespread armed conflicts that can threaten both national and regional security; and, therefore, the effective and timely resolution of land disputes is a critical public and security policy issue for both PNG and Australia. Having considered the state of land mediation services in theory and practice, we conclude the paper by mapping out some priorities for analytical work, as well as programming and policy interventions.

In light of the political economy context noted above—sensitivities around the current land reform process, “institutional friction”, and the Commission of Inquiry into abuse of the SABLs—we explicitly acknowledge that land mediation is a very contested public policy space in PNG. This makes it especially important that policy debate and formation is informed by a solid evidence base and, with this in mind, we suggest the follow agenda for analytical work.

First, relatively little is currently known about the ways in which disputes over customary land are being addressed in practice. There is a need for further work in this area, including research into the different ways in which women and men access land mediation services. There is also a need for further information on the participation of women and men in agreement-making regarding extractive industries. Research of this nature is of critical

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<sup>34</sup> Field notes.

importance in light of the well-known gendered and generational dimensions of conflict over land and natural resources.

Second, there is a need for further analytical work on private sector engagement in land mediation. Private sector actors, particularly in the extractive resource sectors, have very specific security requirements, which, in a context such as PNG, the state often struggles to meet. In practice, security services around extractive projects—mine sites for example—are co-provided by the state and the private sector. At present very little is known about private sector engagement in land mediation, and this may be an area in which both state actors and aid donors could engage or partner with companies. Examining success stories such as the West New Britain oil palm experience, where three decades of migration and settlement on customary land have occurred in a relatively peaceful fashion, might provide lessons that could be applicable elsewhere.

Third, there is a need for a deeper understanding of how land disputes are managed in urban and peri-urban settings, particularly in informal settlements. And, finally, there is a need for detailed analysis of the potential social impacts of the NLDP and the current SABL 'land grab', particularly in relation to their likely impact on disputes and conflict in rural areas.

In relation to suggestions for programmatic and policy interventions, support could focus on the key national agencies with responsibility for land mediation—notably the Village Courts and Land Mediation Secretariat as well as the Magisterial Service—with a view to institutionalising devolved funding for land mediation services. Support to the VCLMS could include the establishment of a database of Land Mediators and Land Mediation Areas and Divisions; and support for increased involvement of women as Land Mediators. Measures targeting the increased involvement of women may be particularly viable in matrilineal areas where there may be less resistance to the participation of women in land mediation. Training for land mediators—including gender-sensitivity training—should also be supported.

Programmatic support could be provided to selected provinces, in conjunction with the Magisterial Service, VCLMS and the Department of Provincial and Local Level Government Affairs, to assist with the strengthening of land mediation services within provincial governance structures. This could include support for the establishment of Provincial Land Dispute Committees; the coordination of law and justice sector agencies at provincial and district levels; and the clarification of roles and responsibilities among various officials at different levels. It is essential that land mediation interventions coincide with efforts to strengthen the sub-national governance structures in which they are embedded.

Important lessons for land mediation can be learned from the DPMTs of Eastern Highlands Province, which appear to have been successful largely

because they have been able to draw together a range of state and non-state actors, and develop strong linkages between local level government, district and provincial governance structures. For this reason, models such as the DPMTs cannot be easily transplanted into new locations, and they require the support of advisors with a deep knowledge and understanding of the contexts in which they are operating.

This means that flexibility needs to be built into the national policy framework on mediation approaches to land and conflict. A rigid one-size-fits-all approach is destined to fail in a context as diverse as PNG, and interventions need to be tailored to suit local socio-political, administrative, and cultural circumstances. Land mediation should be seen as a hybrid institution in the same sense that the Village Courts are hybrid institutions: they are resourced and sanctioned by the central state, but inhabited by lay persons who are well-versed in local customary law and practice, and are seen by their communities as legitimate arbiters of justice. Appropriate support for land mediation could potentially replicate the successes of the Village Courts, serving not only to provide effective land dispute resolution services but a means to extend the functional authority and reach of the state into rural areas.

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# **“We only Get the Daylight Hours”: Gender, Fear and ‘Freedom’ in Urban Papua New Guinea**

Ceridwen Spark

Traditional discussions of security are state-centric and ignore individual experience. Presenting a counter-perspective, this article extends existing literature about violence and insecurity by representing the perspectives of those for whom security is a daily concern: young educated Papua New Guinean women living in Papua New Guinea's towns and cities. Drawing on thirty interviews conducted between 2007 and 2013, I explore how young women in Port Moresby and Goroka talk about violence and insecurity. The article highlights the frustration they experience because of their limited mobility and the ways they are forced to manage their sense of security in these contexts.

Papua New Guinean women are constrained by fear on an everyday basis. In cities and towns, fear affects women who work at the markets, women commuting to work or accompanying children to school; and not least, women who sell sex.<sup>1</sup> It also affects girls. Indeed, “high levels of sexual violence in [PNG] have also been found to be a key factor affecting enrolment because girls are at risk of such violence while travelling and at school”.<sup>2</sup> In conversations with women in Papua New Guinea, these issues are raised repeatedly, as is evident in the following quotations:

Rape in the cities is ... really really bad. This is the scariest place to live a life. I think it's the scariest city to live in the whole world and the crime rate's really bad.<sup>3</sup>

Women are second-class citizens because we only get the daylight hours.<sup>4</sup>

The 2009-2010 Household Income and Expenditure Survey confirms the gendered nature of insecurity in PNG.<sup>5</sup> Nationally, 54.9 per cent of women

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<sup>1</sup> Holly Wardlow, *Wayward Women, Sexuality and Agency in a New Guinea Society* (Berkeley: University of California Press, 2006).

<sup>2</sup> United Nations Girls Education Initiative, *School-related Gender Based Violence in the Asia Pacific Region* (Bangkok: United Nations Educational Scientific and Cultural Organization, 2014), p. 17.

<sup>3</sup> Jennifer, interview with author, 9 December 2007. All women are referred to using pseudonyms with the exception of Jacqueline Joseph who chose to be identified because of her role with Rugby League Against Violence.

<sup>4</sup> Sue, interview with author, 30 November 2007.

fear walking in the night compared with only 30 per cent of men.<sup>6</sup> Furthermore, women are more than twice as likely as men to avoid walking and shopping in the markets because of fear of assault and robbery.<sup>7</sup> There are two or three reports of sexual violence in the Port Moresby markets every day and 55 per cent of women in Port Moresby reported an experience of sexual violence in the market places during a twelve-month period.<sup>8</sup> While some commentators have suggested that men are more prone to other forms of assault, the data reveals that men and women are equally likely to report experiencing assault, stealing, robbery, and drug and alcohol related crimes.<sup>9</sup> Fear is especially pronounced among women under the age of thirty-one who are living in urban areas.<sup>10</sup> While domestic violence in PNG is well documented and discussed, public violence is a largely neglected issue that receives relatively little attention by comparison. The 'Safe Cities' project, a United Nations global initiative that focuses on enhancing women's safety in the market places of Port Moresby constitutes one exception to this neglect.

Women's experiences of insecurity in PNG are necessarily understood through reference to a broader context of insecurity. Not yet forty years old, 'the state' in PNG has a limited capacity to influence and govern. Commentators generally agree that while concerns about security in PNG were noted before Independence they have since intensified.<sup>11</sup> Rapid changes associated with the introduction of the cash economy and formal labour market and the impacts of globalisation co-exist with traditional clan-

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<sup>5</sup> National Statistical Office, *2009-2010 Papua New Guinea Household Income and Expenditure Survey* [henceforth *PNG HIES*] (Port Moresby: National Statistical Office, 2010).

<sup>6</sup> *Ibid.*, p. 138.

<sup>7</sup> *Ibid.*

<sup>8</sup> UN Women, 'Safe Cities Global Initiative', <<http://www.unwomen.org/en/what-we-do/ending-violence-against-women/~media/44F28561B84548FE82E24E38E825ABEA.ashx>> [Accessed 27 May 2014]; UN Women, 'Safe Cities: Port Moresby, Papua New Guinea 2012', YouTube, 23 August 2012, <<https://www.youtube.com/watch?v=NRrGDERE3CI&noredirect=1>> [Accessed 27 May 2014].

<sup>9</sup> Vicki Luker and Sinclair Dinnen (eds), *Civic Insecurity: Law, Order and HIV in Papua New Guinea* (Canberra: ANU E Press, 2010), p. 21; National Statistical Office, *PNG HIES*, p. 137.

<sup>10</sup> National Statistical Office, *PNG HIES*, p. 137-8.

<sup>11</sup> Luker and Dinnen, *Civic Insecurity*; Hank Nelson, 'Perspectives on Crime and Blame', in B. Boeha and J. McFarlane (eds), *Australia and Papua New Guinea: Crime and the Bilateral Relationship* (Canberra: Australian Defence Studies Centre, 2000), pp. 280-9.



based on ethnic loyalties and frictions, including conflict over land-use.<sup>12</sup> The disparate threads that make up the social fabric of daily life, including rapid population growth and "a steadily urbanizing, youthful society ... disconnected from the social anchors of traditional authority structures" affect the daily experience of insecurity.<sup>13</sup>

Paradoxically however while 'security' has tended to be discussed in relation to the threat unstable states may pose to neighbouring countries, those for whom matters of personal security are a daily concern are frequently excluded from discussions about security. Globally, traditional security discourse tends to be masculinist and state-centric, focused for example on transnational crime, policing borders and ever vigilant about the prospective emergence of local terrorist cells.<sup>14</sup> Such discussions occlude human-centred understanding of how violence actually plays out in everyday interactions. By ignoring individual experiences of security, the mainstream security literature also dismisses the importance of context, human agency and identity, all of which are integral to 'bottom up' definitions of security that articulate victimisation and agency as two parts of a reality that must be addressed in concert, rather than as opposites.<sup>15</sup>

Alongside the mainstream literature on security and serving as a counterpoint to it, is a growing body of feminist research that examines issues of human security from a gendered perspective. This includes work on gender, peace and conflict, which considers peace from a gendered perspective as well as work on gender and political economy.<sup>16</sup> Such writing offers new ways of thinking about the utility of gender approaches to debates about human security, including the importance of documenting resistance as enacted by women who live in insecure contexts. As Hoogensen and Stuvoy, for example, note:

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<sup>12</sup> John Frankel, 'Myths of Pacific Terrorism', in J. Henderson and G. Watson (eds), *Securing a Peaceful Pacific* (Christchurch: Canterbury University Press, 2005), p. 120.

<sup>13</sup> Greg Watson, 'Conflict Overview', in J. Henderson and G. Watson (eds), *Securing a Peaceful Pacific* (Christchurch: Canterbury University Press, 2005), p. 453.

<sup>14</sup> See Linda Basch, 'Human Security, Globalization and Feminist Visions', *Peace Review*, vol. 16, no. 1 (2004), pp. 5-12; Gunhild Hoogensen and Kirsti Stuvoy, 'Gender Resistance and Human Security', *Security Dialogue*, vol. 37, no. 2 (2006), p. 211.

<sup>15</sup> *Ibid.*

<sup>16</sup> Jacqui True, *The Political Economy of Violence Against Women* (New York: Oxford University Press, 2012); Aili Mari Tripp, Myra Marx Ferree and Christina Ewig, *Gender Violence and Human Security: Critical Feminist Perspectives* (New York: New York University Press, 2013); Cynthia Cockburn, *Antimilitarism: Political and Gender Dynamics of Peace Movements* (Hampshire: Palgrave Macmillan, 2012); J. Ann Tickner, *Gender in International Relations: Feminist Perspectives on Achieving Global Security* (New York: Columbia University Press, 1992).

Gender theory claims that security must be linked to empowerment of the individual, as well as to the capabilities to create positive environments of security. ... Practices of resistance ... are present in all social contexts. Such a perspective on security directs attention to the practices of agents and provides a basis for exploring contextually dependent insecurities and securities.<sup>17</sup>

Arguably, an ethnographic approach is the best way to illustrate both the 'contextually dependent' nature of security and insecurity and the ways in which resistance and agency are practised.

This article extends existing literature about violence and insecurity by representing the experiences of those for whom personal security is a daily concern; young educated Papua New Guinean women in PNG's towns and cities. My ethnographic analysis of local Melanesian women's experiences of personal 'security' is intended to challenge and augment traditional state-based security thinking, which dismisses the experiences of those for whom security in PNG matters most. Drawing on thirty interviews conducted between 2007 and 2013, I explore how twenty- to thirty-year-old women living in Port Moresby and Goroka talk about violence and insecurity. Highlighting the frustration they experience because of their limited mobility and the ways they are forced to manage their sense of personal security in these contexts, I demonstrate the importance of focusing on the lived experience of personal insecurity in discussions about security in PNG.

This 'bottom up' perspective echoes the approach taken in much feminist work on human security. Offering valuable insights on questions about which feminists working in international relations, peace and conflict and security studies are well aware, but which conventional security scholars continue to ignore, the article emphasises the unique value of ethnographically informed analysis. Bringing grounded evidence to a discussion that is all too often characterised by abstract debate, the article builds on feminist critiques of security studies while emphasising the benefits of ethnographic analysis for understanding security in the daily lives of women.

Heeding the voices of these women also enables us to see how women employ their (albeit constrained) agency to navigate their insecure lives. As feminist critiques have highlighted, such local survival strategies are not visible when a gender-blind, state-centred security approach is adopted and when violence and female agency are referred to only in abstract terms. Illuminating these strategies may enable the development of more effective approaches to personal security than have hitherto been articulated in this context.

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<sup>17</sup> Hoogensen and Stuvoy, 'Gender Resistance and Human Security', p. 207.

## A Note on Class

For the purposes of this article, which focuses on the experiences of educated, employed women living in Port Moresby and Goroka, it is important to note that 'class' affects experiences of fear and insecurity. Deborah Gewertz and Fred Errington discuss the emergence of class in PNG against the backdrop of a country with a long history of egalitarianism.<sup>18</sup> Although their pioneering study is not yet twenty years old, the construction of social groups along class lines is by now firmly entrenched in PNG. Despite their blunt nature, categories such as 'elites' and 'grass roots' have become part of everyday vocabulary. Indeed, as John Cox notes:

it is common to hear the term 'elite' applied to almost anyone who has completed their secondary education. This loose popular usage includes many who are not at all 'elite' in the sense of being wealthy, politically powerful or culturally sophisticated.<sup>19</sup>

The idea that education confers privilege is widespread, despite the obvious limitations of such assumptions in a context in which only one in eight school leavers gain employment.

The young women whose perspectives are represented in this research are tertiary-educated, urban-dwelling and employed. As such, they constitute what many in PNG refer to as middle class 'elites'. Yet "[s]implistically categorising the PNG middle class as 'elite' fails to capture their experience of economic precariousness".<sup>20</sup> The women whose perspectives are represented here enjoy only moderate levels of privilege. Most live at home with their parents, siblings and in some cases other family members. Only a few own cars and most contribute a significant portion of their income to the households in which they live, helping to cover education costs for younger siblings and other relatives or both. Like their wage-earning parents before them, these young women are regularly called on to contribute to the costs of weddings and funerals. While most express a desire to pursue individual goals such as further study or buying a house, the requirement to share their income with others and the high cost of living, particularly in Port Moresby, mean that, for most, such aspirations are unlikely to be realised, at least in the short term.<sup>21</sup> While some of the women may rise through the ranks to

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<sup>18</sup> Deborah B. Gewertz and Frederick K. Errington, *Emerging Class in Papua New Guinea: The Telling of Difference* (Cambridge: Cambridge University Press, 1999).

<sup>19</sup> John Cox, "Grassroots", "Elites" and the New "Working Class" of Papua New Guinea, SSGM Discussion Paper 2014/6 (Canberra: ANU Research School of Pacific and Asian Studies, State, Society and Governance in Melanesia Program, 2014).

<sup>20</sup> Ibid.

<sup>21</sup> For a discussion of middle class women see Martha Macintyre, 'Money changes Everything: Papua New Guinean Women in the Modern Economy', in M. Patterson and M. Macintyre (eds), *Managing Modernity in the Western Pacific* (St Lucia: University of Queensland Press, 2011).

wield more influence in the future, their youth, gender and status as recent university graduates mean that they possess only a limited capacity to exert personal or institutional power in the present. Among those with whom I have spoken, the majority are the children of earlier generations of educated public servants who populated various government departments, schools and hospitals in the 1980s. Thus while they would be construed as 'privileged' in comparison to the majority of Papua New Guineans, it is erroneous to describe these young women as 'elites' with all that this over-utilised term entails.

Nevertheless, when 'middle class' women travel or walk to work or go shopping in the markets of Goroka or Port Moresby, their clothing marks their privilege and difference from the majority of Papua New Guineans. There is ample anecdotal evidence to suggest that this difference may make them particularly vulnerable to various forms of assault.<sup>22</sup> As I have argued elsewhere, the antagonism directed against young educated women reflects the insecurities of men and women in PNG who feel themselves to be disenfranchised from power.<sup>23</sup> Construed as traitors to their sex for transgressing their gender roles, educated women, especially those who are single, are susceptible to abuse, including violence in the streets, markets and on buses. Such antagonism needs to be understood through reference to class as well as gender inequities.

This article explores some of the particularities of young 'middle-class' women's vulnerability in order to gain insight into the factors that underpin and permeate how personal security is experienced and threatened in PNG. Focusing on this group enables unique insight into the experiences of a small but significant group who, because they are simultaneously privileged and marginalised, have tended to be invisible to researchers. There are various ways to explain this gap in the literature. Firstly, because tertiary educated professional women in PNG are in a minority, research and writing about them is not seen as a priority. Another related reason is that focusing on such relatively privileged women constitutes what anthropologist Laura Nader calls 'studying up', a focus about which many researchers are wary

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<sup>22</sup> Laura Zimmer-Tamakoshi, 'Nationalism and Sexuality in Papua New Guinea', *Pacific Studies*, vol. 16, no. 4 (1993), pp. 61-97; Laura Zimmer-Tamakoshi, 'Wild Pigs and Dog Men: Rape and Domestic Violence as Women's Issues', in C. Bretell and C. Sargent (eds), *Gender in Cross-Cultural Perspective* (New York: Prentice Hall, 1997), pp. xx; Richard Eves, 'Exploring the Role of Men and Masculinities in Papua New Guinea. How to Address Violence in Ways that Generate Empowerment for both Men and Women', Report for Caritas Australia, Alexandria, 2007; see also Gewertz and Errington, *Emerging Class* and Wardlow, *Wayward Women*.

<sup>23</sup> Ceridwen Spark, 'Gender Trouble in Town: Educated Women Eluding Male Domination, Gender Violence and Marriage in PNG', *The Asia Pacific Journal of Anthropology*, vol. 12, no. 2 (April 2011), pp. 164-79.

because they may be accused of class bias.<sup>24</sup> Yet, many among those I have spoken with have benefited from overseas education and other training opportunities. As such, they may be better equipped than their less educated counterparts to make change and so it is important to understand the ways in which they continue to be constrained despite their international connections and exposure to global perspectives on issues such as human rights and gender equality.

## **Independence and Vulnerability**

In 2007, I interviewed Eare in Goroka. She was twenty-five years old and had recently returned to PNG for the first time since leaving for secondary school in New Zealand at the age of fifteen. A year earlier Eare had completed her tertiary studies in Australia and subsequently gained employment at a government institution in Goroka. Having grown up in Port Moresby and then travelled to New Zealand and Australia on various education scholarships, this was Eare's first experience of living in PNG away from family.

When I met them, Eare and her three colleagues were living in cramped conditions in a tiny house provided by their place of employment. The young women had moved there after a frightening ordeal in which a group of men had tried to break into their previous house in North Goroka. During this terrifying experience, the security chain on the door was all that held the would-be attackers at bay. Through the crack in the door, one of the women bashed the men's hands with a shoe, while shouting at them that the police were on their way. Her brave act seemed to play a role in deterring the men who gave up and left shortly after she began to retaliate.

At the time of the attack, all the women in the house were single, educated and employed. As discussed above, in PNG, this combination makes women vulnerable to the charge of being *bik hets* (arrogant, show-offs). It also means Eare and her colleagues were seen as demonstrating a level of independence from men that is viewed as inappropriate for women.<sup>25</sup> Having come to Goroka for work, all the women were living away from their families and as such, were perceived as vulnerable by virtue of having no male kin to defend them. One can only surmise that in the eyes of their attackers, they were 'asking for trouble'.

Maggie Cummings' observations about the meanings of trouble (*trabol*) in Vanuatu are pertinent here. Cummings writes: "*Trabol* is a catch-all term for the social ills associated with rapid urbanization and modernization; it is also

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<sup>24</sup> Laura Nader, 'Up the Anthropologist: Perspectives Gained from Studying Up', in Dell H. Hymes (ed.), *Reinventing Anthropology* (New York: Pantheon, 1972).

<sup>25</sup> Wardlow, *Wayward Women*.

a euphemism for sexual assault and violence”.<sup>26</sup> In the case of Eare and her friends, it was precisely their independence, their evident refusal to be “under the legs of men” that rendered them vulnerable.<sup>27</sup>

Before the attack, the young women had experienced increasing levels of verbal, sexualised abuse in the street outside their home. Afraid for their safety, they asked their workplace to provide alternative accommodation. They were construed as demanding and so were belittled and ignored. After the attack, when the young women again sought support from their workplace, several senior staff in the organisation, including both men and women, suggested that Eare and her housemates were to blame. For instance, Eare says they were told:

to rethink our clothing choices and that wearing a meri-blouse wasn't so bad because it diverts the attention to others who are perhaps wearing more revealing clothes. And mind you, we never wore jeans. I think the closest I came to wearing jeans was loose fitting pants, but even so, this apparently was inappropriate unless we wore big tops or meri-blouses to cover our bottoms.

Despite their significant concessions to local conservatism—i.e. “the closest” Eare came to wearing jeans was “loose fitting pants”, it was the women and their clothes—and not the men who terrified them in their home—who were perceived as being to blame for the attack. This response demonstrates that men who administer ‘trouble’ will not necessarily be seen as acting outside societal norms. Conversely, women who ‘display’ autonomy through their clothing, behaviour or obvious financial independence are perceived as ‘asking for it’.

The link between clothing and vulnerability is also highlighted in the following account:

In Port Moresby, I have had experiences ranging from incidents of bag-thefts and attempted pick pocketing in buses as well as waiting at bus stop areas or walking from bus stop areas. I was once held-up at knife-point by group of boys demanding for my bag and money, and have being on the receiving end of uncalled for heckling, jeering and name-calling either because of the way I was dressed or just because I was a female walking passed a group of guys. I deal with this by ignoring all and walking by as though I have heard nothing. I have witnessed women and girls dressed differently to ones in meri-blouses and lap lap or oversized outfits getting heckled and insulted, sometimes abused verbally in Port Moresby.<sup>28</sup>

Class tensions and a hatred of *meri universiti* as symbols of “all that is wrong with contemporary Papua New Guinean society” only exacerbate the

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<sup>26</sup> Maggie Cummings, ‘The Trouble with Trousers’, in R. Eves and L. Butt (eds), *Making Sense of AIDS: Culture, Sexuality and Power in Indonesia* (Honolulu: University of Hawaii Press, 2008), p. 145.

<sup>27</sup> Wardlow, *Wayward Women*.

<sup>28</sup> Vera, personal correspondence with author, 31 March 2014.

widespread belief that women like Eare and her colleagues *deserve* to be punished because they are betraying societal expectations that women should be subservient to men.<sup>29</sup>

## **Strategies for Survival**

One way some young women seek to diminish threats to their personal security is by forming a partnership. However, high rates of domestic violence in PNG mean that forming a heterosexual partnership in no way eliminates the threat to personal security (consequently many young women now avoid marriage).<sup>30</sup> However, there are some instances in which relationships can provide a form of protection against violence by strangers. This was certainly the case for twenty-eight-year-old Sue.

Sue worked in Goroka at the same organisation as Eare. When I spoke with her in 2007 she explicitly addressed the difference between her own experiences as a newcomer to Goroka and those of Eare and the other young women who had been attacked in their home. Sue spoke sympathetically about the way Eare and her friends were treated by their workplace while pointing out that as single women they were anomalous in PNG society:

It's hard to remain single in Papua New Guinea. ... when you're a single woman, there's sort of no male attached to you, especially if you are living away from home. And sometimes women who are single are more vulnerable than women who are in a marriage relationship. And I mean vulnerability in that sense that you have no one to stand behind you if anything happens.

Sue illustrated the protection her relationship provided, comparing her experiences as a single woman in Goroka with her experiences after meeting John, her partner, who was from Goroka and whose family lived nearby:

My relationship with John gives me another family and with that family comes protection, people to speak on my behalf if anything goes wrong, people who will support me. You know, like for example when I was still single I was, I had my bag snatched outside of Best Buy and it was one of those ... it was really horrific, I was ... I was crying, I went to the police station all by myself, I had absolutely no support. But if something like that happened now, John's whole *hauslain* [extended family] would be behind me. The security and the sense of support that comes with a relationship, it's different.

Sue's words indicate the ongoing significance of adult women's relationships with their families, particularly male partners or kin.

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<sup>29</sup> Zimmer-Tamakoshi, 'Wild Pigs and Dog Men', pp. 555-6.

<sup>30</sup> Spark, 'Gender Trouble in Town'.

Young women also seek to manage their personal security by communicating through their modest deportment and silence that they are not being 'disrespectful', particularly towards men. Bernadette who lives in Goroka, describes her strategies below:

Another thing that I do whenever I'm in public places is that if I hear people, guys especially whistle or say things to get my attention, I never respond in a way that would disrespect them. I just pretend not to hear anything and I keep (brisk) walking. I know in the back of my mind that sometimes these guys may be on drugs. Also it's a small town, they know my routine and where I walk so if I annoy them, they might kidnap me and rape me (seriously ... it happens) (Bernadette, 25 years, student, Goroka).

As Bernadette's account demonstrates, any perceived "disrespect" on her part puts her at risk of punishment by rape. This powerfully exemplifies the link between ideas about how women should behave and men's attempts to control this behaviour through the threat or enactment of violence.

When they do venture into public spaces such as the street, markets or to catch buses, young educated women feel vulnerable because of their visible difference from other Papua New Guinean women and because of the widespread vilification of women who are perceived as 'elite' by virtue of their education or employment.

Because of this, these women endeavour to protect themselves by walking with others when they do go into the streets and markets. They also rely on lifts from friends and relatives, catching taxis or, where possible, using work cars rather than taking the bus. As a consequence of being robbed at knifepoint near a bus stop, Vera no longer catches the bus. She says:

I have avoided that at all costs. I will not venture out even to the shops if I do not have transport. My taxi drivers are limited and I have been the using the same two drivers since 2005 and where required I ask them to accompany me past a crowded public areas, especially entrances to offices in Port Moresby. I will not wait outside an office building even in the downtown area of Port Moresby if a taxi driver is not within the vicinity of where I am. I do not walk anywhere in POM unless in the company of an adult male relative or a large group of relatives.

Another strategy young women use to protect themselves is waiting in hotel lobbies or at shopping centres for family members to collect them. For example, Bernadette says:

I make it my business to always be home by 4:30pm, no later than 5pm. If I'm running late, I wait at the Bird of Paradise [Hotel] and call for one of my family members with a car to come pick me up.

Hotel lobbies and shopping centres are staffed by security guards who decide whether or not approaching Papua New Guineans 'qualify' to get in. Their decisions are based on appearance. The access educated women have to these secure spaces derives from class-based judgements about



their status as educated professionals. The women who sell *bilums* at the market outside the Bird of Paradise hotel in Goroka or the Holiday Inn in Port Moresby, for example, would not be allowed to wait inside the lobbies of these hotels. Even being collected by a family member involves a degree of privilege for there must be enough money in the family to own and maintain a car and purchase petrol.

## **Public Violence and Powerlessness**

In this section, I explore young women's accounts of 'everyday' violence in Port Moresby and Goroka. For the most part, the young women related stories about instances of public violence they had witnessed, rather than ones in which they were the victims. This suggests that despite their increased vulnerability when they do venture out, middle-class women may, by virtue of some of the strategies described above, be better positioned to protect themselves from some forms of public violence than their 'grass-roots' counterparts. Highlighting the gap between these young women's ideas about and invocations of human rights discourses and the state's capacity to uphold these rights, I endeavour to contextualise and explain why young women often feel powerless to make change despite the anger they feel about their own and other women's vulnerability.

When I met her in 2007, Glenys was twenty-three and had just completed her law degree at the University of Papua New Guinea. She expressed her desire to specialise in international law and human rights, describing how painful it is to hear and see other women getting beaten up, whether they are her neighbours or in the street:

The person we share the same fence with, yeah he was just beating his wife up like and he was just like, ahh it really got to me and the next night, the neighbour next to him was doing the same thing to his wife and then I see it like, not only in the houses but you see it in the streets. People just do it in public and two weeks ago I was walking home and this guy he just stops the car and he started beating his wife and she was carrying a toddler, a baby and he just started really like smacking her up with the kid, the kid was screaming and then I was like, man, tears were coming to my eyes and like oh my gosh, how can men do this, animals, worse than animals, animals don't do that.

Other young women also discussed public violence they had witnessed. Cindy, an honours student in Port Moresby said, for example: "a family friend of ours ... her boyfriend hit her at Ela Beach in view of everybody, no-one came to her aid, everyone turned a blind eye", while Jennifer, also from Port Moresby, described an incident in which a woman at the bus stop "got smacked in the mouth and then he started beating her up" and "no one did anything". The young women tended to depict themselves as powerless in the face of these public acts of violence. Some feel guilty about their inaction, including Veronica, who worked as a human rights officer in a non-government organisation in Port Moresby. Veronica said she was

“disappointed in [her]self” for not speaking up when a woman in the street was being verbally abused. Veronica says that the victim was herself declaring her ‘rights’ while being shouted at to shut up. Such moments highlight the anomalous nature of such invocations in the face of the state’s limited capacity to uphold these rights.

Below, I consider three accounts of public violence as described by Beth, a 26-year-old woman who lives and works at an international non-government health agency in Port Moresby. Her accounts reveal that educated Papua New Guinean women appeal to abstract notions of human rights in their descriptions of, or responses to violence. Paradoxically, however, personal security challenges are more likely to be mediated through other means, including personal and local networks that have little to do with women’s status as global citizens.

Beth told me the following story in order to explain why she no longer gets the bus:

One time I was catching the bus and this woman was fighting, he was bashing the wife up, in the bus. No one did anything they were just looking at the man and he was holding this very long knife just doing this to her at the back [gestures thrusting with the knife]. I was like “oh my god this is not happening!” I stood up in the bus ... I told him “you have no right to bash her, wife beating is a crime and you will be jailed if she brings you to the police station” and no one supported me. I got up and I told all these guys in the bus “look you guys you’re just sitting down doing nothing shame on you, you know that wife beating is a crime, that’s a law, that’s a policy that you know men are not allowed to”.

For all her bravery, Beth’s words, “wife beating is a crime, ... a law ... a policy” depend for their discursive power on a functioning “culture of legality”.<sup>31</sup> In the absence of this culture and the mechanisms it would enable, there is a disturbing predictability about what happens next. Though Beth tried to exhort the driver to take the man to the police station, the driver instead threw both Beth and the female victim off the bus saying that it was a “family matter”. At this point, Beth, unsupported in her attempts to protect the woman, encouraged her to go to the police station and report the attack. Beth seems to have been motivated by a profound sense that women have a right not to be beaten—a position many on the bus, including the driver, appeared not to share.

Another time Beth “rescued” a woman who was running down the street because the woman was being chased by a man with a gun. Beth, who was working for an international aid agency at the time, was in a work car and told the driver to stop and pick the woman up. When Beth asked her where

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<sup>31</sup> Jean Comaroff and John L. Comaroff, *Law and Disorder in the Postcolony* (Chicago: University of Chicago Press, 2006), p. 34.

she wanted to go, the woman requested to be taken to her family. Beth did this but on dropping her off, told the woman:

Go to the police and report the matter. And don't allow him to abuse you and chase you around with the gun. I mean you are a human being! Why would he be treating you like that? You're not an animal.

Both this story and the incident on the bus reveal Beth's reiteration of global human rights narratives and her apparently strong belief in the power of the state to ensure women's personal security. Nevertheless, when women turn to the arm of the state, namely the national police force, they experience the same prejudices that they experience in their communities while simultaneously coming face to face with the inadequacies of an under-resourced institution. "The police don't do anything" is a common refrain in PNG and one I have heard from many of the women I have spoken with. In some situations, police do not act because they lack the resources to respond—for example, there is no working car in which to attend an incident, because they are related to the perpetrator or because they see violence as a 'family matter'. Concretising Macintyre's argument that women in PNG may be informed but not necessarily enabled by human rights discourses, the bus driver's response reveals the incompatibility between Beth's invocations of abstract rights and Melanesian ideas about gender.<sup>32</sup>

Various scholars working in the Pacific have discussed the ways in which the global language of gender violence and human rights are taken up and translated in local contexts.<sup>33</sup> These analyses highlight the unexpected and sometimes unproductive ways in which global narratives are refracted in local contexts. As Sally Engle Merry writes:

even though programs are translated into new contexts and framed in culturally specific ways, they are never fully indigenized. They retain their underlying emphasis on individual rights to protection of the body along with autonomy, choice, and equality, ideas embedded in the legal codes of the human rights system.<sup>34</sup>

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<sup>32</sup> Martha Macintyre, 'Gender Violence in Melanesia and the Problem of Millennium Development Goal No. 3', in M. Jolly and C. Stewart (eds), *Engendering Violence in Papua New Guinea* (Canberra: ANU E Press, 2012), pp. 239-66.

<sup>33</sup> John Taylor, 'The Social Life of Rights', *The Australian Journal of Anthropology*, vol. 19, no. 2 (2008), pp. 165-78; Margaret Jolly, 'Introduction: Engendering Violence in Papua New Guinea: Persons, Power and Perilous Transformations', in M. Jolly and C. Stewart (eds), *Engendering Violence in Papua New Guinea* (Canberra: ANU E Press, 2012); Rebecca Monson, 'Vernacularising Political Participation: Strategies of Women Peacebuilders in Solomon Island', *Intersections*, Issue 33 (2013).

<sup>34</sup> Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006), p. 137.

The following story (in which Beth herself is attacked and she again seeks help from police) reveals the limitations of an emphasis on individual rights in this context:

One time I was walking to the shops and someone just came and bashed me up for nothing, and ... he said, "Go and stay at the house, why did you wear that shirt". [I said] "Oh my goodness you're not even my friend, who are you?" I went to the police station and the police didn't do anything and I called [name of large] security firm, at that time I was working with WHO [World Health Organisation] and they had this security thing so I called them and they came and we went and got that guy.

When Beth's attempt to seek justice through the formal mechanism of the law fails, she calls on her networks in an effort to ensure that justice is done. Interestingly, Beth, who is living away from her family in Wewak, sought help through her employment networks rather than her friends and family, as she may have if she were living in her home province. The security guards who act where the state has failed are fulfilling the function of mercenaries. While I did not discover what "getting the guy" actually entailed, Beth appeared to consider that justice was done. This outcome may be satisfactory from Beth's perspective, however taking the law into one's own hands is itself a reflection of insecurity, as the state system cannot be relied upon to uphold justice.

That Beth has access to the company security guards reflects her status within a large international organisation. Like the taxis and hotel lobbies discussed earlier, these forms of protection are not available to the majority of Papua New Guinean women. On the other hand, it would seem that Beth was attacked precisely because of her status as modern woman—i.e. she was out of the house and wearing the 'wrong' shirt. Her story thus supports the argument that middle-class women are both more vulnerable and also more able to access some forms of protection than other women.

## **Fear, Frustration and the Desire for Freedom**

For many young Papua New Guinean women—perhaps especially those who have experienced a much greater degree of freedom in overseas contexts—the daily experience of containment and reduced mobility is an immensely frustrating aspect of life in the urban contexts of Port Moresby and Goroka.

When I asked Laura, a twenty-five-year-old accountant in Port Moresby, if there was anything she missed about Australia after returning from tertiary studies, she said: "being able to move around freely, yeah that would be the big thing I missed and having to be dropped every time I want to go ... I have to go some place even though it's day time". Laura's response was echoed by the other young women, some of whom lamented for example that they could not go and get a pizza without relying on family members (Cindy, Port Moresby), they could not "walk across the street without looking behind

[their] back" (Jennifer, Port Moresby) and that they could not stay back late and complete work "because we can't walk home" (Kamalia, Goroka) after hours. As Sue said, women feel like prisoners in their own homes and live "like second-class citizens because [they] only get the daylight hours".

The young women also resented the need to rely on family members for a sense of personal security. Twenty-five-year-old Veronica, for example, said:

So I live with my parents and with my brother who also can't afford to live on his own. I think that's quite common for Papua New Guinean people and I don't know what age that stops, I don't know and I find that quite a concern in general ... I'm not hearing of a lot of twenty or thirty year old you know Papua New Guineans who are living on their own and I find that a real concern.

Consequently Veronica, who had studied and lived independently in the United States, says she wants to get her masters degree and live overseas.

Other participants indicated that their families used concerns about safety to control their lives and behaviour more generally. Thus, aspects of life that they had come to accept as normal while living in Australia or New Zealand, such as going out for a drink with friends, getting dressed up, wearing make-up and staying out late, were taken as indications of moral depravity and thus were seen by the women's families as putting them 'at risk'. Like many of the young women I spoke with Joanne compared the "harassment" she experienced in Port Moresby with the freedom of life in Australia:

In Australia, I could just wear anything, I can wear a bikini, all my bits are sticking out, you just you, you do whatever you want to do which is fun and just great because I felt more free and everything and coming back I just shut down and clothe up again.

Not content to "shut down and clothe up", many of these young women would prefer to live elsewhere given the opportunity to do so. As Glenys put it: "why should I stay in Papua New Guinea and be subjected to this? No, I'm too good for that, [I'll] just travel the world". The perspective of Glenys and others like her is captured by Dame Meg Taylor, PNG's first woman lawyer, who describes threats to women's personal security as a significant reason why young women aspire to work and study overseas.

A lot of young professional women are leaving the country because they don't want to put up with it; they just don't want to live with the nonsense that goes on. They want to be able to go to work safely, come home safely, play their sports in a safe environment and do the things that a lot of young women ... want to do and feel safe and they don't feel safe.<sup>35</sup>

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<sup>35</sup> Meg Taylor, interview with author, 9 August 2011.

Shortly after her unjust and upsetting experiences in Goroka, for example, Eare found work in Melbourne and has since gone on to become a permanent resident in Australia. Other educated women, perhaps less academically able or well connected, continue to lament their status as 'prisoners' in their own society, perhaps meeting with one another to discuss their frustrations, as Jennifer mentioned. Some will suffer long-term consequences, related to limited mobility, including reduced health and wellbeing. Such are the effects of personal insecurity in PNG.

## **Conclusion**

In this article, I have explored the lives of young educated women in Port Moresby and Goroka in order to help unravel the notion that 'security' is about "externally inspired terrorist atrocities" or regional destabilisation.<sup>36</sup> This perspective reveals what many in the development world know all too well, namely that the experience of insecurity, as with violence, is profoundly affected by gender and class.

By registering the experiences of this group, we are reminded of the impact of insecurity in the daily lives of women in PNG. Importantly, hearing what these women say constitutes an implicit challenge to state-centric security approaches that neglect decades of work on gender in favour of an outdated and top-down paradigm. Speaking back to state-centric views of security that mask the nuances of how violence actually plays out in specific gendered and classed ways, this article acknowledges local (albeit constrained) agency and strategies for managing violence. Focusing on the daily experiences of these women demonstrates that they are not only victims but that they have some degree of control over their personal security, as a result of the various strategies they employ.

To conclude, I would like to focus on the words and activism of Jacqueline Joseph, a twenty-five-year old Bougainvillean woman who lives in Port Moresby. Together with a male friend, Jacqueline, at the age of twenty-three, co-founded the organisation, Rugby League Against Violence (RLAV). She chose to do so because she wanted to ensure that men, rather than women, were the focus of engagement with issues of violence. For her, it is important that men have the opportunity to be 'change agents' at the forefront of anti-violence campaigns and movements. Though RLAV started with a small grant, when I last heard from Jacqui she mentioned that the "equal playing field" program run as part of RLAV's work in schools is now being sponsored by the British High Commission. Such locally inspired activism may well represent the best hope for the creation of a more secure PNG. Rather than making women aware of their 'rights', Jacqui's approach, as embodied in the work of RLAV, emphasises the need for men to be involved in changing entrenched ideas about gender that perpetuate

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<sup>36</sup> Frankel, 'Myths of Pacific Terrorism'.

inequity. Challenging all those who maintain and perpetuate masculinist power relations, including the bastions of traditional security, such interventions address the root cause of personal security problems in PNG. As the British High Commission has done in this case, policy makers may do well to get behind local initiatives that focus on creating long-term societal change. Assuming the development of state institutions such as the police is not neglected, targeted support for local activism seems to offer much unexplored potential for enhancing the experience of personal security among women in urban PNG.

When I met Jacqui she identified "security" as one of the most difficult aspects of her life. Asked to elaborate on what security means to her, she said:

In a personal sense security to me is having the comfort that all is well and that I am safe. ... I would say "being safe" is the ability of not feeling threatened or harassed and that one feels at ease to be who they wanted to be and simultaneously being able to do what one desires without having any reservations in mind. Not having to look behind my shoulders constantly is something I would like to change and I feel once more women confidently walk on the streets without fearing any harm to themselves [that] will be a growing sign of women's empowerment.

Her words echo those of Linda Basch who states that security must be defined "as freeing individuals and groups from the social, physical, economic and political constraints that prevent them from carrying out what they would freely choose to do".<sup>37</sup> Much needs to be done to realise Jacqui's vision. Taking it seriously, rather than dismissing it as irrelevant to the "real debates" about security, seems a good place to start.

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<sup>37</sup> Basch, 'Human Security', p. 9.

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# **Police Development in Papua New Guinea: The Need for Innovation**

Gordon Peake and Sinclair Dinnen

Since the late 1980s, a succession of Australian-funded programs has sought to strengthen the Royal Papua New Guinea Constabulary (RPNGC). The results of these efforts have, to say the least, been extremely modest. This article critically examines the underlying approach to donor assistance to the RPNGC, arguing, among other things, that it has failed to engage with the realities of normative and regulatory pluralism in Papua New Guinea's famously diverse social landscape. More fulsome acknowledgement of these plural realities, and the adoption of more innovative approaches to internal security provision that can harness and better align the strengths of different providers is likely to yield better results than a continuing reliance on state police alone.

On 4 November 2013, a Virgin Australia plane carrying thirty members of the Australian Federal Police (AFP) touched down to an elaborate reception at Port Moresby's Jacksons airport. Colourfully dressed sing-sing dancers and an immaculately turned out police band serenaded the officers off the plane and into the tropical heat. A phalanx of senior government officials from both Australia and Papua New Guinea (PNG) were waiting to welcome the new arrivals to what would be the ninth discrete police development program in the past twenty-five years.

The speeches and comments indicated high expectations of the new arrivals, who were the first of a total of fifty police that would arrive in PNG before year's end.<sup>1</sup> The Australian High Commissioner said the officers would "provide frontline advisory support" to the Royal Papua New Guinea Constabulary (RPNGC), declaring their appearance a "milestone" in relations between the two countries as well as being "the start of an exciting new phase in the PNG-Australia policing partnership".<sup>2</sup> The AFP Commissioner told the media that "the goal of our enhanced mission is, in partnership with the RPNGC, to continue to develop the capacity of the RPNGC to provide

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<sup>1</sup> These incoming Australian Federal Police (AFP) officers joined with an existing AFP advisory deployment of seventeen police officers that has been working in the country since 2008.

<sup>2</sup> Australian High Commission Papua New Guinea, 'Arrival of the first AFP officers deployed under Phase IV of the PNG-Australian Policing Partnership: Jacksons International Airport Address by Australia's High Commissioner to PNG Ms Deborah Stokes', 4 November 2013, <<http://www.png.embassy.gov.au/pmsb/150.html>> [Accessed 9 April 2014].

sustainable and quality policing to the people of PNG”.<sup>3</sup> The deployment of the fifty police to PNG is costed at \$132 million over four years and forms part of the deal on asylum seeker processing concluded by Prime Ministers of Australia and PNG, Kevin Rudd and Peter O'Neill, on the eve of the 2013 Australian election.<sup>4</sup>

Time will tell whether this intervention will generate any more substantive results than programs which have gone before it. From the late 1980s, a succession of donor-funded programs and training packages were developed to strengthen internal RPNGC systems and processes and improve operational performance.<sup>5</sup> The normative assumption is that, by supporting the formal police institution, one is helping the citizenry. Each initiative has been framed largely in similar, state-centric terms and focused on working with familiar (i.e. Western/Australian) institutional forms.

The outcome of all this effort so far appears rather modest in terms either of enhancements in the capacities of the organisation as well as improvements in security and justice outcomes for end-users. It is striking that the language used to diagnose the RPNGC's frailties in 2014 is practically identical to that used at the beginning of the first program. With such underwhelming results, the effectiveness, value-for-money and impact of all these efforts is very much an open question but so also is the underlying approach, which is focused primarily on institutional capacity building. In the last twenty-five years, proffered solutions have remained focused squarely on working with taken-for-granted institutional forms and echo the same types of efforts tried before.

Casting solutions in terms of additional supply side responses is alluring and politically convenient. It demonstrates Australian is 'doing something' that is visible and can be seen. However, the problems within the RPNGC are more existential and fundamental than can be solved simply through the deployment of additional expatriate advisers. This is because the model of policing embodied in the RPNGC may simply not be relevant or applicable for much of PNG. In reality, the RPNGC constitutes only one of multiple sources of regulatory or dispute-resolving power in a country renowned for its normative pluralism. Although there have been a number of voices over the years noting the salience of community-based and private systems of

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<sup>3</sup> Australian Federal Police, Media Release: Australian Federal Police Officers Arrive To Work Alongside Royal Papua New Guinea Constabulary, 5 November 2013, <<http://www.afp.gov.au/media-centre/news/afp/2013/november/australian-federal-police-officers-arrive-to-work-alongside-royal-papua-new-guinea-constabulary.aspx>> [Accessed 19 December 2013].

<sup>4</sup> Stephen Howes 'Foreign aid in the August Statement: pushing back the scale up for the fifth time; more details on aid to PNG' Available at <<http://devpolicy.org/foreign-aid-in-the-august-statement-20130805-2/>> [accessed 3 June 2014]

<sup>5</sup> Sinclair Dinnen and Abby McLeod, 'Policing Melanesia—International Expectations and Local Realities', *Policing & Society*, vol. 19, no.4 (2009), pp. 333-53.

governance and order-maintenance that message has not translated consistently into Australian programming approaches. More explicit acknowledgement of these plural realities, exploring more innovative approaches to security provision that can harness and better align the strengths of different providers may yield better results than near-sole reliance on state police alone. Going forward, this entails engaging with both 'above' and 'below' the State.

This article is divided into four main sections. The first traces the origins of the RPNGC and shows that concerns about crime and the adequacy of the police response are not new. The limited returns from focusing exclusively on the formal police institution have been long observed. The second section presents data identifying the scale of the problems in present-day PNG, issues which the police have proven manifestly unable to tackle. Indeed, in some instances, the actions of the police *contribute* to disorder as much as resolve it. The third section shows a remarkable consistency over the years in terms both of the diagnosis of the RPNGC's ills and their proposed official remedy, namely institutional capacity building. Few of these solutions—often predicated on the assumption that what 'works' in Australia and other metropolitan contexts can be transplanted directly to PNG—have flourished. This indicates a fundamental issue around the appropriateness of the policing model itself, one that cannot be simply overcome with technical or administrative solutions, and tweaked delivery modalities.

Against the backdrop of the generally modest outcomes of reform efforts to-date, the final section of the article examines the work of scholars who point to the plural and multi-layered character of security and justice provision in Papua New Guinea. It charts a discernible shift in development thinking and program design with an increased focus on the need to engage with the broader spectrum of actors involved in provision, state and non-state. However, while this shift is evident in government and donor rhetoric in relation to PNG's broader law and justice sector, it has manifested only a limited extent in terms of policing support. Some examples of innovative programming show promising signs, including a donor-supported police development program in Bougainville but these remain in many ways outlier initiatives. Other, still under-researched, examples of potential innovation comprise security programming supported by transnational resource corporations. The dominant frame remains avowedly focused on capacity-building solutions with the RPNGC, despite evidence accumulated since independence suggesting that such an approach—on its own—is unlikely to reap dividends. It is puzzling that the solution proposed is often the same as what failed before.

## The RPNGC: Never a Good Fit

On 8 March 1975, the then Australian Attorney-General, Kep Enderby received a disheartening telex from Michael Somare, Chief Minister of Papua New Guinea. Less than eight months before the granting of independence, Somare's message was sombre and downbeat. He described a "serious and mounting concern ... particularly in the urban areas on the apparent lack of a coordinated government plan to deal with the control and prevention of crime."<sup>6</sup>

The Australian Government response was to assemble a meeting of experts in Port Moresby to discuss the issue. Participants at a seminar in July 1975 warned of a "serious crime problem developing" and of the "sad" condition of the country's police force. William Clifford, an Australian criminologist, wrote that many Port Moresby residents were "accustomed to their houses being broken into and their property stolen ... that they feel exposed, unprotected and downright resentful."<sup>7</sup> Unemployment, substance abuse, urban drift and inequality were identified as drivers of insecurity, conflict-exacerbating factors that remain nearly forty years on.

In terms of enforcement, there was a sense that the RPNGC was not up to the scale of the challenge. In a ten-month period in 1973-74, there were 2,051 'breaking and entering' reports to the police, of which just 191 were cleared up.<sup>8</sup> In mitigation, the RPNGC cited growing societal pressures—the increasing availability of liquor, poor housing and weakening of social controls in urban settlements—as inhibiting their efforts.<sup>9</sup> In 1975, the police were claiming that juvenile crime was reaching "alarming proportions" in urban areas.<sup>10</sup>

Then, as now, these concerns were linked to the weakness of policing capacity and, in particular, seemingly endemic managerial weakness within the RPNGC. A consistent refrain was that the police were not up to the task and that its best days were behind it. Clifford wrote that the RPNGC was, then "only a shadow of the former stolid and capable force for law and order".<sup>11</sup> However, in many ways, such a perception of capability was rose-tinted. The RPNGC appear never to have had a 'golden era'. Even before independence, a range of voices warned of the threats posed by a potential breakdown of 'law and order' as crime increased in Port Moresby and other

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<sup>6</sup> William Clifford, 'Urban Crime in Papua New Guinea', in David Biles (ed.), *Crime in Papua New Guinea* (Canberra: Australian Institute of Criminology, 1976), p. 4.

<sup>7</sup> *Ibid.*, p. 5.

<sup>8</sup> *Ibid.* p.7.

<sup>9</sup> Ila Geno, 'Perspectives of Local Authorities: Police', in David Biles (ed.), *Crime in Papua New Guinea* (Canberra: Australian Institute of Criminology, 1976), pp. 129-39.

<sup>10</sup> Sinclair Dinnen, *Law and Order in a Weak State: Crime and Politics in Papua New Guinea* (Honolulu: University of Hawai'i Press), 2001, p. 56.

<sup>11</sup> Clifford, 'Urban Crime in Papua New Guinea', p. 17.

urban centres, and tribal conflict re-appeared in parts of the Highlands.<sup>12</sup> The constabulary in its current form had been formed less than ten years before independence and was an amalgam of the Royal Papuan Constabulary and the New Guinea Police force originally established by colonial authorities in the Territories of Papua and New Guinea. The police in their current form have their origins in Australia's efforts to create the structure—critics would argue that it was more a façade—of a modern, bureaucratic state, and marked a deviation from older colonial approaches to policing.

The establishment of the RPNGC represented a break from previous traditions of order-maintenance in PNG. Throughout much of the colonial period, the policing, judicial, and penal powers of the colonial state as it applied to indigenes formed part of a largely undifferentiated system of 'native administration' that was aimed primarily at extending and consolidating government authority rather than crime prevention and law enforcement.<sup>13</sup> This system was personified in the office of the patrol officer or *kiap*, who acted simultaneously as government agent, police officer, prosecutor, magistrate, and gaoler. Although backed by the threat of deadly force, the *kiap*, accompanied by an armed 'native constabulary', administered a form of *de facto* and, in practice, often intermittent and idiosyncratic, community policing to widely dispersed and largely self-regulating rural populations. This approach appears to have worked reasonably well at the time, in part because it entailed pragmatic accommodations being made between the authority of the colonial state and that of the diverse and largely self-regulating local societies comprising the territories of Papua and New Guinea.<sup>14</sup> In theory, if not always in practice, rural policing was a co-production between colonial and traditional authorities at local levels. A more familiar Anglo-Australian policing model was found only in the urban enclaves, where a small number of full-time and uniformed expatriate police officers catered primarily to the policing needs of the European elite.

The different approaches to policing in rural and urban areas were to gradually disappear as Australian authorities embarked on their modernising mission, to be replaced by the uniform and centralised model of policing found throughout the Commonwealth. The RPNGC, therefore, owes more to this 'urban-based' model of policing than to the tradition of the *kiap*.

To this end, the constabulary was separated from the Department of Native Affairs in 1961 and in 1966 it was removed from the control of the Public

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<sup>12</sup> Dinnen, *Law and Order in a Weak State*, pp. 33-34, 55-62.

<sup>13</sup> Ibid. pp. 16-34.

<sup>14</sup> Sinclair Dinnen and John Braithwaite, 'Reinventing Policing through the Prism of the Colonial Kiap', *Policing & Society*, vol. 19, no. 2 (June 2009), pp. 161-73.

Services Commission in order to ensure its neutrality.<sup>15</sup> Mobile squads were established after the police reorganisation in 1966 and were used in response to the revival of tribal conflict in parts of the Highlands, as well as in public order situations including around contested development projects such as the construction of the Panguna mine in Bougainville. The resources of centralised policing were concentrated in urban areas, accentuating a significant physical (and social) separation between the police and the predominantly rural populace. Police responsibility in 1975 was estimated to cover only 10 per cent of the country's total land area and 40 per cent of the population.<sup>16</sup> For many observers, the dismantling of the old colonial system of administration led to an effective withdrawal of the state from rural areas. In 1971, for example, all police posts were accessible by road in a country where the road accessed only a small minority of the population. This retreat of the state from the most local levels was accompanied by growing resort to violent forms of self-help in some parts, including the revival of tribal fighting in areas where it had previously been successfully suppressed by colonial authorities.<sup>17</sup>

In many ways, the RPNGC has become more truncated in reach since independence. While PNG's population has more than trebled since 1975, the size of the RPNGC has not increased significantly since then. Recent figures indicate that in 2013 around 5,387 sworn uniformed personnel were responsible for policing around 7.5 million people dispersed across PNG's varied topography.<sup>18</sup> Even that figure may over-estimate the number of officers engaged in policing activities in two respects. First, a substantial percentage of the police mobile squads are essentially contracted out to resource companies, and, for that reason, tend to be concentrated in or around resource projects. Second, the numbers 'on the books' is hard to square with the numbers of police at work. More than 550 officers are reputed to be at work in the National Capital District, yet the average work shift in a metropolitan police station comprises just a handful of officers.

The urban bias in the RPNGC that was already marked before independence has become even more pronounced. Most police resources are concentrated in urban areas, while 85 per cent of Papua New Guineans reside in rural locations and continue to rely on informal approaches for resolving everyday disputes and maintaining security at local levels. PNG's diverse and much-publicised 'law and order' problems, associated with

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<sup>15</sup> Dinnen, *Law and Order in a Weak State*, pp. 24-30.

<sup>16</sup> Sean Dorney, *Papua New Guinea: People, Politics and History Since 1975* (Sydney: ABC Books, 2000), p. 304.

<sup>17</sup> Nigel Oram, 'Law and Order: Maximum Participation at All Levels', *New Guinea*, January 1973, pp. 4-22.

<sup>18</sup> Royal Papua New Guinea Constabulary—Fact Sheet 9, July 2013, p.3. Papua New Guinea-Australia Law and Justice Partnership.

larger processes of social and economic change, have added to an already complex policing environment.

By the time of independence, there were two related strains of argument about the RPNGC, one technical and one more existential, relating to a basic problem of 'fit'. In organisation, purpose and role, the RPNGC, which had been established less than a decade previously, was a carbon copy of Australian policing organisations, a structure that might have fitted on the other side of the Coral Sea but not necessarily in PNG's very different social environment. Basing his analysis upon interviews with serving officers, Clifford wrote that: "the Police maintain ... and not without some justification that a basic error in the administration of Papua New Guinea has been to import the Australian system of law which the people neither understand nor appreciate."<sup>19</sup>

These twin arguments have been rehearsed, revisited and revalidated in the subsequent literature about post-independence Papua New Guinea.<sup>20</sup> A thread that runs through many of the critiques of both police practice and reform in PNG is that efforts are monochromatic in their institutional focus and state-centric in orientation, predicated upon a concept of the State that, in reality, does not exist. An important aspect of many of these critiques revolves around the broader question of relevance. The RPNGC continues to be urban-based police in a country where most of the population live in rural settings; donors, perhaps because they themselves are also based in metropolitan centres, tend to under-estimate the limited reach of RPNGC and its penetration of local societies. Beyond authors' names and publication dates, it can sometimes be hard to distinguish critiques from 1975 from those tabled nearly forty years later.

## **PNG's Crime Problems**

Paralleling the meme of inadequate policing is the impression of an imminent breakdown of 'law and order', particularly in PNG's urban centres. This too has a long history, which some scholars have traced back to near the beginning of the last century.<sup>21</sup> Certainly, issues of crime and criminality were central concerns during the transition from Australian colonial administration to independence. The growth in urban crime and broader concerns with 'law and order' occurred against the backdrop of far-reaching

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<sup>19</sup> Clifford, 'Urban Crime in Papua New Guinea', p. 21.

<sup>20</sup> The authors of this critique are a fairly eclectic group. They are a combination of researchers and long-time observers of law and order in PNG together with ex-bureaucrats and police officials dismayed by the limited returns of focusing on institutional capacity-building and frustrated that donors see too much like states.

<sup>21</sup> For an early example of a moral panic around crime in Port Moresby, mixed with sexual anxiety and racial politics, see Amirah Inglis, *'Not a White Woman Safe': Sexual Anxiety and Politics in Port Moresby 1920-1934* (Canberra: Australian National University Press, 1974).

processes of institutional modernisation as the old colonial administrative system was gradually dismantled and replaced with the framework of modern statehood in preparation for eventual independence. As well as removing discriminatory regulations applying to Papua New Guineans, such as those on movement and the consumption of alcohol, institutional modernisation required a separation between the executive, administrative and judicial arms of government, with particular implications for policing. As colonial restrictions on movement were gradually lifted in the 1960s and young migrants flocked to town, levels of recorded crime increased, leading to the regular airing of such concerns.<sup>22</sup>

Concerns about urban crime have become increasingly more pronounced since independence, broadly following the patterns of urban growth. Tangible manifestations of pervasive insecurity are to be found in the fortifications and razor-wire securing the homes of the wealthy and the massive expansion of private security services that are used by businesses, government departments, restaurants, hotels, and schools and colleges, to name a few. Streets are routinely deserted in the evening and visitors warned not to visit certain areas or walk after dark. In Port Moresby, criminal violence has been attributed to the activities of *raskol* gangs. Some have depicted the evolution of these gangs as one of progressive organisational sophistication with the spread of criminal activities from socially disadvantaged communities to more respectable suburbs, the recruitment of better educated members, increasing use of violence (and firearms) in response to reactive and often brutal policing tactics, and growing connections to more powerful political and business actors in an urban milieu where criminal opportunities are continuously expanding.<sup>23</sup> Other researchers have drawn attention to their relatively loose and fluid quality and continuities with more enduring aspects of Melanesian sociality.<sup>24</sup>

The full scale of crime and violence in PNG is difficult to assess, given the limited coverage and poor quality of police data, the scarcity of national-level studies and the urban bias in the available research material.<sup>25</sup> Yet various commentators and surveys estimate that violence victimisation rates in PNG

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<sup>22</sup> Marilyn Strathern, *No Money on Our Skins: Hagen Migrants in Port Moresby*, New Guinea Research Bulletin No. 61 (Canberra: The Australian National University, 1975), pp. 1-465.

<sup>23</sup> Bruce Harris, *The Rise of Rascalism: Action and Reaction in the Evolution of Rascal Gangs*, Discussion Paper 54 (Port Moresby: Institute of Applied Social and Economic Research, 1988), pp. 1-52.

<sup>24</sup> Michael Goddard, 'Big-man, Thief: The Social Organisation of Gangs in Port Moresby', *Canberra Anthropology*, vol. 15, no. 1 (1992), pp.20-34; Michael Goddard, 'The Rascal Road: Crime, Prestige and Development in Papua New Guinea', *The Contemporary Pacific*, vol. 7, no. 1 (1995), pp. 55-80.

<sup>25</sup> Sadaf Lakhani and Alys M. Wilman, 'Trends in Crime and Violence in Papua New Guinea', World Bank, Social Cohesion and Violence Prevention Team, Social Development Department, 30 November 2012.



are among the highest in the world. Recent data from both the RPNGC and from victimisation surveys suggest that crime has stabilised in recent years, and that in 2010 there was an overall reduction in total crime levels compared with those in 2000.<sup>26</sup> However, levels of unreported crime are believed to be extremely high, particularly in rural areas where access to police and justice services are limited, but also in respect of certain crimes such as rape and other sexual offences even where such services are accessible. Significant variations in the experience of crime and violence exist between urban and rural contexts, as well as within particular regional, rural and urban settings. Contrary to the national trend, data for urban crime 'hot-spots' suggests an increase in crime. For example, in Lae, PNG's second largest city, recent victimisation data indicates that aggregated property crimes have doubled, and aggregated violent crimes more than doubled in a two-year period between 2008 and 2010.<sup>27</sup> The last available victimisation data for Port Moresby also suggests that the concentration of crime and violence moves location over time, with shifts away from the socially disadvantaged settlements—conventionally viewed as the main urban 'hot-spots'—to more affluent suburbs, where more sophisticated security infrastructure and private security are in place.<sup>28</sup>

The spread of firearms, both homemade and factory produced, has added greatly to problems of crime and violence.<sup>29</sup> Tribal violence (frequently involving high-powered weapons) remains a major problem in parts of the Highlands and also appears to have migrated to some urban areas.<sup>30</sup> Sorcery-related violence has become a major concern in recent years.<sup>31</sup> Gender-based violence has long been recognised as a pervasive problem throughout PNG. Nation-wide surveys undertaken by the Law Reform Commission in the 1980s found that 67 per cent of women in rural areas and 56 per cent of women in urban areas had been violently abused by their husbands.<sup>32</sup> Many Papua New Guineans, including members of the

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<sup>26</sup> Ibid. p. 7.

<sup>27</sup> Lae Urban Community Crime Victimization Survey, 2010, Law and Justice Secretariat, Monitoring and Evaluation Unit.

<sup>28</sup> National Capital District, Urban Community Crime Victimization Survey, 2008, Law and Justice Secretariat, Monitoring and Evaluation Unit.

<sup>29</sup> Nicole Haley and Robert Muggah, 'Jumping the Gun? Reflections on Armed Violence in Papua New Guinea', *African Security Review*, vol. 15, no. 2 (2006), pp. 38-56.

<sup>30</sup> Ibid., pp. 44-5.

<sup>31</sup> Nicole Haley, 'Witchcraft, Torture and HIV', in Vicki Luker and Sinclair Dinnen (eds), *Civic Insecurity: Law, Order and HIV in Papua New Guinea* (Canberra: ANU E Press, 2010), pp. 219-35.

<sup>32</sup> Christine Bradley, *Family and Sexual Violence in PNG: An Integrated Long-Term Strategy*, Discussion Paper No. 84, Report to the Family Violence Action Committee of the Consultative Implementation and Monitoring Council (Port Moresby: Institute of National Affairs, 2001).

RPNGC,<sup>33</sup> continue to view domestic violence as a private matter. Reportedly 80-90 per cent of women seeking medical treatment do so as a result of domestic violence.<sup>34</sup> Women and girls are also highly vulnerable to sexual and other types of violence in the public markets where they go to buy and sell produce and which play such a critical role in the informal economy. Recent survey data from Port Moresby indicates that 55 per cent of females surveyed had experienced some form of violence in the city's markets.<sup>35</sup> Although there is no reliable nationwide data, rape is widespread within and outside of intimate relationships. A recent multi-country study found a prevalence rate of 26.6 per cent for non-partner single perpetrator rape in PNG and an astonishing 59 per cent rate for intimate partner rape.<sup>36</sup>

Reporting rates for rape and other crimes of violence against women are low, as are the chances of them being successfully prosecuted once reported. According to one victimisation study, just 11 per cent of the respondents who had been sexually assaulted had reported the assault to the RPNGC.<sup>37</sup> A survey of violence in Port Moresby's markets found that 73 per cent of female respondents did not follow up with any authorities following their experience of sexual violence.<sup>38</sup> Household crime victimisation surveys indicate that "believed ineffectiveness of policing" is one of the contributory factors behind high levels of fear of violent crime.<sup>39</sup> A 2013 study undertaken in Lae found the "probability of a sexual violence case involving a female or child victim being successfully prosecuted are 1:338 and 1:192, respectively".<sup>40</sup> It appears that sexual violence can be

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<sup>33</sup> Abby McLeod, 'Police Reform in Papua New Guinea', In M. Anne Brown (ed.), *Security and Development in the Pacific Islands: Social Resilience in Emerging States* (Boulder: Lynne Rienner Publishers, 2007), p. 80.

<sup>34</sup> Amnesty International, *Violence Against Women in Papua New Guinea: Never Inevitable, Never Acceptable* (London: Amnesty, 2006), p. 13.

<sup>35</sup> UN Women, *Making Port Moresby Safe for Women and Girls: Report on Scoping Study Findings* (Port Moresby: PNG Country Office, 2012). p. 7.

<sup>36</sup> R. Jewkes, E. Fulu, T. Rossell and C. Garcia-Moreno, 'Prevalence of and Factors Associated with Non-partner Rape Perpetration: Findings from the UN Multi-country Cross-sectional Study on Men and Violence in Asia and the Pacific', *The Lancet Global Health*, vol. 1, no. 4 (October 2013), pp. e208-e218. DOI:10.1016/S2214-109X(13)70069-X.

<sup>37</sup> Cited in 'Olgeta Meri Igat Raits: "All Women Have Rights": A Framework of Remediation Initiatives in Response to Violence against Women in the Porgera Valley', 2012, <<http://www.barrick.com/files/porgera/Framework-of-remediation-initiatives.pdf>> [Accessed 30 May 2014].

<sup>38</sup> UN Women, *Making Port Moresby Safe for Women and Girls*, p. 6.

<sup>39</sup> Gerard Guthrie 'Social Factors Affecting Violent Crime Victimisation in Urban Households', *Contemporary PNG Studies: DWU Research Journal*, vol. 18 (May 2013), p. 52.

<sup>40</sup> Stephen Howes, Kamalini Lokuge, Daisy Plana and Ume Wainetti, 'Responding to family and sexual violence in PNG: the case for a Case Management Centre', Devpolicy Blog, ANU, 11 July 2013, <<http://devpolicy.org/responding-to-family-and->

committed with almost complete impunity in large swathes of the country. Little wonder the Economist Intelligence Unit's Women's Economic Opportunity Index 2012 ranks PNG at 125 out of 128 countries.<sup>41</sup>

Beyond crimes of violence, corruption and financial crimes have also become endemic,<sup>42</sup> and this is another matter that the RPNGC appears unable to tackle effectively. The National Parliament's Public Accounts Committee, has found "evidence of misappropriation, fraud, negligence and disregard for the law and for the welfare of the state by public servants at every level".<sup>43</sup> A large portion of the national budget, estimated by the public accounts committee to represent 25 per cent of the country's GDP, is thought to be siphoned off through corruption.<sup>44</sup> The World Bank recently concluded that PNG "faces serious risks of money laundering from various criminal activities including ... misappropriation of public funds."<sup>45</sup> PNG was ranked 144 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index.<sup>46</sup> The police themselves have not been immune to this problem, with allegations of collusion with criminals and corrupt officials through to low-level acts of extortion and theft from motorists.<sup>47</sup>

While the scale and range of crime in PNG would be enough to test the most effective of police organisations, the capacity of the RPNGC appears to be decidedly limited and, indeed, their own actions may, in at least some instances, exacerbate the problem. The ability of the RPNGC to investigate cases and provide files that meet minimum evidentiary standards has always

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sexual-violence-in-png-the-case-for-a-case-management-centre-20130711/>  
[Accessed 30 May 2014].

<sup>41</sup> Economist Intelligence Unit, 'Women's Economic Opportunity 2012, A Global Index and Ranking from the Economist Intelligence Unit. Findings and methodology', 2012, p. 8.

<sup>42</sup> Grant W. Walton, 'Is all corruption Dysfunctional? Perceptions of Corruption and its Consequences in Papua New Guinea', *Public Administration and Development*, vol. 33, no. 3 (2013), pp. 175-90.

<sup>43</sup> Public Accounts Committee, 'Jurisdiction Report of the Public Accounts Committee of the Parliament of Papua New Guinea', Australasian Council of Public Accounts Committees (ACPAC) Biennial Conference, April 2013, p. 4.

<sup>44</sup> Parliamentary Public Accounts Committee, 'Inquiry into the Public Accounts of the Government of Papua New Guinea for the Financial Year 2006', 2009.

<sup>45</sup> World Bank and Asia/Pacific Group on Money Laundering, 'Mutual Evaluation Report: Anti-money Laundering and Combatting the Financing of Terrorism', 2011, p. 7.

<sup>46</sup> Transparency International, 'Corruption Perceptions Index 2013', <<http://cpi.transparency.org/cpi2013/>> [Accessed 30 May 2014].

<sup>47</sup> See, for example, Government of Papua New Guinea and Institute for National Affairs, 'Report of the Administrative Review of the Royal Papua New Guinea Constabulary' to Minister for Internal Affairs Hon Bire Kimisopa, 2004, pp. 12-3.

been low. The vast majority of sexual violence cases submitted by the RPNGC to prosecutors do not get past the committal stage on grounds of inadequately prepared case files. File management is hardly a new problem; the 1975 expert meeting identified file preparation as a deficiency within RPNGC.

A consistent theme over the years has been police brutality. As Dinnen has observed, the “violence of the state is hard to distinguish from the violence it seeks to control”.<sup>48</sup> Public confidence in the police is low not solely because the institution is ineffective but also because there is perceived to be an entrenched culture of criminal behaviour, brutality and impunity within its ranks.<sup>49</sup> RPNGC officers have been cited for involvement in torture, family and sexual violence, and gang rape.<sup>50</sup> As an indication of the scale of the issue, claims against the state for improper use of police powers have previously amounted to more than double the annual budget of the RPNGC.

### **Familiar Responses to Institutional Fragility**

Another time-honoured observation of analysts is that the RPNGC is without the technical accoutrements and quality personnel deemed necessary for it to function effectively. Since the 1970s, a series of special committees and commissions have considered law and order, all reaching the conclusion that the police are overwhelmed by the scale and diversity of the challenge confronting them.

The first (of many) stocktakings of the law and justice sector post-independence was undertaken in 1984 and led by criminologist, William Clifford. The report found that the RPNGC faced ‘manifold problems’ and noted an absence of standardised training, communication references, absence of standard procedures, and deficiencies in investigations.<sup>51</sup> It also addressed the wider question of fit and appropriateness. At the core of its critique was the perceived over-reliance on a state system whose appropriateness and sustainability was questionable.

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<sup>48</sup> Dinnen, *Law and Order in a Weak State*, p. 185.

<sup>49</sup> Human Rights Watch, *Making Their Own Rules: Police Beatings, Rape and Torture of Children in Papua New Guinea* (New York: Human Rights Watch, 2005); Human Rights Watch, *Still Making Their Own Rules: Ongoing Impunity for Police Beatings, Rape and Torture in Papua New Guinea* (New York: Human Rights Watch, 2006); Preliminary Observations on the official visit to PNG by Mr Christof Heyns, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, 3-14 March 2014.

<sup>50</sup> Australian Police Integrity Forum, *Assaults within the RPNGC* (2006). Paper prepared for the 16<sup>th</sup> Australian Police Integrity Forum Workshop, Perth, December 2006.

<sup>51</sup> William Clifford, Louise Morauta and Barry Stuart, *Law and Order in Papua New Guinea* (Clifford Report) (Port Moresby: Institute of National Affairs and Institute of Applied Social and Economic Research, 1984).

(T)he possibility that existing services may be defective or inefficient—not because they are starved of resources but because they are either irrelevant to the situation in Papua New Guinea or refusing to work with communities—does not seem to have detained people long.<sup>52</sup>

Concerted efforts were needed to improve the articulation between state and non-state approaches, with the role of the former being primarily to support and complement the latter.

Despite the prescience of its insights, the Clifford Report remained a solitary voice and was, in any case, quickly overtaken by more pressing political concerns with responding to growing law and order problems in Port Moresby and elsewhere. Instead of addressing ‘the gap’ between state and non-state security and justice providers identified in the Report, reliance on reactive and militarised policing responses, supplemented with periodic states of emergency and curfews, became the familiar shape of the crisis management approach by successive governments during the 1980s and early 1990s.<sup>53</sup> The radicalism of the Report was, perhaps predictably, not especially palatable to members of the legal, judicial and policing establishment, and, moreover, held little appeal for a political elite with little appetite for reform in this area.

The far-reaching implications of the report were also largely sidestepped by donors, who have concentrated on propping up the formal police institution, to the exclusion of other sources of authority. Since Clifford’s report, there has been a raft of discrete Australian funded initiatives focused on the police, in addition to significant technical and advisory support tendered for other areas of the formal justice system such as courts, prisons, legal services and ombudsmen.

These include three phases of the Royal Papua New Guinea Constabulary Development Project, (1989-2005) managed by AusAID, four phases of the Papua New Guinea-Australia Policing Partnership (2008-present) managed by the Australian Federal Police and one short-lived Enhanced Co-operation Program (2004-05) which saw Australian police officers put into ‘in-line’ policing roles within the Constabulary.<sup>54</sup> Additionally, police development has formed a component of a number of law and justice programs undertaken during that period.

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<sup>52</sup> Ibid., p. 125.

<sup>53</sup> Sinclair Dinnen, ‘Thirty Years of Law and Order Policy and Practice: Trying To Do “Too Much, Too Badly, With Too Little”’, in R. J. May (ed.), *Policy Making and Implementation: Studies from Papua New Guinea* (Canberra: ANU E Press, 2009), pp. 233-60.

<sup>54</sup> Abby McLeod and Sinclair Dinnen, ‘Police Building in the Southwest Pacific—New Directions in Australian Regional Policing’, in Andrew Goldsmith and James Sheptycki (eds), *Crafting Transnational Policing: Police Capacity-building and Global Policing Reform* (Oxford: Hart Publishing, 2007), pp. 295-328.

Setting aside different managerial, contractual and reporting arrangements, the goals and underlying rationale of each particular police development program or project have been broadly similar. The programs are informed by a linear conception of modernisation and fairly uncritical reliance on the institutional forms of Western police, with little consideration of alternative forms or approaches. In development parlance, programming has adopted a 'deficit-based' approach. If 'law and order' was getting worse, it must be because the police agencies were not working properly and required more training, resources and capacity building. The focus was on capacity building and institutional strengthening, focusing on areas of weakness such as fraud and anti-corruption, prosecutions, community relations, logistics, management and leadership training, finance and discipline. In short, and consistent with trends elsewhere, the focus remained squarely on taken-for-granted institutional forms, at the expense of any serious reflection on other ways of undertaking the functions assigned to them. By contrast, Australia's approaches to *the overall sector*, as opposed to the police, has adopted a more pluralistic viewpoint. This followed the endorsement by the Government of Papua New Guinea in 2000 of the National Law and Justice Policy and Plan of Action.<sup>55</sup> This policy sets out a broad vision for the law and justice sector as a whole, including but not confined to the police. Subtitled 'Toward Restorative Justice', the Policy embodied a strong orientation towards crime prevention and restorative justice through engagement with community-based mechanisms and actors. Australian support, initially through the AusAID-supported Law and Justice Program shifted in line with the PNG policy and its subsequent development. This included establishing the Community Justice Liaison Unit as an innovative facility to foster collaboration between sector agencies and civil society organisations, very much in the spirit of the Clifford Report in 1984.<sup>56</sup> While the bulk of Australian assistance has continued to concentrate on capacity-building with the formal agencies, the Papua New Guinea-Australia Law and Justice Partnership entailed significant support to village courts operating simultaneously through state law and local custom. Support to the police has nevertheless remained largely immune to these shifting currents.

Measuring the overall effect of all the endeavours to strengthen the RPNGC is difficult. Numerical indicators such as numbers of officers trained and equipment handed out are output indicators of activity and not outcome indicators as to whether all the effort undertaken had any impact in terms of changed managerial behaviours or policing practice. Certainly, however, the fact that advisory support continues to revolve around training and advising on the same set of issues would suggest that the effort expended heretofore

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<sup>55</sup> Government of Papua New Guinea, *The National Law and Justice Policy and Plan of Action: Toward Restorative Justice 2000-2005* (Port Moresby: Department of National Planning and Monitoring, 1999).

<sup>56</sup> Tom Seta, *Bridging the State-Society Gap: The Community Justice Liaison Unit in Papua New Guinea* (Manila: Asia Development Bank, 2008).

has not resulted in any particularly radical transformation. There is a good argument that Australian support has helped assist the RPNGC to maintain a semblance of organisational functionality but not contributed meaningfully to realising fully the constabulary's motto—Securing a Safer Community.

The last major review of the RPNGC was conducted in 2004, fifteen years after the beginning of advisory support.<sup>57</sup> The review found substandard police leadership, inadequate resourcing, poor budgeting, a culture of indiscipline and unaccountability, and an almost complete break-down in terms of community trust.<sup>58</sup> Nearly ten years on, it is hard to imagine that findings are likely to be very much different were a similar exercise to be conducted.

### **Seeing Familiar Trees but Rarely the Forest**

Anyone brave enough to wade through three decades of police-related designs, evaluations, monitoring reports, strategic plans, partnership agreements, protocols and lesson plans would probably form the conclusion that the RPNGC was the sole designated provider of safety and security in PNG. Donor support remains focused squarely on assisting the RPNGC. The current AFP-led police development program is very much in that tradition.

Concentrating on the formal police organisation, however, is at best only ever going to address part of the problem. Such a focus appears somewhat blinkered. For a start, its focus is almost exclusively on metropolitan areas, even though most citizens live in rural areas, geographically and culturally removed from the police. In these places (as well as in urban centres) the majority of disputes are still addressed through a range of informal, community-based, mechanisms that owe more to restorative justice than investigation, prosecution and incarceration. The picture emerging from many parts of PNG is of dispute resolution as the continuous interplay between different social orders which shape everything from the conduct of government, land usage, regulation of trade and commerce, to the management of conflict. Beneath the meta-narrative of progressive deterioration, there are examples of diverse and often quite creative local responses in some areas that draw on a mix of state and non-state resources with an emphasis on prevention and reduction. State policing only amounts to a small part of the picture and, in some places, is absent almost altogether.<sup>59</sup>

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<sup>57</sup> Government of Papua New Guinea and Institute for National Affairs, 'Report of the Administrative Review of the Royal Papua New Guinea Constabulary'.

<sup>58</sup> Ibid.

<sup>59</sup> Volker Boege, M. Anne Brown and Kevin P. Clements, 'Hybrid Political Orders, Not Fragile States', *Peace Review*, vol. 21, no. 1 (2009), p. 17.

The diversity and localised character of such initiatives, as well as their general lack of visibility, makes it difficult to generalise a pattern. This is also very much an under-researched area and more empirical work is required. However, most appear to share at least some of the characteristics associated with the relative success of the older, colonial era forms and modalities of governmentality. As well as generally being community-driven and owned, these characteristics usually entail some configuration of horizontal and vertical linkages between different actors and levels of government. Likewise, most of these initiatives have a distinctly hybrid character, drawing simultaneously upon different sources of authority and legitimacy (e.g. traditional, church and state). Justice and security outcomes under these circumstances are the product of a process of co-production between multiple actors, rather than of a single agency or system.

Policy in this area is shifting, slowly, to recognise the dappled realities of justice provision in the developing world. Recent years have witnessed a noticeable shift in donor discourse and a growing acceptance of the need to move beyond a narrow state-centrism and reluctance to engage with non-state providers of policing and justice services. The need to work within the context of PNG's vibrant pluralism—this is a country where more than 800 languages are spoken—is now being recognised in many parts of the justice sector.

However, despite the calls for innovation and initiatives with catalytic potential, examples of attempts to engage 'beneath the state' or experiment beyond the conventional policing frame are few and far between. While animating a lively scholarly debate and generating normative shifts at the level of meta-policy, the practical impacts of the changing discourse have been more modest. Recent independent reviews of Australian and New Zealand justice and policing assistance also note that despite the shifting rhetoric both governments' endeavours in the region provided little support for actors operating beyond familiar institutional frameworks. Police reform seems much less of a testing ground for innovative approaches than in other parts of the law and justice sector.

There are exceptions. A UN 'Safer Cities' Project in Port Moresby is working with the RPNGC and a wide variety of governmental and non-governmental stakeholders in the city's markets. In Eastern Highlands Province, District Peace Management Teams comprising provincial and district officials, police, village court officers and community and church leaders also play an important role in order-maintenance. Trained in non-violent conflict resolution, they mediate between conflicting parties, broker ceasefires and help negotiate the terms of written peace agreements and resolve the underlying causes of local conflicts. Breaches of these agreements can be reported to the police and offending parties penalised. This initiative has reportedly resulted in a dramatic reduction in the incidence of inter-group



conflicts.<sup>60</sup> Tribal fights have decreased from a baseline of eighty-four fights in 2007, to four fights in 2010, and two “active” fights as at April 2013.

Another possible example, requiring further research, revolves around the work that extractive industries are doing in terms of security. In the remote areas where these companies work, the presence of the government is either weak or absent altogether. In such places, the potential for misunderstandings and disputes with local actors in the vicinity of the mine, comprising multiple groups, and including both people from the area and migrants from elsewhere, is considerable. Transnational companies have developed their own security capabilities, often cooperating closely with state security and justice actors, notably the RPNGC, as well as with a range of non-state security actors at community levels. Although there has been some research done on (innovations undertaken by) corporate security in Indonesian Papua, the topic has been underexplored on the eastern side of the island.<sup>61</sup> Further research—resource extraction being the main animator behind current patterns of socio-economic change in PNG—would help identify if there are measures, initiatives and approaches that could be adopted in terms of better policing and, equally, if the resource companies are able to compel improved practice on the part of the RPNGC.<sup>62</sup>

For now, the focus of most donor-funded policing projects remains gimlet-eyed towards state policing, and with little apparent engagement with PNG’s plural realities. One small exception is a project in Bougainville, which is engaging with hybrid local justice and security practices in the island’s still fragile post-conflict context, and would appear to be generating some positive outcomes.<sup>63</sup>

Bougainville is officially policed by two separate but linked organisations: the Bougainville Police Service (BPS) and the Community Auxiliary Police

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<sup>60</sup> See Matthew Allen and Rebecca Monson in this issue.

<sup>61</sup> Research on Papua includes Chris Ballard, *Human Rights and the Mining Sector in Indonesia: A Baseline Study* (London: International Institute for Environment and Development, 2001); Eben S. Kirksey and Andreas Harsono, ‘Criminal Collaborations? Antonius Wamang and the Indonesian Military in Timika’, *South East Asia Research*, vol. 16 no. 2 (2008), p. 165; and Kylie McKenna, ‘Interdependent Engagement: Corporate Social Responsibility in Bougainville and Papua’ PhD Thesis, The Australian National University, Canberra, 2012. There would appear to be only one study on corporate security in PNG, Glenn Banks, ‘Razor Wire and Riots: Violence and the Mining Industry in Papua New Guinea’, in Sinclair Dinnen and Allison Ley (eds), *Reflections on Violence in Melanesia* (Annandale: Hawkins Press, 2000), pp. 254-62.

<sup>62</sup> The authors hope to conduct some preliminary field research on these issues in early 2015.

<sup>63</sup> Sinclair Dinnen and Gordon Peake, ‘More than Just Policing: Police Reform in Post-conflict Bougainville’, *International Peacekeeping*, vol. 20, no. 5 (2013), pp. 570-84.

(CAP). The BPS consists of approximately 163 sworn officers based in the three urban centres and, sitting under it, are nearly 340 members of the CAP, based in their own communities throughout rural Bougainville.

The CAP is a hybrid institution in terms of its organisation and the different sources of its authority. Although they are sworn members of the BPS, CAP officers are selected through a process that is in harmony with the dynamics of leadership and authority in rural communities. Village chiefs nominate the officers and the Council of Elders must approve their candidacy before it can go any further.

It is the CAP, rather than the BPS, that would appear to handle most policing in Bougainville. Matters dealt with by CAP officers include assaults, family violence, land disputes, sorcery allegations and disputes stemming from the conflict. The permanent presence of these officers in rural areas where the majority of people live contributes to the broad support they enjoy. This fit with local aspirations lies behind the high degree of buy-in on the part of Bougainville's political authorities—something that donors so often struggle to achieve.<sup>64</sup> The CAP is funded through Bougainville's current fiscal envelope. Although policing is a critical part of the work of the CAP, their role is not just limited to law enforcement. Many CAP officers perform important and multifaceted roles as awareness raisers, educators, mediators, conflict preventers and managers. While operating within a framework of national law, the CAP works with the grain of local beliefs and practices, including by maintaining a close relationship with a wide range of local authorities.

## **Conclusion**

A clear message emerging from an analysis of the literature on policing in PNG is that the more things change, the more they stay the same. The similarities between analysis of PNG's crime problems before independence and nearly forty years on are striking while a succession of similarly-focused programs attempting to build the police to conform to an Australian model have generated generally underwhelming results. As the latest police development initiative shows, there remains blind faith in the transformative and catalytic potential and geographical reach of RPNGC despite ample evidence to the contrary.

The article has pointed to a number of dispersed and programmatically unconnected initiatives ongoing in various parts of PNG. Preliminary analysis of these endeavours suggests that going beyond the conventional inward focus on institutional capacity building appears to deliver some

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<sup>64</sup> The most tangible expression of this commitment was a 2012 Autonomous Bougainville Government cabinet decision to double the allowances paid to Community Auxiliary Police officers.

promising results. Approaches which are innovative, grounded in local realities would appear much more likely to accrue measureable outcomes in terms of improved safety, security and access to justice for citizens. Institution-focused capacity development without such alignment offers a low chance of success. At the very least, there would appear to be a strong case for donors investing in police development to look in more detail at such cases of innovation rather than repeating what has gone before.

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# The Military in Papua New Guinea: A 'Culture of Instability' But No Coup

Ron J. May and Nicole Haley

In the lead-up to independence, there was debate in Papua New Guinea as to whether a defence force would safeguard national security or pose a threat to democracy. In the event, the Defence force was retained and has played a significant role in maintaining internal security and contributing to national development, as well as securing the country's borders. But there has been some deterioration since independence in the capacity and morale of the PNGDF, and several instances of tension between the military and the government, especially during the Bougainville conflict. Civil-military relations since independence are briefly traced and the question of why Papua New Guinea has not experienced a military coup is addressed.

In the lead-up to independence in Papua New Guinea (PNG) in 1975, there was extensive debate about whether the post-independent state should have a defence force. Several of PNG's emerging leaders saw the existence of a well-trained cohesive defence force—what one Member of Parliament (MP) referred to as “a sort of super-tribe”<sup>1</sup>—as a potential threat to democratic government. Australian journalist Peter Hastings referred to the “inescapable similarity between Africa and Papua New Guinea” and warned that after independence “the Army will inevitably be involved in the political direction of the country”.<sup>2</sup> Notwithstanding these forebodings, in 1974 the Constitutional Planning Committee (CPC) recommended that PNG retain its Defence Force, and the following year Brigadier-General Ted Diro was appointed as the first Papua New Guinean commander of the Papua New Guinea Defence Force (PNGDF).

Remarkably perhaps, considering the record of post-colonial states in Africa, Asia and even the Pacific, nearly forty years since independence PNG has remained ‘coup-less’—despite occasional rumours of imminent coups and ‘incidents’ involving tensions between government and the military. This article examines the record of civil-military relations in PNG since

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<sup>1</sup> Ebia Olewale, ‘The Impact of National Institutions on Village Communities’, in M. W. Ward (ed.), *Change and Development in Rural Melanesia* (Canberra: University of Papua and New Guinea and Research School of Pacific Studies, The Australian National University, 1972), p. 223.

<sup>2</sup> Peter Hastings, ‘Thoughts on Taurama: The Myth of a “Non-political” Army’, *New Guinea*, vol. 6, no. 1 (1971), p. 32. For a more detailed account of the pre-independence debate and its constitutional outcomes see Ron J. May, *The Changing Role of the Military in Papua New Guinea*, Canberra Papers on Strategy and Defence No. 101 (Canberra: Strategic and Defence Studies Centre, Research School of Pacific Studies, The Australian National University, 1993), chapter 1.

independence and makes a tentative attempt to account for the lack of a coup.

## Civil-Military Relations in the First Two Decades

Under the Australian colonial administration, a Pacific Islands Regiment, created during the Pacific War, was re-formed in 1951 and by 1973 had evolved into the PNGDF, with a growing number of Papua New Guinean officers. In recommending that an independent PNG retain its Defence Force, the CPC argued that the Defence Force should be “firmly oriented towards external defence” and expressed “very serious reservations” about the use of the defence force in internal security operations.<sup>3</sup> The CPC’s recommendations were broadly endorsed by the parliament and written into the constitution. Section 201 lays down the supremacy of the civilian authority, providing for the superintendence and control of the force by the National Executive Council (NEC) through the minister responsible for the defence force (who may not be a serving member of the force), and Section 204 provides that the military can be called out only by the head of state (the governor general) acting on the advice of the NEC and in accordance with a request by the civilian authority embodied in an act of parliament.

Initially the PNGDF, which had a posted strength of 3,614 in 1975, maintained a fairly low profile—apart from its much celebrated intervention in Vanuatu in 1980 to put down a separatist rebellion in the newly-independent neighbouring Melanesian state—and concerns about the military’s intervention in politics dissipated. Indeed there were increasing calls for the PNGDF to play a role in internal security operations.<sup>4</sup> In 1984 Army personnel were called out to assist police in an operation which lasted for about four months, following the declaration of a state of emergency in response to rising urban crime and violence in the national capital, Port Moresby. Further call-outs to assist police occurred in 1985, 1987 and 1988. In 1988 the PNGDF became involved in its most serious undertaking, attempting, with police, to address the emerging security situation in Bougainville, where a group of disgruntled landowners had backed up demands for increased compensation from the Bougainville gold and copper mine with attacks on the mine and mineworkers.<sup>5</sup> The commitment of the PNGDF to the Bougainville conflict substantially reduced its capacity for

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<sup>3</sup> Constitutional Planning Committee, Papua New Guinea, *Final Report* (Port Moresby: Constitutional Planning Committee, 1974), chapter 13, p. 3.

<sup>4</sup> In fact, as early as 1971, in the wake of increasing lawlessness in the highlands, some highlands politicians had called for the use of the Pacific Islands Regiment “for security purposes” and supported proposals for the secondment of Pacific Islands Regiment officers to train police, particularly police riot squads (see May, *The Changing Role of the Military*, p. 39).

<sup>5</sup> For a comprehensive overview of the Bougainville conflict see Anthony J. Regan, *Light Intervention: Lessons from Bougainville* (Washington: United States Institute of Peace Press, 2010).

security operations elsewhere in the country, although troops were deployed to assist police in Morobe Province in 1991 and in the national election of 1992.

The involvement of the PNGDF in internal security operations in this period inevitably brought defence personnel face to face with the actuality of political decision making, and it was not long before strains appeared in relations between the military and the government and there were suggestions of politicisation of the PNGDF command. Despite the fact that the young men selected for early officer training came from much the same social and educational background as most of their counterparts in the civil service and, to a large extent, in the national parliament, relations between senior military officers on the one hand, and politicians and public servants on the other hand, were not particularly close. Indeed, in his history of the PNGDF Sinclair describes relations in the early 1970s as "frosty".<sup>6</sup> This may have been a product of the military ethos inherited from the colonial period and the nature of the military training:

Politicians tended to see the military as elitist and a possible threat to civilian rule, and the military had misgivings about politicians who questioned the future role of the PNGDF and suggested that it might be too big.<sup>7</sup>

Tensions in relations between members of the government and senior PNGDF officers came to a head as early as 1977. In August, PNGDF Commander Ted Diro had held discussions with a leader from the West Papuan (Indonesian) separatist Organisasi Papua Merdeka. Although Diro claimed that the defence minister had been fully briefed on the talks, there was feeling within the government that Diro had exceeded his authority, and he was issued with an official reprimand. Diro, however, was supported by his senior officers, and there were rumours in Port Moresby of a possible coup.<sup>8</sup> At the time Diro told the NEC:

I have now been able to assess who my friends are and who aren't ... Mr Prime Minister, I want you to know that the force is becoming sick to death of being made a political football by certain politicians and ex-politicians.<sup>9</sup>

Although the incident was described at the time as "the most serious threat to the authority of the government since independence",<sup>10</sup> it appeared to blow over fairly quietly.

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<sup>6</sup> James Sinclair, *To Find a Path: the Papua New Guinea Defence Force and the Australians to Independence. Volume II, Keeping the Peace 1950-1974* (Bathurst: Crawford House Press, 1992), p. 297.

<sup>7</sup> May, *The Changing Role of the Military*, p. 47.

<sup>8</sup> David Hegarty, 'Political Chronicle: Papua New Guinea', *Australian Journal of Politics and History*, vol. 24, no. 3 (1978), p. 402.

<sup>9</sup> Quoted in *Sydney Morning Herald*, 6 October 1977.

<sup>10</sup> Hegarty, 'Political Chronicle', p. 402.

Six years later, however, a former PNGDF officer told an ABC correspondent that had Diro been sacked in 1977, PNGDF officers would have staged an already-rehearsed operation, code-named 'Electric Shock', in which the prime minister and certain other politicians and public servants would have been taken hostage, and that PNGDF officers had been in contact with the Indonesian Government during this period. Diro's role in all this was unclear and the story was denied in some quarters, but it raised concerns that military intervention was not out of the question.<sup>11</sup>

Four years later, in 1981, Diro announced that he was resigning from the PNGDF to contest the 1982 national election. He stood as leader of a (mostly Papuan) PNG Independent Group and was elected to parliament. In the process of coalition formation, Diro was at one stage tipped as possible prime minister, but he ended up in opposition, briefly accepting leadership of the National Party, and becoming minister for forests.<sup>12</sup>

Diro was not the first, nor the last, senior PNGDF officer to shift from the military to politics. Diro's early rival for the position of PNGDF commander, Patterson Lowa, resigned in 1975. He joined Prime Minister Somare's office and subsequently contested the national election in 1977 as a Pangu Pati candidate in Port Moresby. He was elected and became minister for police; there were subsequent rumours that he used his position to move for the sacking of both General Diro and the police commissioner (whose tenure was terminated in 1977).<sup>13</sup> Lowa lost his seat later in 1977 as a result of a challenge to his residential qualifications. He subsequently became national organiser of the Melanesian Alliance party and was re-elected to parliament in 1987. The third of the three young officers groomed for leadership of the PNGDF, Ken Noga, also resigned to contest the 1977 election as a pro-Pangu candidate, but rejoined the force when he failed to gain office. Other PNGDF officers have also contested national elections over the years, some successfully, some unsuccessfully.<sup>14</sup>

With Diro's resignation from the PNGDF, it was generally expected that he would be succeeded by Colonel Noga. Instead, the position was given to Colonel Gago Mamae. In 1980 a split in the ruling Pangu-led coalition and a subsequent vote of no confidence against Somare had brought a new coalition to power, headed by People's Progress Party (PPP) leader Sir Julius Chan. There were suggestions that Mamae had been appointed over Noga in 1981 for political reasons (specifically, Noga's membership of the Somare-led Pangu Pati). The suggestion that political considerations had entered into the selection of the PNGDF command was reinforced in 1983 when, having been re-elected to office in the national election of the previous

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<sup>11</sup> See May, *The Changing Role of the Military*, p. 48.

<sup>12</sup> *Ibid.*, p. 48.

<sup>13</sup> *Ibid.*, p. 48-9.

<sup>14</sup> *Ibid.*, p. 47.



year, the Somare Government appointed Noga to replace Mamae. (Mamae later resigned from the PNGDF and became executive officer in Chan's PPP office, standing unsuccessfully as a PPP candidate in the 1987 election.)

The politicisation of senior PNGDF appointments was demonstrated even more blatantly in late 1985, when another vote of no confidence against Somare brought to office a government headed by Paias Wingti and Chan. Noga was replaced by Colonel Tony Huai. Huai had been in consideration for the top position in 1982. In 1984 he had resigned, criticising the Somare Government's handling of the PNGDF. He initially joined Mamae in Chan's PPP office and indicated his intention of standing for parliament in 1987. The appointment of a commander from outside the PNGDF was reportedly opposed by the Defence Department and resented by some senior officers. Huai proved to be a controversial figure as PNGDF commander and he was dismissed two years later. His replacement, Colonel Rochus Lokinap, was, coincidentally, from Chan's New Ireland electorate and the defence minister at the time, James Pokasui, a former officer in the PNGDF's Maritime Element, had served under him.<sup>15</sup>

In 1987 Diro was re-elected and became deputy prime minister in a coalition government headed by Wingti. However, accused of involvement in illicit transactions as minister for forests and of receiving undeclared funds from Indonesia's defence and security minister General Benny Murdani for his 1987 election campaign, and facing prosecution, Diro resigned from cabinet. In a parting statement to the press he said, ominously:

the events of the past couple of months have had implications leading to rumours of disobedience in the disciplined forces ... I have been one of the experts on military coups through the world [and] the ingredients are here for a coup ... I do not want to be blamed when that arises.<sup>16</sup>

In the wake of the unexpected military coups in Fiji in 1987, such comments were not taken lightly. With rumours circulating in Port Moresby about an impending coup,<sup>17</sup> three colonels—all, like Diro, from Papua—were “redeployed within the Public Service”, although possible links between their “redeployment” and the talk of a coup were never made clear.<sup>18</sup>

Shortly after resigning from cabinet, Diro shifted the allegiance of the predominantly-Papuan party of which he was parliamentary leader, precipitating a change of government and returning to the position of deputy prime minister. The new government reinstated the three Papuan colonels. But in late 1991 Diro was found guilty of misconduct by a Leadership

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<sup>15</sup> Ibid., pp. 49-51.

<sup>16</sup> *Post-Courier*, 9, 16 November 1987.

<sup>17</sup> Yaw Saffu, 'Political Chronicle: Papua New Guinea', *Australian Journal of Politics and History*, vol. 34, no. 2 (1988), pp. 259-60.

<sup>18</sup> *Times of Papua New Guinea*, 21-27 January 1988, 28 January - 3 February 1988.

Tribunal and lost his seat. Another reshuffle of senior PNGDF positions followed. Problems remained, however, and in early 1993 it was announced that the defence secretary was to be sacked following clashes between the secretary and the minister and Brigadier-General Dademo over alleged interference in the PNGDF's operations in Bougainville.<sup>19</sup>

Meanwhile, there were other confrontations between the PNGDF and the government. In 1988 the PNGDF mounted an operation to secure Lae City airport in defiance of a government decision to shift the Air Element's base from Lae City, and in 1989 some 100-200 soldiers marched on the National Parliament, smashing windows and overturning cars, in protest against lower than expected pay increases. In 1989 a Defence General Board of Inquiry reported a serious lack in discipline, some misuse of funds and equipment, and low morale.<sup>20</sup>

### **The Bougainville Campaign and 'Sandline Affair'**

With some exceptions, the PNGDF's participation with police in law and order operations between 1984 and 1988 had been generally regarded as successful. Its performance in Bougainville, however, following deployment there in 1989, quickly revealed problems in its capacity to operate effectively against the Bougainville rebels,<sup>21</sup> and in its relations with the government. From an early stage in the Bougainville conflict, tensions arose between the government, which saw a need for a negotiated settlement with aggrieved landowners, and the disciplined forces—police and military—subsequently backed in parliament by hardliners led by Diro, who believed the situation could be resolved by firm military action against the rebels. In March 1989 Police Commissioner Paul Tohian reportedly complained of "political interference with essential police work and political indecision" and threatened to defy government directives in his attempts to capture rebel leader Francis Ona. Shortly after this, the acting PNGDF chief of staff, Colonel Leo Nuia, publicly rebuked the defence minister, saying he "should refrain from making wild statements on matters affecting the operations of the soldiers and police" on Bougainville.<sup>22</sup>

Twelve months later, following negotiation of a ceasefire and withdrawal of troops, Tohian ordered the removal of all police from Bougainville, leaving the island virtually in the hands of the rebel Bougainville Revolutionary Army

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<sup>19</sup> *Post-Courier*, 26 April 1993.

<sup>20</sup> Defence General Board of Inquiry, Papua New Guinea, *Report of the Defence General Board of Inquiry into Administration and Management of the Papua New Guinea Defence Force and the Department of Defence* (Boroko: Department of Defence, 1989).

<sup>21</sup> For an insider's account of the Papua New Guinea Defence Force's (PNGDF) early campaign in Bougainville, see Yauka A. Liria, *Bougainville Campaign Diary* (Melbourne: Indra Publishing, 1993).

<sup>22</sup> *Post-Courier*, 27 February 1989; *Niuginin Nius*, 12 April 1989.

(BRA),<sup>23</sup> a visiting Australian parliamentary committee described the situation as “a fairly serious breakdown in the control by the Papua New Guinea Government of its force” and bound to lead to chaos.<sup>24</sup> Shortly after, on his way home from an informal reception in Port Moresby for soldiers returning from Bougainville, a reportedly inebriated Tohian called over his car radio for police and army personnel to arm themselves and join him at the prime minister’s residence, where they were to arrest the prime minister and take over the government. Tohian and two of his officers were arrested and initially charged with treason, but the incident—widely referred to as ‘the barbecoup’—was not taken altogether seriously, and charges were subsequently dropped. (In 1992 Tohian was elected to the National Parliament and became minister for defence.)<sup>25</sup>

As the Bougainville conflict dragged on, strains in the civil-military relationship were clearly evident. In April 1991, following peace talks between the BRA and the government which resulted in a joint commitment to resolution of the conflict as set out in the Honiara Declaration, a group of soldiers under the command of hardline Colonel Nuia made an unauthorised landing on north Bougainville. They launched an attack on the BRA, which clearly violated the Declaration and jeopardised the peace process. In June 1991 Nuia was dismissed (subsequently he was reinstated, dismissed again in 1996, and later reinstated as PNGDF commander). Bougainvillean minister for provincial affairs John Momis supported the action against Nuia, saying, “If we don’t put a stop to it, we cannot stop a coup”.<sup>26</sup> But Nuia’s removal did not stop the PNGDF from defying the government in blocking access to Bougainville, conducting raids across the border into Solomon Islands, and in 1996 being involved in the murder of the premier of the Bougainville Transitional Government established in the previous year.<sup>27</sup>

In 1996, with promising peace initiatives having failed to yield results, a major military offensive against the BRA having achieved little, and a national election imminent, Prime Minister Chan was persuaded to accede to a covert contract with military consultants Sandline International. This involved Sandline personnel and the PNGDF in an operation (‘Project Contravene’) designed to defeat the BRA and recapture the Bougainville

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<sup>23</sup> Several members of the Bougainville Revolutionary Army, including its commander Sam Kauona, were former PNGDF officers.

<sup>24</sup> Joint Committee of Foreign Affairs Defence and Trade, The Parliament of the Commonwealth of Australia, *Australia’s Relations with Papua New Guinea* (Canberra: Senate Publishing and Printing Unit, 1991), pp. 752, 783-84.

<sup>25</sup> May, *The Changing Role of the Military*, p. 61.

<sup>26</sup> *Post-Courier*, 25 June 1991.

<sup>27</sup> For a detailed account of the Bougainville conflict see Anthony J Regan, *Light Intervention: Lessons from Bougainville* (Washington: United States Institute of Peace Press, 2010).

mine.<sup>28</sup> The then-PNGDF commander, Jerry Singirok (who had previously commanded the force in Bougainville and became commander in 1995) initially went along with the proposal, but by January 1997 was having misgivings about the political impact of such a military operation, and about putting PNGDF personnel under the command of foreign mercenaries.<sup>29</sup>

In February 1997 the details of Project Contravene became public. The use of mercenaries, and the dubious financial arrangements for funding the project, promptly came under widespread condemnation both in PNG and overseas. Then on 16 March 1997, under Singirok's direction, a group of PNGDF soldiers detained Sandline personnel in Port Moresby and Wewak, in an operation codenamed 'Rausim Kwik'. Singirok, having briefed PNGDF officers, the police commissioner and the governor general, read a statement over national radio raising his concerns about the Sandline contract and calling on Prime Minister Chan, Deputy Prime Minister Chris Haiveta and Defence Minister Mathias Ijape to resign. The police commissioner initially disassociated himself and the police from Singirok's actions. Chan rejected the call for his resignation, and Singirok—whom Chan accused of "gross insubordination bordering on treason"—was dismissed and later charged with sedition.<sup>30</sup>

With mounting popular support for his actions, and some unruly demonstrations and looting in Moresby and several provincial capitals, Singirok and Major Walter Enuma, whom Singirok had appointed to carry out Operation Rausim Kwik, sought to diffuse the tensions. They called on soldiers to remain within the barracks, but most businesses and government offices in Port Moresby remained closed.

On 20 March 1997 Prime Minister Chan agreed to set up a judicial inquiry into the Sandline engagement, and with angry crowds surrounding the parliament building, Chan, Haiveta and Ijape took the advice of a group of prominent citizens to 'step aside' while the inquiry was conducted; an acting prime minister was appointed. Two weeks later Enuma declared that Operation Rausim Kwik had ended.

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<sup>28</sup> For detailed accounts of the so-called 'Sandline Affair', see Sinclair Dinnen, Ron May and Anthony J. Regan, *Challenging the State: the Sandline Affair in Papua New Guinea* (Canberra: Research School of Pacific and Asian Studies, The Australian National University, 1997); Sean Dorney, *The Sandline Affair: Politics, Mercenaries and the Bougainville Crisis* (Sydney: ABC Books, 1998); and Mary-Louise O'Callahan, *Enemies Within: Papua New Guinea, Australia, and the Sandline Crisis: the Inside Story* (Sydney: Doubleday, 1999).

<sup>29</sup> See May, 'The Military Factor in the Events of March 1997', in Dinnen, May and Regan, *Challenging the State*, pp. 102-3.

<sup>30</sup> Dinnen, May and Regan, *Challenging the State*, p. 18.

The report of the inquiry was submitted to the acting prime minister at the end of May 1997 and, claiming that the report cleared him of any wrongdoing, Chan resumed office. The same day he announced the appointment of Leo Nuia as commander PNGDF, apparently overlooking the fact that Nuia had been decommissioned in 1996 on the order of Singirok. Early in July, in one its final acts, the Chan Government re-enlisted Nuia, promoted him to brigadier-general, and made him commander; at the same time Singirok was formally decommissioned. Nuia's appointment was not a popular one within the PNGDF, and after the Sandline Affair divisions within the force, partly associated with the events of 1997, persisted for some time.<sup>31</sup>

Meanwhile, in mid-1997 polling took place in the country's fifth national election. Chan was defeated in his New Ireland electorate—the first sitting prime minister to lose his seat; Ijape also lost, though Haiveta retained his seat. Bill Skate emerged as the new prime minister and Haiveta became his deputy.

In the latter days of the election campaign, it was reported that Enuma and several soldiers involved in Operation Rausim Kwik had provided support for selected candidates in the highlands, and that sixteen soldiers had been arrested. Nuia ordered the arrest of Enuma and his troops to face charges under the Defence Force Act, but soldiers loyal to Enuma forcibly released him from police cells in Port Moresby and went on to briefly place Nuia under house arrest in Murray Barracks. After tense negotiations, Prime Minister Skate controversially ordered police to suspend all charges against military personnel and members of non-governmental organisations arising from actions against the Sandline contract. However, Enuma and four of his officers (including Captain Belden Namah) were charged with mutiny, and subsequently served gaol sentences.

At the time of the Sandline Affair, questions were raised (mostly by the foreign media) as to whether Singirok's actions constituted a coup. Addressing this question, one of the authors suggested that

Operation Rausim Kwik .... involved no attempt to detain political leaders or occupy the Parliament, nor any attempt to seize radio or TV stations or influence the press [and] when dismissed Singirok accepted his dismissal to

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<sup>31</sup> A major line of division was between those troops who had supported Singirok (particularly the Special Forces Unit which had been created under Singirok's command and had spearheaded Operation Rausim Kwik) and those who had not taken part in the Sandline Affair (and were associated with a Special Operations Group set up by Nuia after Singirok's dismissal). These often followed regional identities.

describe [the Sandline Affair] as a 'coup' would be to stretch that term well beyond its normal usage.<sup>32</sup>

## A 'Culture of Instability'?

In 1998, claiming that he could no longer work with Nuia, Prime Minister Skate reinstated Singirok as commander, giving rise to mixed reactions from within the PNGDF.<sup>33</sup> With Skate facing a parliamentary vote of no confidence, there were rumours in Port Moresby in late 1998 that he had reappointed Singirok to strengthen his hand, and that a military coup was possible. It was claimed that the Special Forces Unit established by Singirok had been reconstituted and was training outside Port Moresby. The threat of a vote of no confidence was averted when Skate adjourned the parliament for six months and by early 1999 fears of a coup had subsided.

On his reappointment, Singirok promised "a massive clean-up" to restore standards and improve conditions for personnel, and to refocus on the PNGDF's role in civic action and nation building. Six senior colonels who had opposed Singirok in 1997 were sacked, and several other officers promoted, and a programme of reconciliation and confidence building was initiated. A new emphasis on sovereignty protection and defence of national interest, contributing to regional and collective security, and nation-building and development was affirmed in a Defence White Paper accepted by the NEC in May 1999.<sup>34</sup>

Singirok was replaced by a new government in 1999 and there have since been four PNGDF commanders, the most recent being Colonel Gilbert Toropo, appointed in January 2014. Toropo is the first highlander to be appointed commander. Under successive commanders the process of rebuilding and modernising the PNGDF has continued, though not without further evidence of civil-military tensions.

In September 1999 troops on Bougainville threatened to withdraw in protest against poor food (due largely to non-payment of local suppliers) and non-payment of salaries and allowances, and in early 2000 a group of PNGDF personnel staged an angry protest outside Defence headquarters in Port

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<sup>32</sup> See Ron J. May, 'The Military Factor in the Events of March 1997', in Dinnen, May and Regan, *Challenging the State*, p. 104. This is not the place to embark on a review of the vast literature on coups; those seeking a definition of 'coup', however, might begin with Bruce W. Farcau, *The Coup: Tactics in the Seizure of Power* (Westport: Praeger, 1994) and Aurel Croissant, 'Coups and Post-coup Politics in South-East Asia and the Pacific: Conceptual and Comparative Perspectives', *Australian Journal of International Affairs*, vol. 67, no. 3 (2013), pp. 264-80.

<sup>33</sup> The charge against Singirok of sedition had not been pursued, but was quickly re-activated by police following his reappointment. However, after a further lapse of six years, Singirok was acquitted in 2004.

<sup>34</sup> Government of PNG, *1999 Defence White Paper, Service to Others* (Port Moresby: Papua New Guinea Defence Organisation, 1999).

Moresby demanding a substantial pay rise. In September that year troops at Moem Barracks in Wewak went on a rampage over poor conditions, burning down the regimental headquarters and officers' mess. In a separate incident the following week, soldiers marched on Port Moresby Hospital after a colleague had been shot by police following an armed hold-up; rocks were thrown and a police vehicle set alight, and rumours that soldiers were about to march on the National Parliament resulted in the parliament postponing its session.

The incidents of September 2000 prompted the creation of a parliamentary Ministerial Task Force on Defence, whose report, tabled in October 2000, suggested that the basic needs of the PNGDF were not being met, that basic management structures and systems were not appropriate or not working, and that critical issues relating to the mission and purpose, capacity, resourcing and structure of the force needed to be reviewed. In introducing the report in parliament, Prime Minister Morauta spoke of a "culture of instability" within the PNGDF (between March 1997 and October 2001 the PNGDF had had seven commanders or acting commanders) and suggested that the institutional breakdown of the Force was the result of years of neglect and mismanagement. The following month a Commonwealth Eminent Persons Group (CEPG) began a review of the PNGDF.

The CEPG report was presented in January 2001. It recommended a dramatic reduction in force size, from 4,150 to 1,900 within six months.<sup>35</sup> While the recommendation of cutting force size was not new, it generated an angry response. Within Murray Barracks a group of around 100 soldiers called on the government to reject the CEPG's recommendations and to resign, and there were reports of soldiers breaking into the armoury. In the event, the dispute was resolved when cabinet rescinded the decision to reduce force size and granted amnesty to those involved in what was in effect another mutiny. Less than a year later, however, rebellious soldiers in Wewak, in a further protest about the proposed restructuring, took control of Moem Barracks, burning down the communications centre and an administration block and chasing some officers and their families out of the compound. A petition presented by the soldiers called for the resignation of the prime minister and the PNGDF commander, as well as addressing industrial issues and making a number of political demands (the latter including a halt to the privatisation of public assets and proposed reforms to land titles aimed at mobilising land for private investment). An editorial in *The National* newspaper warned: "Moem mutiny threatens our democracy ... the main aim of the rebellious soldiers is the political overthrow of the elected government of the day".<sup>36</sup> After a PNGDF crisis management team failed to negotiate a resolution of the dispute with the soldiers, the barracks was

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<sup>35</sup> 'Commonwealth Eminent Persons' Group, *Review of the Papua New Guinea Defence Force* (London: Commonwealth Secretariat, 2001).

<sup>36</sup> *The National*, 12 March 2002.

retaken in a military operation and around thirty soldiers were arrested to face court-martial and civil criminal charges.

On the eve of the 2002 national election a new defence minister was appointed and changes in senior PNGDF positions were announced. A Defence Intelligence report suggested that this reshuffling was “election-related” and it was widely rumoured amongst PNGDF personnel and in his home electorate that the new defence minister utilised the PNGDF’s Air Transport Wing to collect a shipment of weapons from Jayapura which were subsequently used to arm his personal militia.

### **A Period of Relative Tranquillity**

With the emergence of a new government, led by Sir Michael Somare, after the 2002 election, with a new commander (Commodore Peter Ilau, appointed in 2001), and with the withdrawal of the PNGDF from Bougainville following the signing of a Bougainville Peace Agreement the same year, civil-military relations entered a period of relative tranquillity.

This was slightly disrupted by the so-called Moti Affair. In 2006 a dispute between Australia and the Solomon Islands Government spread to PNG when the Australian Government sought to block the appointment of Fijian-born Australian citizen Julian Moti as Solomon Islands attorney general, by reviving allegations of a criminal offence by Moti in Vanuatu in 1997 and seeking Moti’s extradition to Australia. While in transit in PNG in September 2006, Moti was arrested at the request of the Australian Federal Police, released on bail, and secretly flown out of Moresby on a PNGDF aircraft to a small airfield in Solomon Islands. A Defence Board of Inquiry subsequently found that a number of laws and regulations had been violated by the removal of Moti, but was unable to establish who had authorised the flight, with contradictory evidence implicating a number of people, from the prime minister down. The chief secretary, the acting police commissioner and Commodore Ilau and his chief of staff were all briefly suspended, leading to rumours of a potential mutiny if Commodore Ilau were sacked. Investigation of the funding of the operation also uncovered a record of gross financial mismanagement, fraud, nepotism and intimidation within the Defence Department. But eventually the affair blew over with little lasting impact.<sup>37</sup>

The relative tranquillity of the period 2002-2010 may have been linked to stability in government at that time. In 2007 the Somare Government became the first post-independence government to survive a full five-year term in office. This was due in large part to the enactment in 2001 of an

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<sup>37</sup> For an overview of the ‘Moti Affair’, see Hank Nelson, ‘The Moti Affair in Papua New Guinea’. *SSGM Working Paper 2007/1* (Canberra: State, Society and Governance in Melanesia Program, Research School of Pacific and Asian Studies, Australian National University, 2007).



Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC), whose principal purpose was to achieve greater political stability by strengthening political parties and stopping the common practice of MPs 'hopping' from one party to another, and parties shifting from one coalition to another, to gain political (and material) advantage. Somare was re-elected prime minister in 2007, as head of another coalition government dominated by his National Alliance party. Commodore Ilau served as Commander of the PNGDF for the greater part of this period, becoming the PNGDF's longest serving commander. Under Ilau's command the PNGDF underwent a significant downsizing, from 3,700 to 2,000 personnel, and the beginnings of a revitalisation, with the first in-country commissioning course conducted at the Defence Academy in Lae in 2004-2006.<sup>38</sup>

In 2003 PNGDF troops were deployed to Solomon Islands as part of the Regional Assistance Mission to Solomon Islands (RAMSI); the PNGDF continued to support the RAMSI operation for the next decade. Legislation passed in 2010 paved the way for PNGDF participation in UN peace-keeping operations (there are currently PNGDF personnel serving as UN military observers in Sudan and South Sudan). The PNGDF also found itself once again involved in a number of internal security operations, including operations as part of a Southern Highlands State of Emergency and Special Police Operations in 2006-2007, providing security for the 2007 national election, and disaster relief operations and civic action including the beginning of construction of a road from Baiyer River in the Western Highlands to Madang.<sup>39</sup>

The 2007 national election security operations saw officers who had graduated from the first in-country commissioning course take on their first operational command. As a group they were determined to demonstrate their capability, against criticism regularly directed towards them by senior officers who received training in Australia. This group of young officers, most of whom are educated to tertiary level, see themselves as having a sense of corporate identity free of the regional divisions which have affected the rest of the officer corps over the past two to three decades.

## **The PNGDF in the Political Impasse of 2011-2012**

In early 2010, the Supreme Court handed down a decision on a challenge to the OLIPPAC, which ruled that several sections of the OLIPPAC were unconstitutional—in particular the provisions restricting MPs from changing their allegiances in parliament. This decision opened the way for a return to

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<sup>38</sup> Following the abolition of the Joint Services Staff College all PNGDF officers had been trained at the Royal Military College in Australia or the Officers Cadet School in New Zealand.

<sup>39</sup> In 2014 ten former PNGDF engineers were re-enlisted to work on this project.

the party hopping and 'yo-yo politics' which had characterised parliamentary behaviour before 2001.

In August 2011, with Prime Minister Somare on extended leave in Singapore, where he was receiving medical treatment, parliament declared that the prime ministership was vacant and elected Peter O'Neill, former finance minister in the Somare Government, as the new prime minister. About half of Somare's National Alliance crossed the floor to vote for O'Neill. Former PNGDF officer Belden Namah became deputy prime minister. Somare's supporters promptly challenged O'Neill's election and in December 2011 the Supreme Court handed down a majority decision against the National Parliament's actions.<sup>40</sup> O'Neill, citing his parliamentary majority, chose to ignore the Supreme Court decision. There followed a period of impasse, with two claimant prime ministers, and for a time two governors general, and two police commissioners. With public support and the allegiance of MPs, police, and senior public servants apparently flowing to O'Neill, Somare appealed to the PNGDF commander, Brigadier-General Agwi (who had been appointed by the Somare Government) to uphold the constitution. Agwi however declined to become involved in what he rightly saw as a civil issue, effectively lending weight to O'Neill (though sources within the PNGDF insisted that the military was neutral, being "pro-constitution and pro-flag").<sup>41</sup>

In January 2012, Somare announced that his government had appointed a new PNGDF commander, Colonel Yaura Sasa. Sasa had recently returned from an extended posting as military attaché to Indonesia and, according to reports, had been retrenched. Together with a group of about thirty armed soldiers, Sasa seized control of Taurama and Murray Barracks, placing the commanding officer at Taurama, Brigadier General Agwi and two other senior officers under house arrest, and calling for the reinstatement of Somare within seven days. Sasa denied he was leading a mutiny or military takeover; "My task", he declared, "is restoring the integrity and respect of the constitution and the judiciary".<sup>42</sup>

Sasa failed to gain support from the officer corps, and by the end of the day he and most of his group had been detained or had withdrawn. Sasa was arrested and charged with inciting a mutiny (and later released on bail), but claimed he had been acting on the orders of the (Somare) government; Somare and his defence minister continued to argue that Sasa had been

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<sup>40</sup> For a more detailed account of the background to 2 August and developments to just prior to the Supreme Court decision see Ron J. May, 'Papua New Guinea's "Political Coup": The Ousting of Sir Michael Somare', *SSGM Briefing Note No. 1/2011* (Canberra: State, Society and Governance in Melanesia Program, Research School of Pacific and Asian Studies, Australian National University, 2011).

<sup>41</sup> Discussions with serving and former PNGDF personnel.

<sup>42</sup> *Post-Courier*, 27 January 2012.

appointed by their government and had done no wrong. Namah, appointed by O'Neill as acting defence minister, declared a general amnesty for the other ranks involved. In doing so he made reference to his own experience of serving over six years in gaol for his role in the Sandline Affair. Sources within the PNGDF have since claimed that the soldiers involved in the mutiny were initially paid by the Somare camp and that as part of the general amnesty were again paid by the O'Neill Government to hand in their weapons—weapons which, it was reported, did not come from the PNGDF armouries.<sup>43</sup>

The impasse was eventually broken by a scheduled national election in June 2012—despite attempts by Namah to postpone the election. The PNGDF again assisted police in providing security for the election. O'Neill emerged as the leader of the party with the greatest number of seats, and was duly elected by parliament as prime minister. Somare, who before the election said he would put the architects of the August 2011 'political coup' behind bars if elected, surprisingly joined the O'Neill coalition, and after a falling-out with O'Neill, Namah became leader of the opposition.

Following a period of relative stability, the events of January 2012 have revived divisions within the PNGDF. In private, many in the force have been particularly critical of the part played by Namah, accusing him of using the PNGDF as his personal praetorian guard and usurping the role of the defence minister in the de facto government of 2011-2012. Although in opposition after the 2012 election, Namah has maintained close relations with elements within the PNGDF.

In 2013 a new Defence White Paper—the first since 1999—noted that PNG's defence capabilities had "degenerated significantly" and that the country faced challenges which are "complex, non-traditional and predominantly developmental in nature". It recommended an ambitious program for an expanded, reorganised and better-equipped force, including a Reserve Force, and placed emphasis on the PNGDF's role in supporting national development.<sup>44</sup>

## **Why No Coup?**

In 1977 Joseph LaPolombara wrote, "Military coups are now so frequent and widespread they must be considered as significant as elections".<sup>45</sup> Earlier, Morris Janowitz had suggested that

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<sup>43</sup> Discussions with serving and former PNGDF personnel.

<sup>44</sup> Government of PNG, *Defence White Paper 2013, Defending PNG's Prosperity* (Port Moresby: Papua New Guinea Defence Organisation, 2013).

<sup>45</sup> Joseph LaPolombara, 'Foreword', in E. A. Nordlinger, *Soldiers in Politics: Military Coups and Governments* (Englewood Cliffs: Prentice Hall, 1977), p. x.

The intervention of the military in the domestic politics [of non-Western states] is the norm; persistent patterns of civil supremacy are the deviant cases that require special exploration.<sup>46</sup>

And yet despite a history of recurring civil-military tensions, and the continuing unpredictability of its politics, PNG has managed to confound early predictions by remaining 'coup-less'. As noted at the start of this article, observers of PNG in the early 1970s clearly foresaw the possibility of a military coup, or at least of some form of military intervention in government. This brief overview of civil-military relations in PNG shows that there have been persistent confrontations between civil and military personnel since the early years of independence, primarily over service conditions, corporate military identity and perceptions of the role of the military (including 'political interference' in what the PNGDF saw as military operations in Bougainville), and 'defence of the constitution' against corruption or political excess—the classic range of factors underlying military coups the world over. What is interesting about the PNG case is that in a series of demonstrations, mutinies and even political interventions, none has progressed to a full-scale coup as experienced in much of Africa, Asia and, closer to home, Fiji. How does one explain this 'deviant case'?

It might be tempting to argue that the concepts of civilian supremacy and military professionalism instilled during the Australian administration and the early years of independence militated against a coup. Certainly the behaviour of General Singirok and Major Enuma during the Sandline Affair, both in the way demands were channelled and control of angry troops and civilian demonstrators was maintained, showed a high degree of professionalism, and prevented the incident from becoming something more serious. And in April 2001, in what some described as an 'attempted coup' but was essentially industrial action over working conditions, soldiers remained in their barracks despite the urgings of some politicians and civilian protesters. More recently, Brigadier-General Agwi was firm in his refusal to have the PNGDF become involved in the confrontation between Somare and O'Neill, and the force was quick to reject the efforts of Colonel Sasa to take control of the PNGDF. But in other instances that professionalism has been lacking.

The fact that a number of military officers have left the Defence Force to contest elections for the National Parliament—two (Diro and Namah) serving as deputy prime minister and several becoming ministers—has perhaps provided something of a safety valve for military men frustrated at the limitations placed on them as soldiers. But there has been no easy road

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<sup>46</sup> Morris Janowitz, 'The Comparative Analysis of Middle Eastern Military Institutions', in M. Janowitz and J. van Doorn (eds), *On Military Intervention* (Rotterdam: Rotterdam University Press, 1971), p. 306.

from the barracks to the parliament, so again this does not explain the absence of a coup.

Suggested 'explanations' for the absence of a coup have been the small size of the PNGDF (which having been reduced to about 2,000 by 2009 had grown back to 2,600 in 2013), split between three barracks, a small Air Transport Wing and a Maritime Operations Element in Port Moresby, barracks in Lae and Wewak, and smaller units in Kiunga, Vaimo and Manus, and its poor logistical capabilities, with aircraft and maritime craft out of commission for long periods. Given the localised, competitive and fractious nature of political power in PNG and the difficulties which even a legitimate government has in governing, it is difficult to envisage how a small military could achieve more than a temporary and geographically limited takeover of government.<sup>47</sup> However, the announcement by Prime Minister O'Neill in 2012 that the PNGDF is to be increased to 5,000 by 2015 and 15,000 by 2030 (a policy amended in the 2013 Defence White Paper to 5,000 by 2017 and 10,000 by 2030, but still viewed with some scepticism by many observers) belies the suggestion that the PNGDF has been kept small as a deliberate strategy to inhibit a coup.<sup>48</sup>

Longstanding antipathy between the Royal Papua New Guinea Constabulary and the PNGDF—evident at the start of the Sandline Affair—might also inhibit any propensity towards coups.

Finally, a perception, at independence, of the PNGDF as a cohesive 'super-tribe' has dissipated over the years. It was clear that divisions—along 'ethnic'/regional lines (Papua/Momase/Highlands/Islands) and around individual personalities—existed within the Defence Force at the time of the Sandline Affair, and the events of 1997 exacerbated these divisions. Although this may have changed among younger officers in recent years, it seems likely that only a serious threat to the corporate identity of the PNGDF could generate the cohesion necessary for an effective challenge to the government.

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<sup>47</sup> Ron J. May, 'The Military in Papua New Guinea: a "Culture of Instability"?', in R. J. May (ed.), *'Arc of Instability'? Melanesia in the Early 2000s* (Christchurch: Macmillan Brown Centre for Pacific Studies, University of Canterbury and State, Society and Governance in Melanesia Project, Research School of Pacific and Asian Studies, The Australian National University, 2003), p. 6. However, a former Papua New Guinea-based Australian soldier has argued that these problems are not insurmountable, and does not rule out the possibility of a coup—see Trevor Rogers, 'The Papua New Guinea Defence Force. Vanuatu (1980) to Bougainville (1990)', unpublished PhD thesis, The Australian National University, Canberra, 2003.

<sup>48</sup> Cf. M. Mietzner and N. Farrelly, 'Mutinies, Coups and Military Interventionism: Papua New Guinea and South-East Asia in Comparison', *Australian Journal of International Affairs*, vol. 67, no. 3 (2013), pp. 345-7.

Having said this, a possibility remains of collaboration between opportunistic politicians and disgruntled soldiers challenging government in order to achieve different political outcomes. The politicisation of senior PNGDF personnel, which was evident in the 1980s and 1990s and again since the January 2012 mutiny,<sup>49</sup> tends to undermine military professionalism and make such collaboration more likely.

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<sup>49</sup> The appointment by the O'Neill Government in early 2014 of a retired officer, Colonel Geoffrey Wiri, as chief of operations was strongly criticised from within and outside the PNGDF. (In the event Wiri did not take up the position.)

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# Bougainville: Large-scale Mining and Risks of Conflict Recurrence

Anthony J. Regan

Research on conflict resolution suggests that the significant risk of conflict recurrence in intra-state conflicts is much reduced by political settlements that 'resolve the issues at stake' between parties to the conflict, and that in conflicts involving grievances about distribution of natural resource revenues, such settlements should include natural resource wealth-sharing arrangements. This article shows that the Bougainville conflict origins involved far more complexity than natural resource revenue distribution grievances, and that the conflict itself then generated new sources of division and conflict, the same being true of both the peace process and the process to implement the Bougainville Peace Agreement (BPA). As a result, the BPA addresses many more issues than natural resource-related grievances. Such considerations make it difficult to attribute lack of conflict recurrence to particular factors in the BPA. While the BPA provisions on wealth-sharing address relations between the Papua New Guinea National Government and Bougainville, moves by the Autonomous Bougainville Government to explore possible resumption of large-scale mining has generated a new political economy in Bougainville, contributing to new tensions amongst Bougainvilleans.

Most academic observers agree that the Bougainville conflict, 1988-97, would not have occurred but for the impacts of the huge Panguna copper and gold mine, operated in central Bougainville, 1972 to 1989, by Rio Tinto's majority owned subsidiary, Bougainville Copper Ltd (BCL). Undoubtedly the dissatisfaction felt by many Bougainvilleans about the share of revenue received by not only customary landowners of mine lease areas, but also the wider population of Bougainville, was a significant factor in the origins of the conflict. That view is reflected in the focus in observer accounts on the roles of Panguna mine lease landowners in the conflict origins, both those published soon after the conflict began,<sup>1</sup> and more recently published accounts.<sup>2</sup>

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<sup>1</sup> For example, Colin Filer, 'The Bougainville Rebellion, the Mining Industry and the Process of Social Disintegration in Papua New Guinea', in Ron J. May and Matthew Spriggs (eds), *The Bougainville Crisis* (Bathurst: Crawford House Press, 1990), p. 73.

<sup>2</sup> For example, Kristian Lasslett, 'State Crime by Proxy: Australia and the Bougainville Conflict', *British Journal of Criminology*, vol. 52 (2012), p. 708, and 'Beyond State-fetishism: Developing a Theoretical Programme for State Crime Studies', *Revisita Crítica Penal y Poder*, no. 5 (2013), p. 125; Stan Starygin, 'The Gangs of Bougainville: Seven Men, Guns and a Copper Mine', *Journal of Conflict Transformation & Security*, vol. 3, no. 1 (2013), p. 56; and Volker Boege, *Bougainville Report. Project: Addressing Legitimacy Issues in Fragile Post-conflict Situations to*

In fact there were other groups involved, in various ways, in the origins of the conflict. They included: young Bougainvillean workers employed by BCL; marginalised youth, particularly members of criminal (*raskol*) gangs, and unemployed young men with little or no formal education, from all parts of Bougainville; leaders of 'pressure groups' from areas facing intense land pressures and high levels of economic inequality, especially the Siwai and Bana areas, south-west of Panguna; leaders of indigenous political/religious movements; and elements of the main Christian churches in Bougainville. Further, while natural resource distribution issues were important, other significant causal factors were involved.<sup>3</sup>

The conflict has more complex origins than has generally been understood and this helps to explain the apparent ease with which those that initiated the conflict were able to mobilise support across Bougainville. It also helps to explain the multi-faceted character of the subsequent conflict, the peace process from 1997 till the signing of the Bougainville Peace Agreement (BPA) in 2001, and the implementation of the BPA, 2001 to present. Once the conflict was under way, it generated its own dynamics, contributing to different sources of tension, division and conflict, and the same has been true of the peace process and the implementation of the BPA.

The conflict's complexity and intensity makes its lack of recurrence in the seventeen years since 1997 particularly notable, especially in light of research on the high risk of recurrence of intrastate conflict occurring since World War Two, 60 per cent recurring within five years of cessation of conflict.<sup>4</sup> Recurrence is almost twice as fast (less than three years) for a particular category of conflicts involving natural resources—those involving natural resource distribution issues (unfair access to or control of resources, or unfair distribution of benefits). Together, all categories of natural resource conflicts account for over 40 per cent of all intra-state conflict since World War Two,<sup>5</sup> but it is only the 36 per cent of those that involve resource

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*Advance Conflict Transformation and Peacebuilding* (Brisbane: Queensland University, 2013), <[http://www.berghof-foundation.org/images/uploads/grantee\\_09010\\_Bougainville\\_report.pdf](http://www.berghof-foundation.org/images/uploads/grantee_09010_Bougainville_report.pdf)> [Accessed 28 August 2014], p. 10.

<sup>3</sup> Anthony J. Regan, 'Bougainville: "Dodging the Bullet" of Conflict Recurrence?', unpublished paper, 2014.

<sup>4</sup> Human Security Report Project, *Human Security Report 2012: Sexual Violence, Education and War: Beyond the Mainstream Narrative* (Vancouver: Human Security Press, 2012), p. 171.

<sup>5</sup> United Nations Environment Programme, 'From Conflict to Peacebuilding: The Role of Natural Resources and the Environment', *United Nations Environment Programme 2009*, <[http://postconflict.unep.ch/publications/pcdmb\\_policy\\_01.pdf](http://postconflict.unep.ch/publications/pcdmb_policy_01.pdf)> [Accessed 30 August 2014], p. 8; Siri Aas Rustad and Helga Malmin Binningsbo, 'A Price Worth Fighting For? Natural Resources and Conflict Recurrence', *Journal of Peace Research*, vol. 49, no. 4 (2012), p. 7.



distribution issues where the risk of much faster recurrence occurs.<sup>6</sup> As for factors ameliorating recurrence risks, research highlights the roles of political settlements that ‘resolve the issues at stake’ between the parties to the conflict, and are guaranteed by the international community.<sup>7</sup> Some suggest that settlements resolving ‘issues at stake’ in natural resource distribution conflict should include natural resource wealth sharing arrangements.<sup>8</sup>

Even though they do not use the expression ‘natural resource distribution’, most commentators agree that factors consistent with the definition of that expression were involved in the Bougainville conflict, though many, but far from all, acknowledge it as one amongst other causes. By the time the BPA was negotiated, the complexity of the conflict ensured that it was necessary to deal with many more issues than natural resource distribution. In light of the literature just summarised, can we say whether by resolving ‘the issues at stake’ the BPA has played a significant role in reducing the risk of conflict recurrence in Bougainville?

The high profile during the BPA negotiations of Bougainville secession issues and their possible resolution by a deferred referendum may help to explain why what the BPA says about mining revenue distribution has received little attention. But given recognition of the importance of such issues in the conflict origins, it might be expected that the growing controversy since 2005 over the possibility of large-scale mining resuming in Bougainville would see more attention being given to such issues. Contrary to views expressed by one international authority on conflict resolution, the BPA did deal with future control of mining in Bougainville,<sup>9</sup> though it also deferred a decision on a key revenue distribution issue.<sup>10</sup>

If Bougainville can indeed be categorised as a natural resource distribution conflict, or if distribution was an important factor amongst others, then the literature on risks of conflict recurrence just summarised highlights several

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<sup>6</sup> Rustad and Binningsbo, ‘A Price Worth Fighting For?’.

<sup>7</sup> Human Security Report Project, *Human Security Report 2012*, pp. 178, 184-5.

<sup>8</sup> Helga Malmin Binningsbo and Siri Aas Rustad, ‘Sharing the Wealth: A Path to Peace or a Trail to Nowhere?’, *Conflict Management and Peace Science*, vol. 29 (2012), pp. 547-66.

<sup>9</sup> Zartman claims—incorrectly—that the key “to the last lock” on the Bougainville Peace Agreement (BPA) was “to put off a resolution ... of the Panguna mine at Arawa”. I. William Zartman, ‘Mediation and Conflict Resolution’, in Jacob Bercovitch, Victor Kremenyuk, and I. William Zartman (eds), *The Sage Handbook of Conflict Resolution* (Thousand Oaks, CA: Sage Publications Ltd, 2009), <[http://knowledge.sagepub.com/view/hdbk\\_conflictresolution/n17.xml?f\\_0=SEARCHWITHIN&q\\_0=Bougainville](http://knowledge.sagepub.com/view/hdbk_conflictresolution/n17.xml?f_0=SEARCHWITHIN&q_0=Bougainville)> [Accessed 1 September 2014], p. 330.

<sup>10</sup> Anthony J. Regan, ‘Bougainville: Conflict Deferred?’, in Edward Aspinall, Robin Jeffery and Anthony J. Regan (eds), *Diminishing Conflicts in Asia and the Pacific: Why Some Subside and Others Don’t* (Oxford: Routledge, 2013), pp. 117-33.

issues of possible significance. They include whether mineral wealth sharing arrangements have played a role in reducing the risk of conflict recurrence. So in this article I examine the effectiveness of natural resource wealth sharing arrangements in the BPA, by outlining how 'issues at stake' were identified in the process of negotiating the BPA, and how resource distribution issues, in particular, were dealt with. I then raise issues about the possibility that conflict recurrence risks may be rising, mainly as a result of the changing political economy of post-BPA Bougainville, generated in large part by debate on possible resumption of large-scale mining. Before discussing those issues, it is helpful first to outline aspects of the dynamics generated by the conflict.

### **Aspects of the Dynamics of the Conflict, 1988 to 1998**

While natural resource distribution issues were central amongst the multiplicity of issues and factors contributing to the origins of Bougainville conflict, from the outset they were mixed with others little discussed in most analyses. They included: mine-workers' perceptions of BCL's unfairness as an employer; broad-based Bougainvillean resentment of outsiders generally, and of their domination of the economy in particular; localised economic inequality; and concerns of marginalised youth in many parts of Bougainville. Resentment of inequality was a cross-cutting theme, and one closely linked to rejection by emerging younger generation leaders of then existing leadership. It was a significant factor influencing the actions of the mine lease landowners, the marginalised youth, and the Siwai and Bana pressure groups, and was a contributing factor to the actions of the young Bougainvillean mine-workers.

Further, the generally young generation males (aged in their late teens and twenties) in the emerging BRA derived considerable legitimacy by the BRA being able not only to link itself to the generally older generation leaders of the indigenous political/religious movements, who tended to appeal heavily to tradition and custom, but also the main Christian churches. Claiming legitimacy from a combination of custom and Christianity was a powerful mobilising influence in Bougainville.

With multiple factors motivating a wide variety of loosely linked Bougainvillean actors, and some of those factors involving highly localised issues, it is hardly surprising that multiple agendas were pursued, especially after withdrawal of Papua New Guinea (PNG) forces from Bougainville after the March 1990 ceasefire. It is also not surprising that a degree of 'levelling'—of the wealthy, the educated and the powerful—was pursued by some BRA elements. Even officers of the North Solomons Provincial Government were targeted in the weeks after March 1990.

After departure of the PNG forces, the main focus that had held the loosely structured BRA elements together was gone. There was little discipline

amongst many localised BRA elements, particularly (but not only) amongst those with a history of *raskol* gang involvement, as is made clear by descriptions from Sam Kauona<sup>11</sup> and James Tanis (former BRA commander, and late—2009-10—President of Bougainville).<sup>12</sup> One of the tragedies of the appalling violence unleashed against Bougainvilleans by the PNG security forces from December 1988 was that it gave licence to some of their Bougainvillean opponents to match their violence. Much of that was unleashed on non-Bougainvilleans, as well as on some elite, educated or powerful Bougainvilleans. Violence, and fear of violence, against non-Bougainvilleans saw most depart Bougainville during the second half of 1989 and the first half of 1990. There was effectively a form of ethnic cleansing of non-Bougainvilleans, who were targeted not just because of ethnicity, but also because of their roles in the economy. The Chinese community, for example, was resented because of their control of much of the urban retail sector, and as a result their departure was—and still is—widely welcomed by Bougainvilleans.<sup>13</sup> Many educated or elite Bougainvilleans also departed, both in 1989-90, and in later years, and in large part because of this there is a Bougainvillean diaspora of perhaps 20,000 mainly living elsewhere in PNG.

With BRA leadership unity under pressure, localised leadership divided, and all pre-existing formal government ceasing to operate, from March 1990, localised conflict emerged in many areas. Groups facing insecurity in such conflict appealed to PNG forces to assist them, that being a major factor in those forces gaining some control of significant parts of Bougainville beginning with Buka in late 1990. After the return of PNG forces to Buka and parts of Bougainville Island in the late 1990 to mid-1992 period, Bougainvillean opposition to Ona and the BRA consolidated around the PNG-supported Bougainville Resistance Forces (BRF), mostly former BRA elements. In areas where PNG forces returned, local customary leadership and new local government bodies established under PNG law (regional interim authorities) worked closely with PNG forces and the BRF. An alternative Bougainville leadership emerged in opposition to the BRA, and its government arm, the Bougainville Interim Government. This alternative leadership generally opposed independence for Bougainville not because

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<sup>11</sup> Sam Kauona Sirivi, 'Conflict in Bougainville—Part 3: Successes of the Bougainville Revolutionary Army', NZine, 30 June 2000, <<http://www.nzine.co.nz/features/bville3.html>> [Accessed 27 August 2014].

<sup>12</sup> James Tanis, 'In Between: Personal Experiences in the 9-Year Long Conflict on Bougainville', unpublished paper presented at the Australian Anthropological Society Annual Conference, Canberra, 3-5 October 2002, <<http://ips.cap.anu.edu.au/sites/default/files/Tanis-Gray.pdf>> [Accessed 4 September 2014].

<sup>13</sup> John Braithwaite, Hilary Charlesworth, Peter Reddy and Leah Dunn, *Reconciliation and Architectures of Commitment: Sequencing Peace in Bougainville* (Canberra: ANU E Press, 2010), p. 28.

they opposed it in principle but rather because of fear of independence under the BRA. Such division within the Bougainville leadership added complexity to efforts to begin the peace process.

These dynamics were at the heart of the emergence and escalation of localised violent conflict, 1990-97, something in many ways distinct from the secessionist rebellion fought by the BRA against PNG. It was ultimately concerns amongst 'moderate' elements in the leadership on both of the main 'sides' of the increasingly violent divide amongst Bougainvilleans about the long-term impacts on Bougainville of internal divisions that prompted exploration of options for peaceful resolution of the conflict, beginning in late 1994 and 1995.<sup>14</sup> Ona was initially uncertain about the peace initiative that began mid-1997, but by early 1998 he decided to oppose it, and announced Bougainville's continued independence, now as the Republic of Me'ekamui. He was supported by some BRA elements (10 to 15 per cent of the former BRA) that then became the Me'ekamui Defence Force (MDF). While the area around the former Panguna mine was his main area of control, Ona also continued to have mainly small areas of majority support scattered through various parts of Bougainville.

### **Natural Resource Distribution as an 'Issue at Stake' in the 2001 Peace Agreement**

Given the multiple factors contributing to the origins of the conflict, and the complex dynamics of both the conflict and the peace process that produced the BPA, if the Agreement was to attempt to 'resolve the issues at stake', it needed to deal with a multiplicity of issues. Given the history of mining in Bougainville, it is no surprise that the focus of BPA provisions on mining, as with most issues, was on dealing with differences between PNG and Bougainville. That is not to say that the Bougainvillean negotiators did not recognise the need to manage divisions amongst Bougainvilleans. However, for the most part they put a great deal of faith in their future ability to manage such divisions through their own democratic institutions, established initially under autonomy arrangements, and perhaps in the long term under their own independent state.

### **THE 1999 INTRA-BOUGAINVILLE NEGOTIATIONS ON A JOINT BOUGAINVILLE NEGOTIATING POSITION**

In mid-1999, two years into the peace process, Bougainville factions bitterly opposed during the conflict had built trust sufficiently to negotiate together to develop a joint negotiating position on a possible political settlement with PNG that they presented to PNG negotiators on 30 June 1999. It largely set

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<sup>14</sup> Anthony J. Regan, *Light Intervention: Lessons from Bougainville* (Washington DC: United States Institute of Peace Press, 2010), pp. 27-41.

the agenda for the entire negotiation over the next twenty-six months.<sup>15</sup> The Bougainville parties generally adhered to their initial position, and although some significant compromises were made, by the time the BPA was signed they felt it largely reflected their initial position. So when considering what was intended by the BPA provisions on mining, it is reasonable to look at the considerations the Bougainvilleans took into account before the negotiations began.

The Bougainville leadership debated and approved their joint negotiating position earlier in June 1999 after considering the advice of a technical team comprising advisers to all participating Bougainville factions. A discussion paper identified nine main options for Bougainville's future political status, ranging from immediate and unilateral secession to accepting the status of an existing province within PNG, and proposed a basis for evaluating each option in terms of how well it met post-conflict Bougainville's special needs.<sup>16</sup> Twenty basic issues facing Bougainville that needed to be taken into account in choosing the most appropriate future political arrangements were identified.

After assessing how well each of those nine options met Bougainville's needs, the leaders assessed a mid-range option as most likely to meet them—it was the combination of a deferred referendum on independence with high autonomy to apply until the referendum was held. To understand what went into what was ultimately included in the BPA in relation to mining, it is necessary to consider the mining-related aspects of the summary of basic issues facing Bougainville used by the negotiators in their assessment process.

## **THE ISSUES INFLUENCING**

### **THE JOINT BOUGAINVILLE POSITION ON MINING ISSUES**

Five categories of issues were identified, four of them including natural resource distribution-related issues. The category 'factors contributing to the civil war' included issues related to the "basic grievances" felt by Bougainvilleans including the imposition of the Panguna mine by the Australian colonial regime, and its impacts on Bougainville culture and "the distribution of mining revenue". The category 'special needs of Bougainville arising from the war' included destruction of Bougainville's infrastructure and economic base. The category 'emergence [amongst Bougainvilleans, during the peace process] on ways ahead' included the issue of Bougainvilleans'

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<sup>15</sup> Anthony J. Regan, 'Resolving Two Dimensions of Conflict: The Dynamics of Consent, Consensus and Compromise', in Andy Carl and Lorraine Garasu (eds), *Weaving Consensus: The Papua New Guinea–Bougainville Peace Process*, Accord, issue 12 (London: Conciliation Resources, 2002), p. 39.

<sup>16</sup> Bougainville Administration Technical Team, 'Discussion Paper: Options for Negotiations on a Political Solution—A Framework for Evaluation, 5<sup>th</sup> Draft, 30/5/99', unpublished paper, copy in author's possession.

long-advanced demands for “empowerment for themselves in decision-making on matters most affecting them”. The category ‘major constraints (administration, financial and others)’ included two particularly significant issues. One concerned Bougainville’s “weak economic base”, it being noted that: “The closure of the Panguna mine and loss of associated businesses, and destruction caused by the war, have all severely weakened Bougainville’s once strong economic base”. The other concerned a “lack of mining revenue”, it being noted that: “*Because there is little chance of the Panguna mine or other large-scale mining operations opening for the foreseeable future*, Bougainville’s government revenues are likely to be limited” (emphasis added).

There were good reasons for the Bougainvillean negotiators’ view that there was little prospect for large-scale mining resuming and providing much needed revenue. In 1999, two years into the peace process, little had been done to restore the infrastructure almost totally destroyed during the conflict. Most roads were almost impassable. There was no telephone communication or electric power in most centres. The three main urban centres associated with the Panguna mine (Kieta, Toniva and Panguna) had been destroyed, and much of Bougainville’s former main mining town and capital, Arawa, was destroyed or damaged. Most Panguna mine infrastructure had been destroyed, and the area around the mine was a ‘no-go-zone’, where access was very limited, controlled by roadblocks mounted by armed MDF elements.<sup>17</sup> It seemed unlikely that either any future Bougainville government or mining investor (whether BCL or anyone else) would be in a position to consider large-scale mining for many years. In relation to future Bougainville governments, in particular, there was consensus that large-scale mining could resume only if the leadership became more united around an agreed policy, and if significant restoration could first occur.

## **THE BPA PROVISIONS**

### **ON MINING, AND ON MINING REVENUE DISTRIBUTION**

But none of this meant that issues about mining and the distribution of mining revenue were ignored in the BPA. They were included in two main ways in the complex autonomy arrangements in the BPA, as well as in the PNG constitutional laws that gave effect to the Agreement. First, the wide ranging powers made available to be transferred from PNG to the Autonomous Bougainville Government (ABG) at ABG request included “mining”, “land and natural resources”, “oil and gas”, “water resources”, and “environment”.<sup>18</sup> Unlike some other powers made available to the ABG,

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<sup>17</sup> Regan, *Light Intervention*, pp. 47-50.

<sup>18</sup> These are amongst many other powers listed in section 290(2) of the PNG Constitution which gives effect to the BPA provisions on powers to be made available for transfer to the Autonomous Bougainville Government (ABG). For more detail on the powers and the transfer arrangements, see Anthony J. Regan, ‘Autonomy and

there is no qualification to any of these powers. It is no surprise that in pursuit of the goal of Bougainvilleans having “decision-making authority” on matters most affecting them (above), that the ABG’s earliest requests for transfer of powers involved mining, oil and gas. There is no doubt that when a power such as ‘mining’ is transferred to the ABG that it has full authority to make legislation on the subject to the exclusion of inconsistent PNG law.

As for the distribution of revenues from large-scale mining, the BPA financial arrangements ensure that most sources of mining revenue are controlled, or received, by Bougainville. However, the BPA also defers negotiation between the two governments on a decision on a significant aspect of revenue distribution.

Bougainville’s negotiators accepted that the ABG would need to rely heavily on PNG grants, at least until large-scale mining became possible, or the economy was transformed in some other unforeseen manner. PNG accepted not only that Bougainville should pursue the long-term goal of fiscal self-reliance, but also that all tax revenue collected in Bougainville should go to the ABG. In the interests of maintaining a single national economy, however, PNG insisted on retaining control of Bougainville revenue from three key taxes—company tax, customs duties, and goods and services taxes—to be credited against the main PNG grant paid to the ABG (to meet the recurrent costs of ABG activities). All other taxes would be Bougainville’s to determine and collect, including mining royalties. Even personal income tax would belong to Bougainville (subject to PNG initially having power to collect it in Bougainville and remitting it annually to the ABG). These arrangements put significant aspects of potential mining revenue under ABG control, including royalties, personal income tax and possibly dividends.<sup>19</sup>

A key natural resource revenue distribution issue was deferred till later by virtue of the BPA providing that when revenue collected in Bougainville from company tax, customs duties and goods and services taxes (GST) is sustainably greater than the cost to PNG of the main annual grant to the ABG—the Recurrent Grant—then Bougainville achieves ‘fiscal self-reliance’. At that point the two governments are to negotiate the distribution of the

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Conflict Resolution in Bougainville, Papua New Guinea’, in Yash Ghai and Sophia Woodman (eds), *Practising Self-Government: A Comparative Study of Autonomous Regions* (Cambridge: Cambridge University Press, 2013), pp. 412-48.

<sup>19</sup> Dividends on equity in Bougainville Copper Ltd (BCL) could also be a matter for the ABG through its control over mining legislation for Bougainville. There was also the issue of the Government of PNG’s 19.3 per cent equity in BCL, but the ABG argues that should be transferred to the ABG because the BPA provides that all assets associated with a power transferred to the ABG from the Government of PNG must also be transferred to the ABG (see BPA para.117, and PNG Constitution s.298(1)).

amount of tax from the same sources above the cost of the Grant. The Recurrent Grant meets the costs of the activities carried out by the ABG, and as new powers are transferred to the ABG, the base amount of that grant (which is adjusted upwards annually in accordance with the BPA) rises. In 2014 the amount of the grant is K93 million, many times more than the amount of company tax, customs duties and GST currently collected in Bougainville. PNG insisted that any tax revenues from those sources additional to the cost of the Recurrent Grant should be shared, on the basis that as part of PNG, Bougainville should contribute to the costs of services it receives from PNG (foreign affairs, security, etc.).

It was recognised, however, that the ABG will only ever be likely to achieve 'fiscal self-reliance', and the need to negotiate distribution of the tax revenue additional to the Recurrent Grant arise, if large-scale mining resumes in Bougainville. That would certainly occur if the Panguna mine re-opens, and would probably occur too in case of any other large-scale mining project. At that point, Bougainville would still receive the bulk of the tax revenue in question (through the Recurrent Grant), and so the amount the subject of negotiation would be limited.

The Bougainville negotiators agreed to defer negotiation of this issue in part because it was under discussion in March 2001, almost two years after the negotiations had commenced, and the Bougainville negotiators were becoming exhausted. Negotiations on the most difficult and contentious issue, the arrangements on the referendum on independence, had almost caused deadlock and collapse of the negotiations late in 2000, and had been successfully resolved. Pro-secession negotiators tended to feel that with their main issue resolved, that details of the autonomy arrangements should not bog them down. Influencing their attitudes in this regard was their common assessment that it was most unlikely that large-scale mining would resume for many years. Most assumed that would be unlikely before the referendum was held. As the pro-secessionists assumed that the referendum would result in independence, they also assumed that it was unlikely that the negotiation on distribution of the revenue would be required.

### **Implementing the BPA: The Changing Political Economy of Post-conflict Bougainville**

In this section, I examine the ways issues about large-scale mining and control of mining revenue distribution have arisen and have so far played out in Bougainville since the BPA was signed. Initial issues mainly related to the ABG taking control of mining powers. But the resumption of large-scale mining started to become a real possibility much earlier than had been assumed was possible by Bougainville's negotiators when the BPA was being negotiated. This was in large part due to restoration of infrastructure and the economy progressing quite well, and in part to much improved access to the Panguna area from 2006-07. Further, the realities of heavy



ABG financial dependence on PNG prompted much greater interest in ABG access to mining revenues. Once those possibilities were being explored, the key issues rapidly centred on who would control and benefit financially from mining.

From that point the key tensions on natural resource distribution were no longer between Bougainville and PNG. Rather, they involved contending Bougainvillean interests. This was precisely because powers on mining and control of most significant mining revenues were now in the hands of Bougainville. In turn, it is that change that has transformed Bougainville's political economy. In the ABG's early stages (2005-08), its central focus was on possibilities of new mining, elsewhere than at Panguna. But since about 2010, the main focus has been on possible re-opening of Panguna, mainly because if that were to occur, it could be a source of significant revenue (associated with personal income tax for workers involved in reconstruction) even before 2020, while experience elsewhere in PNG suggests any completely new mining project would be likely to take between fifteen and thirty years to open. For an ABG struggling with a PNG government over the implementation of the BPA financial provisions,<sup>20</sup> it has seemed clear that it needs access to significant untied revenues if it is to achieve either real autonomy or independence.

But public debate on the possibilities of re-opening Panguna have been complicated because of the activities of several distinct sets of outside interests, each with Bougainvillean partners, seeking to gain economic advantage before the ABG makes mining policy and develops real capacity to control the mining sector. Some seek to block Panguna for fear its re-opening will limit their opportunities, while others seek to ensure Panguna re-opens only in ways that benefit them. A further complication involves the engagement in the debate of elements of the activist community in PNG and Australia, which are supporting those same interest groups, many of them apparently without understanding the complexities of the situation facing the ABG.

#### **ASPECTS OF SOCIO-ECONOMIC CONTEXT IN 2014**

Accurate population figures for Bougainville in 2014 are not readily available, but the most commonly cited estimate is in excess of 300,000 (some suggesting as many as 350,000), suggesting the population has more than doubled since the conflict. There seems little doubt, on the basis of observation and of extensive anecdotal evidence, that birth rates rose significantly from about 1990.

Infrastructure and economic recovery expenditure (mainly by donors) has facilitated the re-establishing of Bougainville's significant small-holder cocoa industry, which generates about K180 million per year. The next most

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<sup>20</sup> Regan, 'Autonomy and Conflict Resolution'.

significant industry is artisanal gold-mining, an industry that began only in the late 1990s. Anecdotal evidence suggests a production value of perhaps K75 million in 2014, most going to as many as 5,000 or 6,000 miners. There are various other smaller industries, the largest of which is copra. Significant donor expenditure continuing since the late 1990s, increasing levels of ABG expenditure, and gradually increasing incomes for many since the late 1990s due to cocoa and artisanal gold production have helped create many other business opportunities, e.g. in transport, fuel supplies, guest houses, supermarkets and trade stores.

The geographic spread of cocoa and small-scale gold production is uneven, contributing to considerable and economic inequality, with wealth concentrated in and around main urban centres, notably Buka and Arawa. Cocoa production is particularly concentrated in north and parts of central and south-west Bougainville, and less so in densely populated Buin, where high rainfall problems have long limited cocoa production. Small-scale gold production occurs in close to forty sites, concentrated mainly in central Bougainville, and on the tailings produced by the Panguna mine and dumped in the Kawerong-Jaba rivers system, where as many as 1,000 to 1,500 people pan for gold on any given day. Population and land pressures drive significant internal migration, both within and between regions. Intra-region migration occurs especially from south and south-west Bougainville to informal settlements along the Jaba-Kawerong rivers. Inter-region migration is on a greater scale, especially from densely populated, land stressed south Bougainville, where economic opportunities are limited, to north Bougainville, where employment and informal economy opportunities are greater, and where people are buying or renting former expatriate-owned plantation land from the original customary owners of such land. Internal migration is contributing to inter-communal tensions and conflict, especially in some areas.

The proportion of youth in the population, and of youth with little or no formal education, may well be higher than was demonstrated by analysis undertaken by the North Solomons Provincial Government in 1986. It showed that in 1985, 70 per cent of the almost 150,000 people in Bougainville were under twenty-six years of age, with 33 per cent classified as 'youth', aged twelve to twenty-five years. More important, 25 per cent of youth had no formal education, while 57 per cent had no more than varying numbers of years of primary school education.<sup>21</sup> In other words, 82 per cent had no education beyond primary school.

The proportion of youth with no education or only primary school education is probably higher in 2014, as a result of disruptions to education caused by

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<sup>21</sup> North Solomons Provincial Government, Division of Community Affairs, 'North Solomons Provincial Policy for Youth in their Communities'. unpublished report, copy in author's possession.

the conflict, the closing down of government services from March 1990, and the blockade imposed by PNG on Bougainville from May 1990 (even though services did return to large parts of areas under PNG control starting from 1991). In particular, anecdotal evidence indicates a likelihood of significantly higher levels of illiterate youth, at a time when formal sector employment opportunities are far more limited than they were before the conflict. Moreover, land pressures originating in a combination of rising populations and rapid expansion of small-holder cash cropping in much of Bougainville from the early 1960s<sup>22</sup> contributed to increasing land pressures and growing but uneven inequality in various parts of Bougainville pre-conflict.<sup>23</sup> They were a far from insignificant factor in origins of the conflict, and have become far more intense since the late 1990s. Factors involved here include both even more rapid population growth, and a dramatic expansion of small-holder cocoa since the late 1990s. There is increasing evidence of involvement of young males in criminal gangs. Marginalised young men are the main sources of recruits into Me'ekamui Defence Force elements in central and south Bougainville. In general, there must be concern that the situation with marginalisation of youth is remarkably similar, though quite likely worse, than that existing in 1988, which undoubtedly had impacts on the origins of the conflict.

Former combatants (BRA and BRF, and some MDF), who were teenagers and young men when the conflict began, are now in their forties. Many are involved in small businesses of one kind or another. Just a few senior former combatants have become heavily involved in a wide range of business activities. Inevitably their status as heads of networks of former fighters, well known, or generally believed, to still control, and—in some cases—make use of weapons (inclusive of 'informal' law and order support, and 'localised conflict ending' actions of various kinds). Business success of some of the senior leaders has been assisted by access to both government and donor funds during and since the peace process. Several have become significant business figures in urban centres, though claims that they have become "warlords", heading "street gangs"<sup>24</sup> are quite erroneous.

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<sup>22</sup> Scott MacWilliam, *Securing Village Life: Development in Late Colonial Papua New Guinea* (Canberra: ANU E Press, 2013), pp. 144-9, 184-6, 193.

<sup>23</sup> Donald Mitchell, 'Frozen Assets in Nagovisi', *Oceania*, vol. 53 (1982), pp. 56-66; John Connell, 'Temporary Townsfolk? Siwai Migrants in Urban Papua New Guinea', *Pacific Studies*, vol. 11, no. 3 (1988), pp. 84-5; James Tanis, 'Nagovisi Villages as a Window on Bougainville in 1988', in Anthony J. Regan and Helga M. Griffin (eds), *Bougainville Before the Conflict* (Canberra: Pandanus Press, 2005), pp. 456-7.

<sup>24</sup> Stan Starygin argues that the seven former combatant and other leaders he discusses now head "street gangs" (an odd term for a Bougainville where most people live in tiny rural hamlets), mainly interested in trying to get control of future development at Panguna, with no real connection to the original political goals of the BRA. While his 2013 article is a remarkably ill-informed and simplistic analysis, it does provide some information about some of the business activities of key figures.

Several sets of economic enterprises conducted by Bougainvilleans rely heavily on control of weapons to operate. Amongst the most significant is that of major Ponzi scheme operator, Noah Musingku, who relies on armed former BRA and MDF elements to continue operating his extensive and increasingly international fraud network from Tonu, in south-west Bougainville.<sup>25</sup> In the Konno area of south-east Bougainville, former BRA and MDF commander, Damien Koike, heads a group of as many as 400 young men exploiting an alluvial gold resource with the assistance of hired earth-moving equipment, water pumps and a huge sluicing system built from bush materials and roofing iron.<sup>26</sup>

### **ABG FINANCIAL DEPENDENCE ON THE GOVERNMENT OF PNG**

It took longer than expected to achieve the initial stages of implementation of the BPA,<sup>27</sup> and as a result, the members of the first ABG provided for under the BPA were sworn in only in June 2005. In the intervening period of almost four years after the BPA was signed, the extent of tasks involved in re-establishing government services, infrastructure and the Bougainville economy became clearer, as did the reality of the uneven and limited capacity of the Bougainville Administration, and the almost total financial dependence on PNG (for grant revenue) and donors. The interrelated capacity and fiscal dependence issues have continued ever since.

The 2014 ABG budget provides for revenue and expenditure of K312 million,<sup>28</sup> of which about K34 million comes from Bougainville-derived revenue, compared to K268 million in PNG grants, and about K10 million in donor funds appropriated through the budget. The fact that substantial additional donor funds—well in excess of K150 million—was spent without appropriation by the ABG only underlines further the extent of the fiscal dependence of the ABG. PNG grants largely fund ABG recurrent costs, inclusive of delivery of basic services (including health and education).

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Stan Starygin, 'The Gangs of Bougainville: Seven Men, Guns, and a Copper Mine', *Journal of Conflict Transformation & Security*, vol. 3, no. 1 (2013).

<sup>25</sup> For more on Musingku's operations to 2010, see Regan, *Light Intervention*, 117-121; John Cox, 'The Magic of Money and the Magic of the State: Fast Money Schemes in Papua New Guinea', *Oceania*, vol. 83, no. 3 (2013), pp. 175-91; and 'Fake Money, Bougainville Politics, and International Scammers', SSGM In Brief 2014/7, <<http://ips.cap.anu.edu.au/sites/default/files/IB-2014-7-Cox-ONLINE.pdf>> [Accessed 29 August 2014]; and Anthony J. Regan, 'Bougainville's Bernie Madoff', unpublished draft paper (2009). It has been mainly since 2010 that evidence has emerged of the increasingly international fraud dimensions of Musingku's activities have emerged.

<sup>26</sup> Koike has been a figure in localised conflict in south Bougainville occurring from late 2005, and under an uneasy cease-fire since November 2011. An overview of the situation to 2010 can be found in Regan, *Light Intervention*, pp.121-6.

<sup>27</sup> For an overview of main steps and issues involved, see *ibid.*, pp. 94-108.

<sup>28</sup> In mid-2014 the exchange rate is about K1 to AUD\$0.41.

Since 2001 donor funds have met most infrastructure and economic recovery costs (though since 2011, significant new PNG funding for major infrastructure projects has become available to the ABG). The ABG has so far resisted any temptation to tax the small-holder cocoa and small-scale gold industries, mainly because they are putting income into the hands of rural Bougainvilleans. Rather, its extremely limited tax revenues come from personal income tax paid in Bougainville, its 30 per cent share of PNG GST collected in Bougainville, and revenue from the few taxes and fees it imposes under its own laws (sales tax on liquor and tobacco, liquor-licensing fees, motor-vehicle registration fees, etc.).

Limited revenues is a significant factor contributing to the ABG's Administration's limited capacity, but there are others. They include the destruction as a result of the conflict of what had been quite impressive administrative and planning capacity under the North Solomons Provincial Government.

The extent of reliance on PNG and donors is the main reason why the three elected Presidents of Bougainville, as heads of the ABG—Joseph Kabui mid-2005 to mid-2008, James Tanis, January 2009 to mid-2010, and John Momis, mid-2010 to present—have all supported resumption of large-scale mining as the most practicable way of achieving fiscal self-reliance for Bougainville.

### **TRANSFER OF MINING POWERS TO THE ABG**

Kabui led the way, both in exploring arrangements for opening up large-scale mining in areas other than Panguna (below), and in 2006, initiating the process for transfer from PNG of powers over mining, oil and gas. There was initially some difficulty in agreeing with PNG the necessary arrangements under the BPA for developing plans to ensure that the ABG had the funds and other resources needed to exercise such powers effectively. Negotiations in the period December 2007 to March 2008 resolved those issues, mainly in relation to mining, with a gradual transfer process expected to culminate in the ABG developing its own mining policy and law within three or four years. The Kabui Government also established the ABG mining department needed to administer mining powers as they were transferred.

Before touching on the development of mining policy and law, it is necessary to outline issues arising from incursions into Bougainville by new foreign mining interests that began as early as 2005.

### **THE CANADIAN CONNECTION: INVINCIBLE AND MORUMBI**

Possibilities of re-opening the Panguna mine continued to be remote in the first few years of the ABG, for although Francis Ona died suddenly in July 2005, the 'no-go-zone' around Panguna initially continued in place. In these circumstances, President Kabui was attracted by proposals from former

Australian, but now Canadian citizen, Lindsay Semple, the promoter of Canadian company, Invincible Resources Inc. In conjunction with Bougainvillean partners, headed by former BRA 'founding general' (Sam Kauona), Semple convinced the ABG that he should be authorised to facilitate development of all major sectors of the Bougainville economy through revenues generated through a monopoly to be held by Bogenvil Resources Development Corporation (BRDC) over all mineral exploration and development in all parts of Bougainville other than Panguna.<sup>29</sup> BRDC was initially to be 70 per cent owned by Invincible, with 15 per cent equity for the ABG, and the remaining 15 per cent divided between companies established to benefit former combatants (9 per cent) and un-named Bougainvillean 'pioneer politicians' (6 per cent), but Invincible's equity might later be diluted. BRDC would undertake all mining exploration and development work in partnership with the customary landowners of the area in question. After Kabui's sudden death in June 2008, Semple persuaded Invincible supporters in the ABG to pass an ABG law (drafted by Invincible's lawyers, in Canada, with no input from the ABG Mining Department or Law Office) purporting to give statutory recognition to the BRDC arrangements.<sup>30</sup>

These developments caused considerable controversy in Bougainville, where many felt that Semple, Invincible, and a small but mainly unidentified group of Bougainvilleans, would gain an unfair degree of control of, and financial benefits from, future large-scale mining. James Tanis, who became President following Kabui's death in mid-2008, did not support Invincible. Its influence had largely ended by early 2010 when Invincible's major shareholders ensured Semple's links to the company were severed.

Semple was soon back, however, this time with another Canadian company, Morumbi Resources Inc., a small oil producer in Canada that Semple convinced could make its fortune in Bougainville. Working with Bougainvillean partners, Morumbi subsidiaries signed seven MOUs with different Bougainville landowner companies established by Morumbi and its Bougainvillean partners. These MOUs purport to give Morumbi exclusive mineral exploration and development rights over large areas of Bougainville for up to fifty-five years. The MOUs were signed with small groups of landowners, without authorisation from the bulk of landowners, many of whom complained bitterly to the ABG about the purported sale of their rights with no consultation or approval from them. (The MOUs provided that the

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<sup>29</sup> The following information about Invincible and BRDC is extracted from Bougainville Administration Law and Justice Division, 'Invincible Resources Corporation & Bogenvil Resources Development Corporation (BRDC): Origins, Business Plans, Operations and Possible Changes of Directions in 2010', June 2010, unpublished report, copy in author's possession.

<sup>30</sup> *The Bogenvil Resources Development Corporation (AROB) Ltd. (Kabui Model) Authorization Act 2008.*

full range of landowners would be identified by later social mapping exercises.)

Simple and Kauona claimed that landowners were entitled to sign such agreements because section 23 of the Bougainville Constitution calls on the ABG to recognise landowners' customary rights over minerals (if they exist) when making policy and law on mining. These claims ignored not only the fact that section 23 is a non-justiciable 'directive principle', and so unenforceable in the courts, but also the grave practical problems that would be involved if landowners had unrestricted rights to deal direct with proposed explorers and developers. In May 2012, Kauona and other Bougainvillean figures involved in Morumbi presented to the ABG a proposed Bougainville mining policy document which envisaged the ABG passing legislation before the end of 2012 that would give legal effect to the Morumbi MOUs. They applied a considerable amount of public pressure for their policy to be adopted.

### **ABG ASSERTS CONTROL**

By mid-2012, the ABG was so concerned about Morumbi's activities that it decided to develop its own 'transitional' mining legislation. It was to be 'transitional' because the ABG Mining Department was already beginning work on the long-term exercise of developing a mining policy and legislation directed at meeting the particular needs of Bougainville and at the same time aiming to meet—or better—world's best practice. The ABG stated publicly that such a policy and law would replace the 'transitional' mining law as soon as it was complete.

The ABG Cabinet gave instructions to develop the 'transitional' law using the existing PNG Mining Act as a starting point, but making significant changes. These included: recognising ownership of minerals by customary owners of land; giving the ABG authority to balance interests of resource owners and others by having authority over licensing and decisions on distribution of revenue; repealing the 2008 ABG Act recognising the BRDC arrangements; providing that the Morumbi MOUs would have no legal effect; continuing in operation the moratorium on mining exploration and development in Bougainville in place under PNG mining law since 1971, but requiring ABG Cabinet approval before it can be altered in any way; and limiting the number of major mines that can operate at any one time to no more than two. The limit on major mines was included mainly because of concerns that the push from Morumbi for MOUs over many different parts of Bougainville could result in as many as six or seven major mines, with major social and environmental impacts, and immediate depletion of resources that should be reserved for future generations.

### **DEBATING RE-OPENING THE PANGUNA MINE**

In the years after Ona's death, the Me'ekamui Government's leadership fragmented, and their popular support in the 'no-go-zone' around Panguna

waned, mainly due to lack of access of villagers to basic services. Largely as a result, in August 2007, the leaders of a faction based at Panguna, calling itself the Me'ekamui Government of Unity, signed an agreement with the ABG<sup>31</sup> directed towards, amongst other things, re-establishing government services at Panguna, a significant step towards achieving 'normalcy' in this large area.

Over the years since about 2000, a broadly representative mine lease area landowner committee had been exploring possible re-opening of the mine, and in consultation with that committee, the ABG decided to begin a wider public discussion of the issues involved from late 2009. An extended process of direct consultation with the landowners of the areas covered by leases associated with the Panguna mine began in 2010. In a series of public meetings held in the various lease areas in 2010 ABG officers emphasised that there would be no renewed mining without agreement of impacted landowners, a promise repeated publicly many times since by ABG President, John Momis. The meetings demonstrated considerable support in the landowner communities for re-opening the mine, but only if it was under an entirely new and fair dispensation, where past wrongs were righted. Re-opening was wanted both as the financial basis for possible independence, and also as the basis for economic development in the mountains around the mine, where few other economic activities were available.

In the consultation process the landowners also indicated a wish to organise themselves to be represented in discussions of the future of the mine. In a protracted consultation process, they decided to establish nine separate landowner associations, each to represent the interests of a distinct landowner group. By March 2013, the associations were for the most part fully established, and elected executives began participating in a four party (ABG, PNG, BCL, as well as Landowners) Joint Panguna Negotiations Coordination Committee exploring preparation for possible negotiations on the future of Panguna. Issues have included critically important things needed whether or not the mine re-opens, including chemical and environmental clean-ups and restoration of damaged land, rivers, etc. Amongst the landowners and the ABG there has been the beginning of discussions about whether, and on what basis, re-opening might be considered.

## **PUBLIC CONSULTATION**

### **ON THE 'TRANSITIONAL' MINING BILL AND THE FUTURE OF PANGUNA**

Over the two years from mid-2012, in an effort to build consensus around its plans and mining policy proposals, and in order to gauge public views beyond the Panguna mine lease areas, the ABG conducted extensive public

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<sup>31</sup> The Panguna Communique.



consultations about the 'transitional' Mining Bill, the future of the Panguna mine, and the 'long-term' mining policy and law. This work included conducting five large and open two day regional public forums (two in the north, two in the south and one in central Bougainville), similar forums for both former combatants and women nominated by a wide range of interest groups, as well as various other forms of consultation.

There is no form of opinion polling done in Bougainville. As a result it is difficult to gauge the reactions of the majority of ordinary Bougainvilleans to the intense debates about the future of mining and the ABG mining law. Further, the ability of both the ABG and its critics to communicate with much of the Bougainville population is severely restricted by radio broadcast coverage being restricted to about one sixth of the region's area. With over 80 per cent of the population living in scattered rural hamlets and villages, and with road transport in many areas limited beyond trunk roads, even newspaper distribution is limited, and only limited numbers of people can attend public meetings. So there is no doubt that complaints about consultation having been limited and some voices not having been heard are to some degree justified. On the other hand, given the limited capacity and resources of the ABG, the extent of consultation has been considerable.

#### **PASSING THE 'TRANSITIONAL' ACT (AUGUST 2014) AND THE FUTURE OF THE 'LONG-TERM' ACT**

The ABG did not move precipitately to enact the 'transitional' law. It was hoped that the pressures from Morumbi might dissipate, so that the ABG might be able to put the draft aside, and instead await the finalisation of the 'long-term' Bill, expected to be ready for a public consultation and awareness exercise late in 2014. These hopes were reinforced in November 2013, when a team of Canadian police and justice officials visited Bougainville to investigate possible breaches of Canadian anti-bribery laws by those involved with Invincible and Morumbi.<sup>32</sup> From at least that point it became clear that Semple and Kauona no longer had Morumbi's financial support, and their limited public support in Bougainville waned rapidly. As a result, by December 2013, the key ABG ministers had more or less concluded they could put the 'transitional' mining law aside.

Then in late January 2014, President Momis advised his Cabinet colleagues that in advance of an unexpected visit to Bougainville, the PNG Prime Minister had proposed to him that the PNG Government transfer to the ABG its 19.3 per cent equity in BCL, and at the same time move to take over Rio

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<sup>32</sup> See Jo Chandler, 'Canadian Mounties Investigating on Bougainville', *The Global Mail*, 27 November 2013, <<http://www.theglobalmail.org/feature/canadian-mounties-investigating-on-bougainville/753/>> [Accessed 31 August 2014].

Tinto's shares in BCL.<sup>33</sup> The possibility that this might happen had to be taken seriously, as the PNG Government had just made what was in some ways a similar move in relation to control of the Ok Tedi mine in the Western Province of PNG. There was grave concern in the ABG about the way Bougainvilleans might react to such a move by PNG, which could involve PNG attempting to control future mining at Panguna.

As a result, it was decided to press ahead immediately with preparing the draft 'transitional' Mining Bill for debate in the ABG legislature. The final steps involved careful consultation through the Womens' Mining Forum, attended by over 200 women leaders late in March 2014, and several consultative meetings in April 2014 with senior former combatant leaders, inclusive of Sam Kauona, where important changes were discussed to the draft clauses of the Bill that covered the transition of mining licences under PNG law to becoming licences operating under the new Bougainville law. In the previous, July 2013 draft, the Bill had provided for the continued operation of the existing PNG law giving effect to the Bougainville Copper Agreement (BCA), under which BCL had previously operated in Bougainville, but only until any new agreement about Panguna was negotiated under the new ABG law. But in the public consultations about the Bill, it had become clear to the ABG that while most Bougainvilleans preferred BCL to re-open Panguna (as the 'devil they know') rather than any new developer (a 'new devil') it was not acceptable to them for the first Bougainville mining law to give any form of recognition to the BCA, or to any mining exploration or development licences granted to BCL under the grossly unfair colonial mining law operating in the 1960. As a result, the ABG directed significant changes that were approved by ABG Cabinet in early June 2014.

Hence, the Bill introduced to the legislature on 6 August 2014 provided that the PNG law giving effect to the BCA would cease to operate in Bougainville when the 'Transitional' Act came into effect, meaning that all BCL's licences would also cease to apply. Instead, the draft Bill provided that BCL would have an Exploration Licence under the new ABG law over its previous Special Mining Lease, which meant it would have a right to negotiate, with both the ABG and mine lease landowners, for the grant of a mining licence over that area. However, in addition, the President has also made it clear many times that there will be no renewed mining at Panguna unless the mine lease landowners agree.

In any event, the *Bougainville Mining (Transitional Arrangements) Act 2014*, was passed by the ABG legislature on 8 August 2014. The ABG Mining Department and other officers meanwhile continue work on development of

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<sup>33</sup> John L. Momis, press statement, 'Miringtoro Statement "Foolish, Ignorant & Misleading": Momis', 13 May 2014; and see *PNG Post-Courier*, Monday 19 May 2014.

the 'long-term' Mining Bill, which it is hoped will be presented to the legislature in December 2014, or early in 2015.

### **SOME POLITICAL ECONOMY IMPACTS**

The debates about the possibilities, first, from 2005, of exploration for and development of minerals in parts of Bougainville other than Panguna, and then from around 2009, of reopening Panguna, have had dramatic and largely unanticipated impacts on the political economy of Bougainville. The ABG has pursued these possibilities only as means of achieving economic development, and providing the revenue needed for either real autonomy or independence. But in pursuing them, new dynamics, tensions and divisions have emerged.

In the absence of ABG mining policy and law, PNG mining law had no legitimacy in Bougainville. Moreover, until very recently, the ABG had no capacity to regulate the mining sector. The ABG also has limited capacity to administer and plan for Bougainville generally, has limited reach in most rural areas, and less in some areas under Me'ekamui leadership, or claimed to be controlled by Musingku. In these circumstances it was easy for Semple, Invincible Resources, Morumbi Resources, and their Bougainvillean partners to seek legitimacy by misinterpretation of Bougainville Constitution guidance provisions on ownership of minerals as 'cover' for pursuit of power and/or wealth through control of mining in areas other than Panguna. But these possibilities have receded as the ABG has not only moved ahead towards negotiations about the future of Panguna, but also developed its own mining legislation.

In response, Semple and his Bougainvillean partners adopted the strategy of claiming that the ABG and its advisers had become agents of Rio Tinto and the Australian Government, and were working against the interests of Bougainville. Their claims have been supported by three other main sets of interests, whose aims to control or access mining revenues, in various ways, have also been threatened by the ABG's policies.<sup>34</sup>

First, the leadership of the Me'ekamui Government of Unity, based at Panguna, also opposes the re-opening of Panguna, mainly because in the absence of large-scale mining there, the leaders have been entering, or attempting to enter, a range of agreements with foreign interests, in which they have purported to grant long-term rights over minerals in various parts of central Bougainville.<sup>35</sup> Second, while the Member of PNG Parliament for

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<sup>34</sup> The main Bougainvillean figures and the foreign interests they were assisting were discussed by the ABG President, John Momis, in 'Second Reading Speech by President John Momis *BOUGAINVILLE MINING (TRANSITIONAL ARRANGEMENTS) BILL 2014* To the Bougainville House of Representatives, Kubu, Autonomous Region of Bougainville, 8th August 2014' (copy in author's possession).

<sup>35</sup> Momis, 'Second Reading Speech', pp. 10-12.

Central Bougainville, Hon. Jimmy Miringtoto, wants the Panguna mine to re-open, he favours his own candidate company to replace BCL.<sup>36</sup> Third, Lawrence Daveona, since mid-2013 the chair of the executive of the Panguna Special Mining Lease landowners association, has come under the influence of an adviser from the United States. They too support Panguna re-opening, but oppose BCL, mainly on the basis that the adviser claims to be able to raise the approximately US\$6 billion need to re-open the mine, which would permit the Panguna landowners to own the mine lease. He has so far neglected to also advise on two key issues. One is the fact that very few mining companies have the technology, machinery and management experience necessary to exploit the low-grade porphyry copper and gold deposit at Panguna, and that without one of those companies involved, the finance would not be forthcoming. The other concerns the identity of his favoured operator, and his proposed relationship with that proposed operator.

In the lead-up to the third ABG general elections, scheduled for April-May 2015, the future of large-scale mining is a widely discussed issue in Bougainville, and one closely linked to the other major deeply divisive issue about which the BPA deferred consideration, namely Bougainville's secession from PNG. With the approach of the 'window'—2015-20—within which the referendum on Bougainville's future political status must be held, this election is increasingly seen as the most important ever in Bougainville. The reason is that it will determine the leadership that negotiates the referendum arrangements with PNG, and will determine what happens in relation to the future of large-scale mining. Already, there are people proposing to stand for the Presidency on the basis of platforms related to mining. In particular, Sam Kauona aims to do away with the *Bougainville Mining (Transitional Arrangements) Act 2014*, recently passed by the ABG. Ishmael Toroama, who succeeded Kauona as head of the BRA when Kauona undertook pilot training in New Zealand from 1999-2001, is also critical of the Act, amongst other things for its failure to recognise the need for former combatants' rights to compensation.

There is a great deal at stake for the various outside and Bougainvillean interests seeking to control the future of large-scale mining in various ways. Increasingly, outside economic interests are seeking to influence internal politics in Bougainville. In a post-conflict situation, where many sources of tension and division remain unresolved, and where significant 'militias' remain armed, and have leaders with their own economic agendas, many Bougainvilleans fear that the potential for further division, conflict, and perhaps violence, is growing.

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<sup>36</sup> Momis, 'Second Reading Speech', p. 10.

### **A CURIOUS ALLIANCE: NEW MINING INTERESTS, AND ACTIVISTS**

From early 2013, when public discussion first emerged about ABG development of 'transitional' mining legislations, a curious and perhaps to some extent unwitting 'alliance' developed between the outside mining interests and their Bougainvillean partners, on the one hand, and PNG and Australian activists on the other. An escalating series of attacks was made on the ABG, its President, and its advisers as acting in the interests of Rio Tinto or BCL or Australia. The attacks have been made mainly through two PNG blogs, PNG Mine Watch<sup>37</sup> and PNG Exposed,<sup>38</sup> as well as in comments on Bougainville-related posts on other PNG blogs,<sup>39</sup> and on other forms of social media (such as the Bougainville Forum, on Facebook).<sup>40</sup>

These attacks echo the claims against the ABG made by Semple, Morumbi, and Kauona and the other interests just outlined. Indeed, much of it quotes Kauona or Miringtoro, or reproduces material that they have put out elsewhere. While it is no surprise that the outside economic interest and their Bougainville partners take the line they do in attacking the ABG, it is a concern that their attacks are repeated, and even enlarged upon by activists, who might be expected to try to consider evidence before advancing such claims.

The views of some key activists on what they regard as the evils of BCL's roles in the 1988-90 period appear to blind them to the reality being faced by the ABG: the potentially very serious problems that could be caused for Bougainville if the various outside interests were to get the control of mining that they seek. In circumstances where none of these activists have long and deep connections to Bougainville, nor detailed understanding of the current problems and pressures facing Bougainville, they have perhaps unwittingly developed alliances with outside interests seeking to get control of mining and mining revenues for their own benefit, and contrary to the interests of Bougainville.

### **Conclusions**

Research on amelioration of conflict recurrence tends to assume it is mainly about resolving 'the issues at stake' in the correct manner. But such research cannot, of course, deal with the difficulty of the task of those involved in negotiating peace settlements in defining and identifying not only those issues, but also the measures that will best 'resolve' them. After all, a

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<sup>37</sup> 'Papua New Guinea Mine Watch',

<<https://ramumine.wordpress.com/tag/bougainville/>>.

<sup>38</sup> 'PNGExposed Blog', <<http://pngexposed.wordpress.com/>>

<sup>39</sup> For example, 'Keith Jackson and Friends: PNG Attitude', <<http://asopa.typepad.com/>>.

<sup>40</sup> 'Bougainville Forum', Facebook,

<<https://www.facebook.com/groups/bougainvilleforum/>>.

long and violent conflict involving natural resource distribution issues is likely to also involve more complex causes and triggers. It will generate its own dynamics, contributing to or creating new divisions, and new stakeholders and leaders will emerge. Similar processes can be expected in relation to negotiating a settlement, and its implementation. If natural resource distribution issues were a major factor in the origins of a conflict, they might not be a central focus in negotiating a post-conflict settlement. But changing dynamics, and especially changes in political economy, may see natural resource distribution issues become significant again many years into the processes involved in implementing the settlement. At this stage, though the risk of conflict recurrence may become much higher, the factors contributing to risk may have changed dramatically. If so, then assessing conflict recurrence risk is not just about political settlements that 'resolve the issues at stake', but also about understanding the changing dynamics of conflicts, peace processes, and post-settlement implementation.

On the basis of this case study of Bougainville, I conclude that natural resource distribution issues were a significant factor, amongst many others, in the origins of the conflict. In addition, it was a factor that aggravated many other factors. Moreover, many other divisions, sources of conflict and actual conflicts developed as a consequence of the dynamics of not only the conflict itself, but also of the peace process, and the process of implementing the BPA. Indeed, the tensions developing over mining related issues since 2005 are emerging as part of the dynamics generated by implementing the BPA. These are largely tensions internal to Bougainville. As a result, there is limited utility in the natural resource revenue distribution arrangements in the BPA, developed mainly to respond to the contribution of natural resource distribution issues to conflict between Bougainville and PNG. On the other hand, natural resource distributions certainly were a significant source of conflict both between PNG and Bougainville, and amongst Bougainvilleans. It was entirely reasonable for those negotiating for the BPA to include provisions intended to respond to the issues that had divided PNG and Bougainville in the 1980s, by giving the ABG power to determine mining policy and law for Bougainville, and to receive the major part of mining revenues. But it was too difficult for them to tailor arrangements in 2001 that could realistically respond to natural resource distribution issues that had divided Bougainvilleans in the 1980s (mainly issues related to the inequitable distribution of the limited natural resources revenues then available to Bougainvilleans).

In giving effect to its new right to make mining policy and law, the ABG has inadvertently helped generate a new political economy in Bougainville, where new outside interests in alliances with significant Bougainvillean interests, are engaging in a struggle for a significant degree of control over resource revenues and mining powers. These developments have ensured that the main divisive issues relating to natural resource distribution are no longer between PNG and Bougainville, but are instead between

Bougainvilleans (as even the outside interests have no leverage without Bougainville partners). The Bougainvillean negotiators for BPA did not include provision on dealing with such new sources of internal Bougainville tensions related to natural resource distribution, not only because they were not anticipated, but also because it would have been virtually impossible to do that at the time. Rather, their key assumption was that by establishing a strong and legitimate autonomous government, thereby empowering “Bougainvilleans to solve their own problems, manage their own affairs and realize their own aspirations”, and with “sufficient personnel and financial resources ... to exercise its powers and functions effectively”,<sup>41</sup> there would be a Bougainville government body capable of developing policy broadly acceptable to all interests, and of dealing with disputes between Bougainville interests when they do arise.

But at present, the ABG still has limited capacity, and developing appropriate mining policy and law takes time and resources, and implementing it effectively takes more. Some of those attacking the ABG have strong interests in the ABG remaining weak. Their increasingly strident attacks on the ABG are being made for the clear purpose of getting control of revenue and power. There is a real political and economic struggle taking place, and the eventual outcomes are as yet far from clear. One irony here is that the ABG is seeking mining revenue in order to build the capacity needed to achieve either real autonomy or independence, when there are now risks of serious tensions and disunity that could undermine Bougainville’s prospects for achieving either goal. There are particular risks here given the ongoing presence of armed factions in Bougainville. In these circumstances, there is an urgent need for the international community and the activist community to recognise where the real tensions and dangers of conflict lie.

Whilst the current tensions concerning natural resource distribution are mainly within Bougainville, there are still possible sources of dispute between PNG and Bougainville. One concerns possible difficulties in negotiating distribution of mining and other tax revenues additional to the recurrent grant should any future large-scale mining project result in those revenues being sustainably higher than the amount of the grant. In relation to issues about the Panguna mine’s future, tensions could arise over various issues if in fact BCL were to be permitted to return, including over any move by PNG to expropriate Rio Tinto’s majority equity in BCL, and over any difference that might occur over the ABG’s entitlement to have the PNG 19.3 per cent equity transferred.

Turning, finally, to the risk of conflict recurrence in Bougainville, we can clearly set to one side the BPA provisions on mining. The real questions now concern whether a strong and legitimate ABG can emerge that can manage the many sources of tension and conflict inherent in the

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<sup>41</sup> BPA, Para 4.(b) and (g).

circumstances of post-conflict Bougainville, including those internal tensions concerning mining. The difficulties for the ABG in managing such tensions are not small. They include, in particular, the situation of marginalised youth, as we have seen, in so many ways so similar to the situation in Bougainville in the late 1980s. The history of the conflict from 1988 demonstrates that sources of anger in such a significant marginalised group can be unleashed in unexpected ways, especially where contributed to, or aggravated, by natural resource distribution issues. Discussing two natural resource related insurgencies in Nigeria, political geographer Michael J. Watts said:

The energies unleashed ... among a generation of marginalized youth is astonishing; the reservoirs of anger is [sic] now very deep having been filled by the waters of resentment over many decades. That the resentments can and have been channelled into all manner of claims, aspirations and practices (complex mixtures of greed and grievance) the borders among which are labile and porous should surprise nobody.<sup>42</sup>

If the struggle over control of mining in Bougainville continues, without the ABG's authority being accepted, the outcomes will be unpredictable. All points of tension and conflict involved in or arising from this struggle are likely to be intensified by the approach of first, the ABG general election, and second the referendum on independence, and by the intersections between the political and economic struggles associated with those processes, on the one hand, with the struggles over mining.

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<sup>42</sup> Michael J. Watts, 'A Tale of Two Insurgencies: Power, Place and Spectacle in Nigeria', unpublished seminar paper, presented at a workshop at The Australian National University, June 2014.



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# Security in Papua New Guinea: The Military and Diplomatic Dimensions

Stewart Firth

Papua New Guinea is embedded in a regional strategic order dominated by the United States and Australia. The Government of Papua New Guinea recognises the country's security shortcomings and is taking action to remedy them. It plans to more than double the size of the PNG Defence Force to 5,000 regular and reserve personnel by 2017. The core tasks of the PNG Defence Force are to defend PNG against attack and maintain the integrity of its sovereign land, air and maritime borders; to provide civil emergency assistance in security, humanitarian and disaster relief; to engage in nation building; and to participate in international operations in both war zones and humanitarian operations. PNG is now sending peacekeepers to UN operations in Sudan and South Sudan. Regionally, the PNGDF has emerged with a good reputation after ten years with the Regional Assistance Mission to Solomon Islands. Borders present problems. Both the PNG-Indonesia border and the PNG-Australia border require continuing bilateral cooperation. The Pan-Melanesianism of the Melanesian Spearhead Group poses difficulties for PNG in its relations with Indonesia. Australia matters most as a defence partner for PNG, but the Manus asylum seeker processing centre is undermining Australia's advocacy of maintaining high standards in delivering security. The military mood is buoyant in PNG, but PNG's security problems are fundamentally developmental and political and will not be solved quickly.

Like other Pacific Island countries, Papua New Guinea is embedded in a regional strategic order that remains unchanged almost seventy years after the end of World War II. The United States is predominant militarily, supported by a string of military alliances with Australia, Korea, Japan and the Philippines. American military bases stretch from Hawai'i to Guam, Japan and Korea and American forces rotate through northern Australia. Papua New Guinea, which consisted of two bordering Australian territories in World War II, both invaded by Japan, has been independent for nearly forty years and looks to Australia and the United States for its strategic security. The Joint Declaration of Principles of 1987 requires Australia and PNG to "consult about matters affecting their common security in the event of external armed attack threatening the national sovereignty of either country" and is interpreted on both sides as an undertaking, falling somewhat short of a cast-iron guarantee, that Australia would come to the defence of PNG.<sup>1</sup> Under the security provisions of the Joint Declaration for a New Papua New Guinea-Australia Partnership, signed in 2013, bilateral defence relations will

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<sup>1</sup> R. J. May, *State and Society in Papua New Guinea: The First Twenty-Five Years* (Canberra: ANU E Press, 2004), p. 259.

deepen and Australia will do more to strengthen the Papua New Guinea Defence Force (PNGDF).

A stable and enduring Pacific strategic order is accompanied by a fast changing economic order as the shift of global production to East Asia creates new opportunities for Pacific Island countries, and especially for resource-rich PNG. In the last decade PNG's economy—as traditional economics measures these things—has grown consistently at rates more like those of East Asia than of the neighbouring Pacific Islands. A consortium of companies led by ExxonMobil's PNG LNG is spending US \$19 billion on the construction phase of the project, and is exporting liquefied natural gas to Japan, China and Taiwan, creating unprecedented growth potential. China, though not the largest foreign investor, is growing in importance to PNG as a market and source of investment. The most important Chinese investment in the Pacific region is Ramu NiCo, which mines nickel, cobalt and chromite near Madang, Papua New Guinea, and has built a refinery on the coast at Basamuk Bay. Ramu NiCo expects to export these minerals for the next twenty years.

Like many other countries in the Asia-Pacific, PNG confronts a potential future mismatch between its strategic ties to the United States and its economic ties to China. PNG's 2013 Defence White Paper points out that the United States is still “the pre-eminent global economic and military power and will continue to be so for years to come”, yet at the same time China's “rise to the second largest economy on earth continues to have an upward trajectory and is matched by its growing influence around the world”. PNG “is a friend to both countries, has traditional security links with the United States and developing relations with China”.<sup>2</sup>

## **The Papua New Guinea Defence Force**

The PNGDF is small even for a small country, with about 2,000 personnel in its land, maritime and air elements. With Australian assistance, the Government of PNG halved PNGDF numbers from about 4,000 to 2,000 after 2002, following a series of incidents arising from serious lack of discipline, including a mutiny at Moem Barracks in Wewak, where buildings were burnt down and soldiers had to be arrested. In recent years, the LNG boom has added to recruitment problems by attracting officers and soldiers to higher paying jobs in the private sector. The restructuring of the PNGDF, however, had useful consequences. The presence of soldiers in Southern Highlands Province in 2007, for example, ensured that the elections would proceed rather than fail as happened in 2002, and members of the PNGDF gained a good reputation for their performance during the ten years of their

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<sup>2</sup> Government of PNG, *Defence White Paper 2013, Defending PNG's Prosperity* (Port Moresby: Papua New Guinea Defence Organisation, 2013), pp. 17-18.

military presence of the Regional Assistance Mission in Solomon Islands 2003-2013.

The Government of PNG has now taken a further step and produced the country's first ever National Security Policy together with the first Defence White Paper since 1999. Speaking at the launch of the two papers in 2013, Prime Minister Peter O'Neill conceded that PNG's national security had

lacked cohesion and effective coordination since Independence. Our response to security issues have been largely disjointed as a result. Our national security institutions have been neglected to the extent where they lack appropriate capabilities to provide effective public safety and protection of our natural resources and our international borders. But we must not sit back and languish, and blame others for what we have not done. My Government is committed to addressing and improving our security. The Royal Papua New Guinea Constabulary's Modernisation Program and the PNG Defence White Paper 2013 are examples of the work we are putting in improving this sector.<sup>3</sup>

The government proposes to more than double the size of the PNGDF, from 2,000 to 4,000 regular personnel and 1,000 reserves by 2017, with a further doubling to 10,000 by 2030.<sup>4</sup>

According to the White Paper, the core tasks of the PNGDF are to defend PNG against attack and maintain the integrity of its sovereign land, air and maritime borders; to provide civil emergency assistance in security, humanitarian and disaster relief; to engage in nation building; and to participate in international operations in both war zones and humanitarian operations.

Let us examine these core tasks one by one. The capacity of PNG's security agencies "has declined considerably" since independence, according to the Defence White Paper,

causing significant security gaps along our land, air and maritime borders. Porous and uncontrolled borders have allowed transnational crime such as the illegal smuggling of small arms, light weapons and contraband to continue unabated.<sup>5</sup>

Poor border control also permits the plundering of the country's fish stocks and timber "at an alarming rate".<sup>6</sup> For this reason, controlling the borders requires that the PNGDF be modernised and revitalised.

The Defence White Paper is right to point to the difficulties of policing PNG's vast maritime exclusive economic zone (EEZ), which is 3.1 million square

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<sup>3</sup> Peter O'Neill, Speech at Murray Barracks, Port Moresby, 20 December 2013.

<sup>4</sup> Government of Papua New Guinea, *Defence White Paper 2013*, p. 14.

<sup>5</sup> *Ibid.*, p. 19.

<sup>6</sup> *Ibid.*

kilometres in extent and includes seven maritime borders. One estimate is that PNG loses one billion kina (AUD \$500 million) annually in fishing revenue as a result of illegal, unreported and unregulated fishing in this zone.<sup>7</sup> Like other Pacific countries, PNG has used Pacific Patrol Boats donated by Australia to police its EEZ, and will do so in the future now that Australia has announced the Pacific Maritime Security Program, which aims to provide an updated version of the patrol boat program from 2018. Under the old scheme, Australia funded refits of the boats and brought crews to the Australian Maritime College for training, as well as supplying Navy personnel as advisers. Under the new program, Pacific EEZ surveillance might be directed by a regional maritime coordination centre based in Solomon Islands, but whatever form it takes, PNG's ageing patrol boats will be replaced. The task of EEZ surveillance and enforcement is best performed regionally and with the support of powerful allies, as happens annually in the Forum Fisheries Agency's Operation Kurukuru, a coordinated maritime operation covering the exclusive economic zones of fifteen Pacific countries including PNG. Vessels and aircraft of the Quadrilateral Defence Partner countries (Australia, New Zealand, France and the United States) provide robust support to Pacific patrol boats in the search for poachers. In 2013 the Operation covered 30 million square kilometres, included PNG's EEZ, and involved twelve Pacific patrol boats, whose crews participated in boarding more than 100 fishing vessels.<sup>8</sup>

Alone among Pacific Island countries, PNG has a land border. Originating in the colonial partition of the island of New Guinea between the Netherlands, Germany and Great Britain in the nineteenth century, the border was inherited by Indonesia when it assumed control of west New Guinea from the Dutch in 1963 and became the dividing line, 760 km long, between Indonesia and the new state of PNG in 1975. Since then the border has been the occasion of numerous minor disputes between the two countries and a major one in the mid-1980s, when thousands of West Papuans fled into PNG as refugees following a crackdown by Indonesian military forces on West Papuan independence activists. By 1986 as many as 12,000 West Papuans had crossed into PNG seeking refuge, and soon afterwards PNG and Indonesia signed a Treaty of Mutual Respect, Cooperation, and Friendship, agreeing to "avoid, reduce and contain disputes or conflicts between their nations and settle any differences that may arise only by peaceful means" (Article 2), and promising not to threaten or use force

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<sup>7</sup> David Feeney, speech at Papua New Guinea Conference, 5 April 2013, <<http://www.minister.defence.gov.au/2013/04/05/parliamentary-secretary-for-defence-speech-papua-new-guinea-security-through-leadership/>> [Accessed 22 May 2014].

<sup>8</sup> 'National Participation Key To Success of Fisheries Surveillance Operation: Kurukuru 2013 Ends', Pacific Islands Forum Fisheries Agency, 21 October 2013, <<http://www.ffa.int/node/787>> [Accessed 22 May 2014].

against each other (Article 7).<sup>9</sup> Observers were unsure whether the treaty added anything to the security of the border, but by the early 1990s PNG and Indonesia had signed a “status of forces” agreement.

Further border agreements have followed, in 1990, 1992, 2003, and most recently in 2013, when PNG Prime Minister Peter O'Neill led a delegation of ministers to Jakarta seeking an improvement in bilateral relations. Both sides agreed on softer border management after PNG closed the border crossing near Jayapura for three weeks.<sup>10</sup> Smugglers have for years brought guns and ammunition from Indonesia across the border, landing them on the beaches at Vanimo before they are taken further into PNG, especially the Highlands. Political violence persists. Militants of the separatist *Organisasi Papua Merdeka* or OPM, who seek an independent West Papua, continue to attack Indonesian targets. In April 2014, for example, a group of about thirty separatists removed the Indonesian flag in favour of the Bintang Kejora or Morning Star flag, symbol of West Papuan independence, and destroyed government property at the border near Jayapura. Indonesian soldiers were reported to have killed three protesters in a shoot-out which lasted for hours, and the Indonesian authorities then closed the border gate at Skouw-Wutung after West Papuans fled into PNG.<sup>11</sup> As in 2013, the border remained closed for weeks, and even after it was opened again, the PNGDF was preventing PNG citizens from crossing into Indonesia on the grounds that OPM activists posed a security problem.<sup>12</sup>

The maritime border between PNG and Australia leaves the Torres Strait islands in Australian territory. Some, such as Saibai, are only a few kilometres from the PNG coast, and under the 1978 Torres Strait Treaty, which came into effect in 1985, PNG citizens from thirteen nominated villages may make traditional visits to what is called the Torres Strait Protected Zone, which extends to 10 degrees 30 minutes south latitude in Australian territory. Tens of thousands of Papua New Guineans take up this opportunity each year, and PNG Customs, Immigration and Police personnel regularly conduct joint border patrols with Australian Customs and Border Security, Australian Federal Police and Queensland Police in the search for

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<sup>9</sup> 'Indonesia-Papua New Guinea', Mongabay.com, <[http://www.mongabay.com/history/indonesia/indonesia-papua\\_new\\_guinea.html](http://www.mongabay.com/history/indonesia/indonesia-papua_new_guinea.html)> [Accessed 22 May 2014].

<sup>10</sup> 'RI, PNG Agree to “Soft” Border Approach', *Jakarta Post*, 18 June 2013.

<sup>11</sup> 'RI-PNG Border Closed after Shoot-out, Three Gunmen Claimed Dead', *Jakarta Post*, 7 April 2014.

<sup>12</sup> 'Wutung Border Between PNG, Indonesia Still Closed, Unsafe: PNG Defence Force Offers No Guaranty of Protection for Citizens', *PNG Post-Courier*, April 2014.

illegal movement of guns, drugs and money, as well as for vessels engaging in illegal fishing.<sup>13</sup>

The border raises issues not just of smuggling and people movement, but also of human security in the form of threats to health. For years Papua New Guineans made the short trip to the Australian islands of Saibai and Boigu in order to receive treatment for tuberculosis (TB), a serious health problem in PNG, where the prevalence rate—534 per 100,000 people in 2011—is high by global standards and very high by Pacific standards. At that time the Australian health clinics were treating sixty PNG nationals for TB, some with the multi-drug-resistant form of the disease. The Australian and Queensland governments have since closed the clinics to Papua New Guinean patients, opting instead to strengthen the health system on the PNG side of the border. Daru Hospital opened a new TB isolation ward in 2013, and Australia is funding World Vision to train community-based health workers, as well as providing a sea ambulance and boats for health service access to the South Fly District. A visiting World Health Organization team found evidence in 2012 of better diagnosis, training and infection control as a result of these new measures,<sup>14</sup> but not everyone is convinced that the change in arrangements is for the better, given PNG's patchy record in delivering health services in rural areas. Following criticism of the closure of the Australian clinics to Papua New Guineans, the Queensland Department of Health claimed that:

any re-opening of the Saibai and Boigu island tuberculosis clinics for Papua New Guinea nationals is likely to increase the risk of cross-border infection for the Torres Strait. It would also increase the risk of drug-resistant tuberculosis (TB) entering Queensland. A locally-controlled program, as endorsed by the World Health Organization, is the most effective method of combating TB in PNG.<sup>15</sup>

The security of Australia, as the TB issue shows, depends in part on the success of PNG as a developing state and on the effectiveness of its public health system.

As happens in the case of the Torres Strait, people move back and forth across the border on PNG's north-eastern flank between Bougainville and Solomon Islands. During the armed conflict in Bougainville in the 1990s, hundreds of Bougainvilleans found refuge in Choiseul Province and some

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<sup>13</sup> Sean Dorney 'Joint Border Patrols Enhance Relations Between PNG, Australia. PNG Citizens Allowed Traditional Entry to Torres Strait without Visa', *Radio Australia*, 14 November 2013.

<sup>14</sup> Department of Foreign Affairs and Trade, 'Papua New Guinea: Tuberculosis Management in Western Province', <<http://aid.dfat.gov.au/countries/pacific/png/Pages/tb-png.aspx#australia>> [Accessed 22 May 2014].

<sup>15</sup> Department of Health, Queensland Government, Media Statement, Torres Strait TB Clinics Statement, 21 February 2013.

took guns with them, adding to the store of firearms later used during the tensions in Solomon Islands. But since the end of hostilities on Bougainville more than fifteen years ago, the border has reverted to its role as a peaceful and artificial dividing line between related communities. Solomon Islands has now built a border post at Taro Island, Choiseul Province, and there is talk of establishing two border control posts on Bougainville.<sup>16</sup>

The second core task of the PNGDF is to provide civil emergency assistance in security, humanitarian and disaster relief, and the Defence White Paper envisages the PNGDF developing its capabilities as a first responder to disasters and to acts of “terrorism, piracy, sabotage, hostage and hijack”.<sup>17</sup> All of this is unexceptionable while at the same raising the key issue of affordability inherent in the ambitions of the White Paper in general.

The third core task is to engage in nation-building and contribute to national development, including providing security for national elections as in 2007 and 2012, and creating a secure environment for the South Pacific Defence Ministers’ Meeting in 2014, the Pacific Games in 2015 and APEC in 2018. APEC is a huge international event that tests the capabilities of much larger countries and will certainly test those of PNG. The broader aim is to “develop PNGDF capabilities in Engineering, Health, Signals, the ability to provide government patrols into ‘inaccessible’ terrain as well as Land, Maritime and Air mobility platforms to contribute to nation building”. The Defence Organisation will “assist with relieving the national ‘Youth Bulge’ problem by building the Reserve Force, introducing the school cadet system and developing a National Service scheme”.<sup>18</sup>

The idea that the PNGDF should engage in nation-building is not new and has not been successful in the past. As the former Australian Parliamentary Secretary for Defence David Feeney pointed out in 2013,

PNG tried ‘security-for-development’ approaches with only mixed success in the early to mid-1990s. And, some would argue the tide-of-history suggests the great success stories of our day, such as Indonesia, are all moving to reduce their militaries’ day-to-day involvement in internal security, governance and the market.<sup>19</sup>

An expanded nation-building role for the PNGDF, especially a bigger PNGDF, might tempt it to adopt a directly political role, as happened briefly in 2012 when a small group of soldiers arrested the force commander in support of Sir Michael Somare’s attempt to regain the prime ministership. The Sandline affair in 1997, when the PNGDF seized a group of

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<sup>16</sup> ‘Solomon Islands Govt Funds PNG-SI Border Post’, *Islands Business*, 27 May 2013.

<sup>17</sup> Government of PNG, *Defence White Paper 2013*, p. 26.

<sup>18</sup> *Ibid.*, p. 22.

<sup>19</sup> Feeney, speech at Papua New Guinea Conference.

mercenaries imported by the government, was another case of minor mutiny, but for the most part the force has been loyal to the civil power since independence.

The fourth core task of the PNGDF, according to the new Defence White Paper, is to fulfil its international obligations regionally and in UN peacekeeping operations. The Government of PNG amended the Defence Act in 2010 to make deployment of PNGDF soldiers possible beyond the Pacific region, and PNG has since sent military observers to Dafur and South Sudan. The numbers are small—just four PNG military observers in mid-2013, with plans to double that number—compared with those from Fiji, which has been sending its soldiers to UN and multilateral peacekeeping operations since the late 1970s. Fiji has 600 peacekeepers in the UN Disengagement Observer Force on the Golan Heights border between Israel and Syria, and an infantry battalion with the Multinational Force and Observers (MFO) in the Sinai, where the Fijians monitor three major border crossings between Egypt and the Gaza Strip. Nothing on this scale yet exists in the case of the PNGDF, but the initiative in Sudan and South Sudan points to the PNG's ambitions to follow the Fiji example. For Fiji as for PNG, participation in UN peacekeeping not only offers the prospect of financial compensation by the UN, but also the chance to operate on a world stage alongside the military forces of much larger states.

The Defence White Paper speaks of the PNGDF's readiness to participate "in the security components" of the Pacific Islands Forum, the Melanesian Spearhead Group, the South Pacific Defence Ministers' Meeting, and even the Association of South East Asian Nations, where PNG has had special observer status since 1981.<sup>20</sup>

The most important 'security component' of the Pacific Islands Forum in recent years, has been the Regional Assistance Mission to Solomon Islands (RAMSI), where PNGDF personnel served alongside Australian, New Zealand, Tongan (and for a while Fijian) troops. They were farewelled in Honiara in April 2013, having brought knowledge of Melanesian pidgin and a cultural familiarity that gave them easy access to Solomon Islands communities and smoothed the way for RAMSI's police and civilians. The performance of the platoons rotated regularly through Solomon Islands earned respect of a kind that was new to the PNGDF.

The regional statement of principles that provided justification for RAMSI is the Biketawa Declaration, signed by PNG and all other Forum states in 2000. The Declaration, drawn up a few months after a coup in Fiji and the forcible removal of a government in Solomon Islands, commits Forum countries to certain motherhood principles, beginning with good governance and including "belief in the liberty of the individual under the law" and "the

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<sup>20</sup> Government of PNG, *Defence White Paper 2013*, p. 30.



peaceful transfer of power, the rule of law and the independence of the judiciary, just and honest government". More importantly, the Declaration recognises "the vulnerability of member countries to threats to their security, broadly defined, and the importance of cooperation among members in dealing with such threats when they arise" and provides for graduated steps that the Forum might take in response "in time of crisis" in a member state. The Declaration did not specify armed intervention of the kind that transpired in Solomon Islands in 2003, but provided for consultation by Forum ministers and "targeted measures", and when the time came its language was general enough to provide legal cover for the regional intervention.<sup>21</sup> Regional security in the Pacific implies the internal security of Pacific states, not only in Solomon Islands but also in its far larger neighbour PNG.

### **Internal Security Issues and the Police**

By some measures PNG has experienced more serious and more persistent security crises than Solomon Islands. Whereas perhaps 200 people were killed during the Solomon Islands tensions, many more—thousands in all—were losing their lives in violent conflict in those parts of PNG that lay largely beyond the pale of government authority, such as Southern Highlands Province in the decade from about 2000. Tribal fighting remains common in some parts of the Highlands. It was reported in February 2014, for example, that:

thousands of people living between the Chimbu-Jiwaka borders all the way to Minj have been missing out on vital government services for years due to constant tribal fighting. Just two weeks after leaders in the area promised to stop fighting and other crimes in front of Supt Tondop, a fight erupted between the Golukup and Tulumkup tribes which resulted in the death of four people and massive destruction to property.<sup>22</sup>

The Government of PNG, however, has never defined such conflict and loss of life as a security crisis of the kind that might invoke the regional protections of the Biketawa Declaration, nor have they asked the Pacific Islands Forum for security assistance.

In those cases where PNG has accepted help with security, it has been for the country's urban centres, directed at establishing conditions of law and order in PNG's capital, Port Moresby, and in towns such as Lae. The *Economist* Intelligence Unit's liveability ranking of cities placed Port Moresby in the worst ten in 2013, along with Harare, Lagos and Dhaka.<sup>23</sup> Security companies thrive in Port Moresby and elsewhere in PNG because they

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<sup>21</sup> Secretariat of the Pacific Islands Forum, "Biketawa Declaration", 2000, <<http://www.forumsec.org/resources/uploads/attachments/documents/Biketawa%20Declaration,%2028%20October%202002.pdf>> [Accessed 22 May 2014].

<sup>22</sup> 'Highlands Region: Rival Jiwaka Clans Urged To Stop War', *Post-Courier*, 3 February 2014.

<sup>23</sup> 'The World's Least Liveable Cities', *Sydney Morning Herald*, 4 September 2013.

provide the conditions of personal safety that police do not deliver. All sorts of daily tasks in Port Moresby can be unsafe for people to undertake, from catching the bus to buying goods at a market, filling a car with petrol or getting back to a settlement after dark.

Recognising this situation, PNG agreed to take a Police Assistance Package from Australia in 2004, with the aim of putting more than 200 police on the streets of Port Moresby and assisting with criminal investigations. The first Australian police, based at Gordon Police Station in Port Moresby, began street patrols in December 2004, but the entire Australian contingent withdrew in May 2005 after the PNG Supreme Court ruled the deployment unconstitutional. At issue was the legal immunity of Australian police in PNG, seen as a slight to the country's sovereignty, although the PNGDF were accepting similar immunity for their own soldiers in Solomon Islands at the same time. The episode revealed the potential for initiatives of this kind to produce a nationalist backlash against Australia. Bilateral relations between Australia and PNG were strained in the last years of the Howard Government, but the election of the Rudd Government in 2007 put police cooperation back on the agenda, and led to the inauguration of the PNG-Australia Policing Partnership the following year. The Partnership is now in Phase IV, and a new generation of AFP officers has been deployed to PNG, arriving in late 2013. Unlike their predecessors a decade ago, they do not have direct policing powers, although they accompany Royal Papua New Guinea Constabulary (RPNGC) officers on foot and vehicle patrols both in Port Moresby and Lae. Their task is to guide and assist the RPNGC in a wide range of areas from community policing to managing police stations, controlling traffic, conducting criminal investigations and dealing with sexual offences.<sup>24</sup> The paramilitary police mobile squads in PNG have gained a reputation for harshness, even brutality, and it would be in Australia's interest, as well as PNG's, to use the Policing Partnership now and in the future to curb those tendencies.

### **Sub-Regional Security: the Melanesian Spearhead Group**

PNG is the largest member state of the Melanesian Spearhead Group (MSG), a sub-regional body that originated in pan-Melanesian sentiments of the 1980s, when PNG, Vanuatu, Solomon Islands and to a lesser extent Fiji were expressing solidarity with the independence movement in New Caledonia and its struggle against French colonial rule. Membership of the MSG therefore consists not only of states—the four Melanesian ones—but also of a political party, the *Front de Libération Nationale Kanak et Socialiste* (FLNKS). In fact the present MSG chair, Victor Tutugoro, is a member of the FLNKS. Frank Bainimarama's 2006 coup isolated Fiji, especially when he failed to hold promised elections in 2009. Fiji was suspended from the

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<sup>24</sup> Australian Federal Police, Media Release: Australian Federal Police Officers Arrive To Work Alongside Royal Papua New Guinea Constabulary, 5 November 2013.

Pacific Islands Forum, and Bainimarama turned his diplomatic energies elsewhere, becoming chair of the MSG in 2011 and investing it with a new significance. In recent years the MSG has pursued an active sub-regional agenda, including further trade liberalisation under the MSG Trade Agreement, a Melanesian Green Climate Fund and a Skills Movement Scheme (SMS), which is designed to allow 400 skilled Melanesians—nurses, doctors, engineers, accountants and other professionals—to move freely from one MSG country to another. According to MSG Secretary-General Peter Forau, the scheme offers “preferential treatment to parties in the MSG SMS to access employment opportunities” and has the additional benefit of providing a framework of accreditation and standards that “will prepare the MSG members to tap into the wider international labour market where there are more relatively lucrative opportunities”.<sup>25</sup> In other words, Forau sees skilled labour mobility between Melanesian countries as a stepping stone for Pacific Islanders to the labour markets of Australia, New Zealand and other advanced economies.

As MSG Chair, Bainimarama wanted to expand the role of the organisation beyond trade, labour and environmental arrangements to regional and international security. He pushed for the MSG to set up its own Melanesian peacekeeping unit, which would be offered to the UN worldwide, and initiated the creation of a department of peacekeeping operations at the MSG Secretariat. Any peacekeeping unit of this kind, if it were to eventuate, would almost certainly be organised and led by the peacekeeping specialists of the Pacific, the Fijians, rather than by PNG.

Pan-Melanesianism has its complications for PNG. At its 2013 meeting, the MSG had to decide on an application for membership from the West Papua National Coalition for Liberation (WPNCCL), which seeks the independence of West Papua from Indonesia. The MSG endorsed “the inalienable rights of the people of West Papua towards self-determination as provided for under the preamble of the MSG constitution” and that “the concerns of the MSG regarding the human rights violations and other forms of atrocities relating to the West Papuan people be raised with the Government of Indonesia bilaterally and as a Group”.<sup>26</sup> On the question of membership by the WPNCCL, it was decided to investigate the issue further by accepting Indonesia’s invitation to host a fact-finding visit to West Papua by Melanesian foreign ministers. PNG’s deputy Prime Minister Leo Dion, in the absence of Peter O’Neill, made clear that his country sees West Papua as an integral part of Indonesia and does not support its independence. He could hardly say anything else, given PNG’s long-standing acceptance of the integrity and permanence of Indonesia’s border on the island of New Guinea.

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<sup>25</sup> ‘MSG Skills Movement Scheme Comes into Force’, *PacNews*, Port Vila, 5 October 2012.

<sup>26</sup> MSG Secretariat, ‘19th MSG Leaders’ Summit Communiqué’, Escapade Resort, Noumea, New Caledonia, 20 June 2013.

When the MSG ministers went to West Papua in January 2014, sparking a demonstration and a number of arrests, Vanuatu boycotted the mission, claiming Fiji had transformed it from a human rights delegation into a trade and investment initiative. Indonesia joined the MSG as an observer in 2011, and its policy of soft engagement on West Papua replaces one of rigid exclusion, which for many years made official visits of this kind impossible. As an observer, Indonesia is able to bring to MSG meetings anti-independence West Papuans such as Franzalbert Joku, who told the journalist Sean Dorney at the 2013 MSG meeting that the human rights situation in Indonesia had “improved markedly since the process of reforms and democratisation were introduced at the end of the '90s. And that is also reflected in the situation in [the Indonesian province of] Papua.”<sup>27</sup> Indonesia, which has been increasing its engagement with PNG and other Pacific countries in recent years, could be well satisfied with the outcome of the 2014 West Papua mission. In a joint statement issued in Jakarta after the West Papua visit, Indonesia and the MSG declared that they supported “our respective sovereignty, unity and territorial integrity and the principle of non-interference in each other’s affairs, consistent with the Charter of the United Nations”, adding that they also backed PNG’s chairmanship of APEC in 2018.<sup>28</sup>

## Diplomatic and Defence Partners

The LNG boom and the steady expansion of the PNG economy in recent years has given the country a new confidence internationally. PNG currently has three diplomatic missions in Australia, two in the United States and Indonesia, and one each in New Zealand, Singapore, Japan, Fiji, the Solomon Islands, China, the Philippines, Malaysia, India, the United Kingdom and Belgium. The government plans to add further missions in Tel Aviv and Paris, to place a second China mission in Shanghai and to open offices in Germany and Vietnam. Israel has been increasingly active in the Pacific Islands, spurred perhaps by the emergence of the United Arab Emirates as an aid donor and diplomatic partner to Pacific countries since 2010. Ties between PNG and Israel are not new, but Peter O’Neill was the first PNG prime minister to make an official visit to Israel, when he held talks with Israeli Prime Minister Benjamin Netanyahu in 2013 and signed an Israel-PNG Joint Declaration of Cooperation. Mr Netanyahu specifically offered PNG assistance “for defence, security and intelligence training” as well as for agriculture and capacity building, and in an accompanying bilateral defence cooperation agreement that was to be signed later, Israel will provide training for PNGDF personnel and police in advance of the APEC meeting in PNG in 2018. Speaking in Jerusalem, O’Neill said:

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<sup>27</sup> ‘Conflicting Views on West Papua to Join MSG’, *Australia Network*, no date, <<http://australianetwork.com/focus/s3792784.htm>> [Accessed 22 May 2014].

<sup>28</sup> Joint Statement by Indonesia and the Members of the Melanesian Spearhead Group, Jakarta, 16 January 2014.

We are going to send some people over, especially instructors from Bomana police college, Goldie River training depot and Igam Barracks, and also from the police special protection units, to upgrade their skills to provide better protection of leaders who will visit us.<sup>29</sup>

Israel is only one among a number of countries with which PNG has security links. PNG has defence agreements with the United States and New Zealand, and defence relations on a small scale with Indonesia, Malaysia, Singapore and Fiji. After meeting his Chinese counterpart, General Liang Guanglie, in Beijing in 2013, PNG Defence Minister Fabian Pok revealed that the PNGDF would benefit from a US \$2 million dollar grant from China, and said it would be spent on armoured cars, troop carriers and uniforms, as well as maintaining swimming pools and gymnasiums at PNGDF barracks. Pok was quoted as saying China did not want to be seen as becoming too involved in PNG military issues.<sup>30</sup> The United States has responded. In 2014 US Pacific Naval Commander, Admiral Samuel Locklear III held talks with Prime Minister Peter O'Neill in Port Moresby. He confirmed that the US Army would engage in a new training scheme for PNGDF soldiers, and promised US naval support for security at the APEC meeting.<sup>31</sup>

Australia, though, is the defence partner that really matters for PNG. On her visit to PNG in 2013 Julia Gillard joined Peter O'Neill in signing the Joint Declaration for a New Papua New Guinea-Australia Partnership, which includes a commitment to strengthen the "enduring defence relationship" between the two countries and deepen bilateral cooperation on maritime and border security, regional peacekeeping and disaster relief. In financial terms these words mean that Australia will spend more on its defence cooperation program with PNG, already its largest with any country and boosted significantly to AUD \$27 million in 2013-14.<sup>32</sup> The extra funds over the coming years will pay for more Australian Defence Force officers to be deployed to Port Moresby, where they will work alongside their PNGDF counterparts as advisers and trainers at a time when the force plans on rapid expansion. The new emphasis on the defence relationship was underscored at the first bilateral defence ministers' meeting between the two countries in Canberra in December 2011, when they agreed on an annual PNG-Australia

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<sup>29</sup> 'PNG Seeks Israeli Help on APEC Security', PINA, 18 October 2013, <<http://www.pina.com.fj/?p=pacnews&m=read&o=14478209285260b37842fcc2dc5c3b>> [Accessed 22 May 2014].

<sup>30</sup> 'Chinese Military Gives \$US2 Million Aid to Papua New Guinea', Sina English, 25 February 2013, <<http://english.sina.com/china/p/2013/0225/564946.html>> [Accessed 22 May 2014].

<sup>31</sup> 'Papua New Guinea Prime Minister Peter O'Neill Wants to Increase the Presence of the US Military in the Country', *Australian*, 15 April 2014.

<sup>32</sup> Sam Bateman, Anthony Bergin and Hayley Channer, *Terms of Engagement: Australia's Regional Defence Diplomacy* (Canberra: Australian Strategic Policy Institute, July 2013), p. 55.

security dialogue involving senior defence and foreign affairs officials. PNG was represented at the inaugural South Pacific Defence Ministers' meeting in Tonga in 2013, and will host the 2014 meeting.

Asylum seekers complicate the PNG-Australia security relationship. The Asylum Seeker Processing Centre on Manus Island was built in 2001, closed in 2008, and then re-opened in November 2012 as the Australian Government sought to discourage the flow of potential refugees south from Indonesia. Australia announced on 19 July 2013 that henceforth all asylum seekers reaching Australian territory would be resettled in PNG or some other participating regional country. Under a bilateral Regional Resettlement Arrangement, PNG agreed—for an initial period of twelve months—to accept such people for processing, and if they proved to be refugees, to resettle them. Peter O'Neill wavered on this promise in 2014, suggesting that other Pacific countries should bear some of the burden of resettlement, but soon changed course and agreed that PNG would settle them all.<sup>33</sup> A major riot in the Manus processing centre in February 2014 left one asylum seeker dead, and pointed to major failures in management. The incident was emblematic of security problems in many parts of PNG: security was in the hands of a private security company, G4S, the PNG police lacked control over the situation, and the consequence was human rights abuse. As an Amnesty International Report of December 2013 pointed out, the regional resettlement arrangement has led to abuses of human rights while doing little for PNG:

Papua New Guinea has thus far seen no significant transfer of expertise or other material benefit from Australian immigration officials, medical staff, caseworkers, security staff, or other professionals. Papua New Guinea authorities remain dependent on their Australian counterparts for virtually every aspect of the administration and day-to-day operation of both the detention centre and the Refugee Status Determination process.<sup>34</sup>

Australia, while compensating PNG for hosting the processing centre, is undermining its own reputation for humanitarian treatment of potential refugees, and undercutting its advocacy of maintaining high standards in delivering security by disciplined forces in PNG.

## **The Developmental Roots of PNG's Security Problem**

The military mood in PNG is buoyant. Speaking at the officers' mess in Port Moresby in 2014, PNGDF chief of logistics Colonel Carl Wrakonei emphasised that PNG would be implementing the Defence White Paper and increasing the size of the force. He was quoted as saying that the PNGDF

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<sup>33</sup> 'About-turn as PNG will Resettle Refugees and AFP Offers Help', *Sydney Morning Herald*, 3 April 2014.

<sup>34</sup> Amnesty International, *This is Breaking People: Human Rights Violations at Australia's Asylum Seeker Processing Centre on Manus Island, Papua New Guinea* (Sydney: Amnesty International Australia, 2013), p. 9.

would be more than 5,000 in strength by 2015 and 10,000 by 2030.<sup>35</sup> These are unrealistic predictions that belie the reality of the challenges facing the PNGDF. Indiscipline has been a problem in the past and remains so. In July 2013, after a minor argument between medical students and PNGDF personnel over access to an ATM, soldiers returned with bush knives and firearms to the University of Papua New Guinea medical faculty, where they fired on students and destroyed accommodation and property, including laptops and textbooks. Soldiers seriously injured one student.<sup>36</sup> A further incident followed in February 2014 near Merauke in the Indonesian province of Papua. A PNG military patrol intercepted an Indonesian fishing boat on its way to a village in PNG, stopped it at gunpoint and, after robbing the fishermen, left them to swim ashore while the boat was set alight. Five fishermen disappeared before reaching shore, and Jakarta reacted by sending more marines to Merauke together with a naval frigate to search for the men. Indonesia demanded an explanation from PNG.<sup>37</sup> The incident was almost certainly criminal rather than political in origin and therefore unlikely to disturb PNG- Indonesian relations, but it pointed to a persistent lack of discipline and *esprit de corps* in the PNGDF. Apart from anything else, the expanding PNGDF will need to focus on lines of authority and the responsible exercise of discipline.

A further qualification to this analysis is recognised by the Government of PNG itself, which issued the country's first National Security Statement alongside the new Defence White Paper. The National Security Statement ranked the security threats to PNG "in order of their imminence or likely occurrence and their seriousness when they do occur". Those threats identified as Level One, and therefore requiring "the highest state of preparedness, alertness and response" were, listed in order of importance,

untenable Law and Order; graft and corruption; human rights abuses and gender based violence; lack of border control; natural disasters and climate change; small arms and light weapons trafficking and proliferation; illegal poaching of resources; drug, alcohol and substance abuse; microbial attacks on plant, animal and human lives; and medical emergencies including HIV & AIDS, TB and Malaria.<sup>38</sup>

The list of threats and their order of priority points to the fundamentally developmental and political character of PNG's security problem, and the need for what the National Security Statement calls a whole-of-nation

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<sup>36</sup> 'Armed Soldiers Assault UPNG Medical Students: Troops "Rampage" after Argument at Cash Machine', *PNG Post-Courier*, 15 July 2013.

<sup>37</sup> Scott Cheney-Peters, 'Troubled Waters: Indonesia's Growing Maritime Disputes: Indonesia Has Become Embroiled in Maritime Disputes with Neighbors like Singapore, Australia, and Papua New Guinea', *The Diplomat*, 19 February 2014, <<http://thediplomat.com/2014/02/troubled-waters-indonesias-growing-maritime-disputes>> [Accessed 22 May 2014].

<sup>38</sup> Government of PNG, *Defence White Paper 2013*, p. 20.

approach to address it. As the PNG Defence White Paper says, “PNG’s current and future security challenges are complex, non-traditional and predominantly developmental in nature”.<sup>39</sup> A bigger, better equipped and more tightly disciplined PNGDF would contribute to a security solution for PNG but only in certain areas such as border control, light weapons proliferation, security for major events and effective surveillance of the country’s EEZ. At the same time, participation in regional and global peacekeeping has the potential to enhance PNG’s international reputation. But as the Government of PNG recognises, much else is needed, including a better trained and equipped police force, and a rescue mission for the health system.

To discuss security in PNG, then, is to be driven back to a consideration of the political system in that country. PNG ranked 157th out of 187 countries in the 2014 UN Human Development Index, a rough but not grossly misleading guide to the state of development measured by life expectancy, education and GNI per capita.<sup>40</sup> PNG is a country where planning trumps implementation, and where statements of policy and white papers promise more than is delivered. The reasons for this situation have been canvassed on many occasions: PNG is linguistically diverse, its identities are fragmented, its geography poses difficulties for delivering services, it gained independence with only a small educated elite, its public administration is inefficient, and its culture has transformed the Westminster system inherited from Australia into something distinctively Melanesian, characterised by a particularist and kin-based understanding of political loyalties and an all-encompassing network of inescapable obligations. The consequence is that PNG parliaments are good at forming (and re-forming) the executive in a rough-and-tumble process of political deals, but much less effective in holding the government accountable and representing voters, that is to say, good at power but poor at doing something developmental with it.<sup>41</sup>

Australia’s aid to PNG under what foreign minister Julie Bishop calls the “new paradigm”, is likely to emphasise the empowerment of women. “Every time I visit PNG”, she told a business audience in Cairns in 2014,

I meet energetic, talented, creative women and girls—women in leadership positions, guiding their communities, advocating, acting as role models, getting things done—but we need more of them. Girls who want to learn but who need opportunities, and mentoring and more role models. I aim to work

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<sup>39</sup> Ibid., p. 18.

<sup>40</sup> United Nations Development Programme, *Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience*, Human Development Report 2014 (New York: UNDP, 2013), p. 174.

<sup>41</sup> Michael Morgan, *Cultures of Dominance: Institutional and Cultural Influences on Parliamentary Politics in Melanesia*, SSGM Discussion Paper 2005/2 (Canberra: ANU Research School of Pacific and Asian Studies, State, Society and Governance in Melanesia Program, 2005).



even more closely with PNG to help combat violence against women and girls so that they can make their contribution to the economy and society in a safe and secure environment—free from fear and free from violence and intimidation.<sup>42</sup>

The situation of many women in PNG—vulnerable and lacking opportunity—may be read as a metaphor for the society as a whole even though women are the ones who are most insecure. Security of life, property and territory is the foundation of a thriving economy and society, and PNG has never had enough of it. As the Government of PNG says, a whole-of-nation solution is required.

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<sup>42</sup> Julie Bishop, Speech, 30th Australia Papua New Guinea Business Forum and Trade Expo, Cairns, 19 May 2014, <[http://www.foreignminister.gov.au/speeches/Pages/2014/jb\\_sp\\_140519.aspx](http://www.foreignminister.gov.au/speeches/Pages/2014/jb_sp_140519.aspx)> [Accessed 22 May 2014].

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# Papua New Guinea: New Opportunities and Declining Australian Influence?

Joanne Wallis

Although Papua New Guinea is a 'small state' it increasingly defies traditional predictions about its international relations and attempts to enhance its security. This article begins by outlining Papua New Guinea's new geopolitical, regional and economic opportunities. It then considers the continuing challenges that Papua New Guinea faces which may undermine the benefits of these opportunities. This article concludes by arguing that Papua New Guinea may believe that its increasing opportunities have enhanced its power and influence, which may lead to a decline in Australia's influence, exemplified by the circumstances surrounding the recent Regional Resettlement Arrangement.

On any material measure, concerned with military strength, wealth and geography, Papua New Guinea (PNG) is a "small state".<sup>1</sup> In global terms, PNG has a small population (7.1 million people), a small economy (115<sup>th</sup> largest in the world by GDP),<sup>2</sup> a small (2,100 personnel) and ill-equipped military and a relatively small territory (462,840 km<sup>2</sup>, the 55<sup>th</sup> largest in the world). In 2000 the Commonwealth Secretariat and World Bank Joint Task Force on Small States specifically identified PNG as a small state, and claimed that it accordingly experienced certain "vulnerabilities" that limited its ability to participate in, and benefit from, its international economic, security and political relations.<sup>3</sup> Consequently, the Realist approach that dominates contemporary security studies predicts that PNG will have limited power and therefore minimal opportunities to exercise influence or pursue its own interests in its international relations.<sup>4</sup> Instead, it predicts that PNG will "bandwagon" on a larger power in order to protect itself,<sup>5</sup> most likely forming a "patron-client" relationship<sup>6</sup> with its near neighbour, Australia.

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<sup>1</sup> Colin Clarke and Tony Payne (eds), *Politics, Security and Development in Small States* (London: Allen & Unwin, 1987); Chrstine Ingebritsen, et al. (eds), *Small States in International Relations* (Seattle: University of Washington Press, 2006).

<sup>2</sup> World Bank, *World Development Indicators Database*, 17 December 2013, <<http://data.worldbank.org/data-catalog/GDP-ranking-table>> [Accessed 3 April 2014].

<sup>3</sup> Commonwealth Secretariat/World Bank, *Small States: Meeting Challenges in the Global Economy* (London: Commonwealth Secretariat, 2000).

<sup>4</sup> Robert Jervis, 'Cooperation Under the Security Dilemma', *World Politics*, vol. 30 (1978), pp. 167-214.

<sup>5</sup> Stephen M. Walt, *The Origins of Alliances* (Ithaca, NY: Cornell University Press, 1987); Benjamin Miller and Korina Kagan, 'The Great Powers and Regional Conflicts:

In the decades after PNG's independence, these predictions were largely borne out. PNG is Australia's nearest neighbour and has long been identified as strategically important to Australia.<sup>7</sup> PNG lies across some of the most significant air and sea approaches that link Australia to vital trading and defence partners in North America and Northeast Asia. Moreover, while there is presently no external power that is likely to use PNG to launch a direct attack on Australia, the Japanese advance during the Second World War graphically illustrated Australia's vulnerability to this scenario. Indeed, writing in 1965, prominent Australian strategic thinker T. B. Millar reflected that, if PNG was in "hostile hands", it would "make attacks on our east coast much easier—Port Moresby, after all, is closer to Sydney than Darwin is".<sup>8</sup> Consequently, Australia has sought to exercise influence over PNG,<sup>9</sup> first as a colonial occupier, and later as PNG's largest aid (AUD \$507.2 million in 2013-2014) and military donor (primarily via the Defence Cooperation Program and the Pacific Patrol Boat program), and trade (\$5.7 billion in 2012-2013) and investment (\$18.6 billion in 2012-2013) partner.<sup>10</sup> Australia is also effectively PNG's security guarantor, under the 1987 *Joint Declaration of Principles Guiding Relations Between Australia and Papua New Guinea*,<sup>11</sup> as reaffirmed in the 2000 Defence White Paper.<sup>12</sup> Therefore, for much the

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Eastern Europe and the Balkans from the Post-Napoleonic Era to the Post-Cold War Era', *International Studies Quarterly*, vol. 41, no. 1 (1997), pp. 51-85.

<sup>6</sup> Christos Kassimeris, 'The Foreign Policy of Small States', *International Politics*, vol. 46, no. 1 (2009), pp. 84-101, 94.

<sup>7</sup> Reiterated most recently in the 2013 Defence White Paper, which identified that the "security, stability and cohesion" of the South Pacific sits only behind a "secure Australia" in the hierarchy of Australia's strategic interests. It also echoed earlier defence white papers when it stated that, while the principal task of the ADF is to "deter and defeat attacks on Australia", its second priority is to "contribute to stability and security in the South Pacific and Timor-Leste". Commonwealth of Australia, *Defence White Paper 2013* (Canberra: Department of Defence, 2013), pp. 24-5, 30-1.

<sup>8</sup> T. B. Millar, *Australia's Defence* (Carlton: Melbourne University Press, 1965), p. 150.

<sup>9</sup> For example, the 1994 Defence White Paper focused on Papua New Guinea, which it described as Australia's 'most substantial' defence relationship in the region. Commonwealth of Australia, *Defending Australia* (Canberra: Department of Defence, 1994), p. 92. See also Australia's *Strategic Basis* papers between 1953-75, which are reproduced in Stephan Frühling (ed.), *A History of Australian Strategic Policy Since 1945* (Canberra: Defence Publishing Service, 2009), pp. 167-542.

<sup>10</sup> Department of Foreign Affairs and Trade, 'Papua New Guinea', Fact Sheet, <<https://www.dfat.gov.au/geo/png/>> [Accessed 4 April 2014].

<sup>11</sup> Department of Foreign Affairs and Trade, *Joint Declaration of Principles Guiding Relations Between Australia and Papua New Guinea*, 1987, as amended by exchange of letters in 1992, <[www.dfat.gov.au/geo/png/jdpgr\\_aust\\_png.html](http://www.dfat.gov.au/geo/png/jdpgr_aust_png.html)> [Accessed November 2013].

<sup>12</sup> Commonwealth of Australia, *Defence 2000: Our Future Defence Force* (Canberra: Department of Defence: 2000), p. 44.

period since its independence, PNG has appeared a relatively accepting 'client' of its Australian 'patron'.

This article uses a Constructivist analysis to argue that this situation is changing and that PNG increasingly defies many of the Realist predictions. For Constructivists, meaning is socially constructed, and material measures must be interpreted through the social concepts that define their meaning. Consequently, ideational factors such as beliefs, expectations and interpretations are as important as material measures when thinking about a state's power and influence in its international relations.<sup>13</sup> Therefore, Constructivism can reveal how the power and influence of small states like PNG is not necessarily determined solely by objective material measures. Using this analysis, this article argues that PNG has geopolitical, regional and economic opportunities which it may believe have enhanced its power and influence. When these material opportunities are combined with this ideational belief, this may lead to a consequent decline in Australia's influence over PNG. In this context, power refers to the ability of state A to make state B do what it would otherwise not do.<sup>14</sup> That is, state A has, or exercises, 'influence', while state B is 'influenced'.<sup>15</sup>

This article begins by outlining the geopolitical, regional and economic opportunities available to PNG. It then considers the continuing challenges that PNG faces which may undermine both the material and ideational benefits of these opportunities. This article concludes by arguing that PNG may believe that its increasing opportunities have enhanced its power and influence. When PNG's material opportunities are combined with this ideational belief, it may lead to a decline in Australia's influence, exemplified by the circumstances surrounding the recent Regional Resettlement Arrangement.

## **Geopolitical Opportunities**

Although Australia has long been viewed as exercising a degree of primacy, if not hegemony, in the South Pacific, changes to the broader Asia-Pacific power structure have generated geopolitical opportunities for PNG. Most

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<sup>13</sup> Theo Farrell, 'Constructivist Security Studies: Portrait of a Research Program', *International Studies Review*, vol. 4, no. 1 (2002), pp. 49-72; Nicholas Onuf, 'Constructivism: A User's Manual', in Vendulka Kubalkova, Nicholas Onuf and Paul Kowert (eds), *International Relations in a Constructed World* (London: M.E. Sharpe, 1998); Alexander Wendt, 'Anarchy is what States Make of it: The Social Construction of Power Politics', *International Organization*, vol. 46, no. 2 (1992), pp. 391-425.

<sup>14</sup> Robert Dahl, *Who Governs? Democracy and Power in an American City* (New Haven CT: Yale University Press, 1961).

<sup>15</sup> David A. Baldwin, 'Power and International Relations', in Walter Carlesnaes, Thomas Risse and Beth A. Simmons (eds), *Handbook of International Relations* (London: Sage, 2002), p. 177.

significantly, the “rise” of China<sup>16</sup> has motivated the United States to “pivot” or “rebalance” to the Asia-Pacific.<sup>17</sup> Many Realists claim that the United States is seeking to “balance”, “deter” or “contain” China,<sup>18</sup> although some identify the potential for the United States to build a “concert of powers”<sup>19</sup> or achieve “accommodation” with China.<sup>20</sup>

This changing power dynamic is being played out on a smaller scale in the South Pacific, where it has been argued that “China’s entrance into the region has accelerated the erosion of the United States as a unipolar power”, and that consequently the United States is engaged in “soft balancing” against China.<sup>21</sup> While China’s Assistant Minister of Foreign Affairs Cui Tiankai declared in 2012 that China is “here in this region not to seek any particular influence, still less dominance”,<sup>22</sup> in 2011, then United States Secretary of State Hillary Clinton admitted her concern that “[w]e are in a competition with China ... China is in there [in PNG] every day in every way trying to figure out how it’s going to come in behind us, come in under us”.<sup>23</sup>

Given how marginal the South Pacific is to the international strategic environment there is only a minimal risk that China and the United States will engage in zero-sum competition for military influence in the region.<sup>24</sup> However, the United States has increased its number of high-level visits to

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<sup>16</sup> David Kang, *China Rising: Peace, Power, and Order in East Asia* (New York: Columbia University Press, 2007); Robert Ross and Zhu Feng (eds), *Power, Security, and the Future of International Politics* (Ithaca: Cornell University Press, 2008).

<sup>17</sup> ‘Roundtable on Regional Perspectives on U.S. Strategic Rebalancing’, *Asia Policy*, vol. 15 (2013), pp. 2-44; Robert S. Ross, ‘The Problem with the Pivot: Obama’s New Asia Policy is Unnecessary and Counterproductive’, *Foreign Affairs*, vol. 91 (November/December 2012), pp. 70-82.

<sup>18</sup> Thomas J. Christensen, *Worse than a Monolith: Alliance Politics and Problems of Coercive Diplomacy in Asia* (Princeton: Princeton University Press, 2011); Aaron L. Friedberg, *A Contest for Supremacy: China, America, and the Struggle for Mastery in Asia* (New York: Norton, 2011); Kai He and Huiyun Feng, ‘If Not Soft Balancing, Then What? Reconsidering Soft Balancing and U.S. Policy Toward China’, *Security Studies*, vol. 17, no. 2 (2008), pp. 363-95; Lanxin Xiang, ‘China and the “Pivot”’, *Survival: Global Politics and Strategy*, vol. 54, no. 5 (2012), pp. 113-28.

<sup>19</sup> Hugh White, *The China Choice: Why America Should Share Power* (Melbourne: Black Inc., 2012).

<sup>20</sup> Amitai Etzioni, ‘Accommodating China’, *Survival: Global Politics and Strategy*, vol. 55, no. 2 (2013), pp. 45-60.

<sup>21</sup> Marc Lanteigne, ‘Water Dragon? China, Power Shifts and Soft Balancing in the South Pacific’, *Political Science*, vol. 64, no. 1 (2012), pp. 21-38, 23.

<sup>22</sup> Quoted in Daniel Flitton, ‘Clinton Stresses US Role in Pacific Security’, *Sydney Morning Herald*, 1 September 2012.

<sup>23</sup> Quoted in Andrew Quinn, ‘Clinton Says China Seeks to Outflank Exxon in Papua New Guinea’, *Reuters*, 2 March 2011.

<sup>24</sup> Paul Dibb, ‘The Importance of the Inner Arc to Australian Defence Policy and Planning’, *Security Challenges*, vol. 8, no. 4 (2012), pp. 13-31.

the South Pacific, including PNG, and has engaged more actively in multilateral regional institutions. It has also increased its strategic military deployments, most notably expanding its base in Guam, its 'shiprider' program and the Pacific Partnership.<sup>25</sup> The United States has also increased its aid,<sup>26</sup> trade and investments (including the Exxon Mobil liquefied natural gas (LNG) project in PNG)<sup>27</sup> and opened the USAID Pacific Island Regional Office in PNG and the new regional defence, environmental and labour hub at its embassy in Fiji.<sup>28</sup> The United States has also stepped-up its relationships with its traditional allies in the region, Australia and New Zealand.<sup>29</sup>

While the United States has made large aid and trade pledges to the South Pacific, their approval by Congress and translation into actual expenditure is not guaranteed, particularly given the United States' budgetary restraints. Indeed, the Congressional Research Service has cautioned that:

the depth of the Obama Administration's 'rebalancing' toward the Asia-Pacific region... may be called into question as time goes on. As yet, it does not appear that the Administration has translated its pronouncements into an across-the-government plan to implement the new elements of the strategy.<sup>30</sup>

Moreover, while Clinton and her Assistant Secretary of State, Kurt Campbell, were strongly committed to the rebalance, there are questions over whether this commitment is shared by the current Secretary of State John Kerry and his team, given that Kerry's attention (and travel schedule) has focused on the Middle East, rather than the Asia-Pacific.<sup>31</sup> In this regard, although the United States has increased its military engagements in the Micronesian sub-region, it has more marginal interests in PNG and the rest of the South Pacific.

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<sup>25</sup> Christian La Miere, 'America's Pivot to East Asia: The Naval Dimension', *Survival: Global Politics and Strategy*, vol. 54, no. 3 (2012), pp. 81-94.

<sup>26</sup> Edgard Kagan, 'US Engagement with the South Pacific and the Region', public lecture at the Australian National University, Canberra, 25 October 2012.

<sup>27</sup> Mark Tokola, 'The Reality of America's Pacific Pivot', speech to the Pacific Islands Society, 28 May 2013.

<sup>28</sup> Steven C. McGann and Richard K. Pruet, *A New Strategic Architecture for the Pacific, Pacific Islands Brief* (Honolulu: Pacific Islands Development Program, 2012).

<sup>29</sup> Rob Ayson and David Capie, 'Part of the Pivot? The Washington Declaration and US-NZ Relations', *Asia Pacific Bulletin*, no. 172 (July 2012); Bruce Robert Vaughn, *The United States and New Zealand: Perspectives on a Pacific Partnership* (Wellington: Fulbright New Zealand, 2012).

<sup>30</sup> Mark E. Manyin, et al., *Pivot to the Pacific? The Obama Administration's "Rebalancing" Toward Asia* (Washington: Congressional Research Service, 2012), p. 10.

<sup>31</sup> Jenny Hayward-Jones, *Big Enough For All of Us: Geo-strategic Competition in the Pacific Islands* (Sydney: Lowy Institute for International Policy, 2013).

Similarly, although there is a body of 'China threat' literature which claims that the South Pacific could provide a testing ground for China's strategic power against the United States,<sup>32</sup> and China has invested in bilateral and multilateral diplomacy, and increased its aid, trade and investment (including the Ramu nickel mine in PNG) in the South Pacific, several commentators argue that the South Pacific is "marginal in China's strategic landscape".<sup>33</sup> More by accident than design, China's influence in the region has been enhanced by the response of Australia and its partners, New Zealand and the United States, to the 2006 coup in Fiji. These powers condemned the coup and adopted sanctions against the Fijian regime, in the expectation that their pressure would encourage a return to democracy. The Fijian regime instead adopted a 'Look North' policy and sought closer engagement with China, other East Asian partners and global emerging powers.<sup>34</sup>

Therefore, while the existing debate might assume that the United States' increased presence in the South Pacific suggests that it is seeking to balance China, its actions should instead be understood as "reasserting the status quo rather than issuing a strategic challenge to China".<sup>35</sup> Similarly, while China is increasing its engagement in the region, "there is not sufficient evidence to suggest that China has a clearly defined and well-coordinated strategy to fill a power vacuum in the Pacific".<sup>36</sup> This suggests that neither state is engaged in a concerted strategy to compete for influence in PNG or the broader South Pacific.

Other external powers, such as Japan, Malaysia, Korea, Indonesia, Iran, Cuba, Russia and the United Arab Emirates are also becoming involved in PNG and the South Pacific as aid donors and diplomatic partners, widening the region's choice of aid partners. In particular, Indonesia has sought a

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<sup>32</sup> Graeme Dobell, 'China and Taiwan in the South Pacific: Diplomatic Chess versus Pacific Political Rugby', *Centre for the Study of the Chinese Southern Diaspora Occasional Paper Number 1* (Canberra: Australian National University, 2007); John Henderson and Benjamin Reilly, 'Dragon in Paradise', *The National Interest*, 1 June 2003; Tamara Shie, 'Rising Chinese Influence in the South Pacific: Beijing's Island Fever', in Anne-Marie Brady (ed.), *Looking North, Looking South: China, Taiwan and the South Pacific* (Singapore: World Scientific Publishing Company, 2010); Susan Windybank, 'The China Syndrome', *Policy Magazine*, 7 July 2005.

<sup>33</sup> Jian Yang, 'China in the South Pacific: Hegemon on the Horizon?', *The Pacific Review*, vol. 22, no. 2 (2009), p. 145; Yongjin Zhang, 'China and the Emerging Regional Order in the South Pacific', *Australian Journal of International Affairs*, vol. 61, no.3 (2007), pp. 367-81.

<sup>34</sup> Brij Lal, 'Fiji: Fishing in Troubled Waters', *Security Challenges*, vol. 8, no. 4 (2012), pp. 85-91.

<sup>35</sup> Stewart Firth, 'New Developments in the International Relations of the South Pacific', *Journal of Pacific History*, vol. 48, no. 3 (2013), p. 288.

<sup>36</sup> Yongjin Zhang, 'A Regional Power by Default', in Terence Wesley-Smith and Edgar A. Porter (eds), *China in Oceania: Reshaping the Pacific?* (New York: Berghahn Books, 2010), p. 50.



closer relationship with PNG, and in 2010 the Indonesian President, Susilo Bambang Yudhoyono, visited PNG to sign a *Defence Cooperation Agreement* and *Letters of Exchange in Agriculture*.<sup>37</sup> However, there is no suggestion that these states are engaged in deliberate competition for power in PNG or the region, beyond satisfying their own goals of diplomatic recognition or improved international influence.

A Constructivist analysis highlights that it is not necessarily important whether these external powers are actually competing for influence in PNG or the broader region. Instead, what is important is how PNG and other South Pacific states interpret the behaviour of these external states, since these interpretations can be enough to influence behaviour. In this regard, Papua New Guinean leaders have encouraged an interpretation that there is emergent competition by external powers for influence in the region. Speaking in March 2013, Winnie Anna Kiap, PNG High Commissioner to the United Kingdom, observed that external powers are increasingly competing for influence because “when a vacuum is left [by the withdrawal of the United States and the United Kingdom], another country moves in to fill it”.<sup>38</sup> PNG Prime Minister Peter O'Neill has also observed that PNG will take advantage of the interest that these external powers have in PNG and look for economic opportunities in Asia.<sup>39</sup>

Other South Pacific leaders have similarly encouraged this perception. The Fijian High Commissioner to the United Kingdom, Solo Mara, has observed that: “Washington has ramped up its presence and involvement in response to China’s increasing abilities and influence”, which he interpreted as “Washington’s realization that it must be more involved in the South Pacific or risk losing its influence entirely”.<sup>40</sup> Former Prime Minister of Fiji, Sitiveni Rabuka, has similarly observed that China is “filling a vacuum” in the region.<sup>41</sup> However, this perception is not absolute, with Henry Puna, Prime Minister of the Cook Islands, observing that: “our engagement with major

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<sup>37</sup> Solomon Kantha, ‘Papua New Guinea’, *The Contemporary Pacific*, vol. 23, no. 2 (2011), pp. 491-504.

<sup>38</sup> Quoted in Mohammed Tahboub, ‘Papua New Guinea High Commissioner to UK—China Filling Pacific Vacuum’, remarks to the Pacific Islands Society, London, 28 March 2013.

<sup>39</sup> Peter O'Neill, ‘Papua New Guinea in the Asian Century’, Lowy Institute for International Policy, 29 November 2012, <<http://www.lowyinstitute.org/news-and-media/videos/distinguished-speaker-series-hon-peter-oneill-prime-minister-papua-new-guinea>> [Accessed 1 April 2014].

<sup>40</sup> Solo Mara, ‘Remarks by Mr Solo Mara, High Commissioner, Republic of Fiji High Commission to the United Kingdom’, remarks to the Pacific Islands Society, London, 5 March 2013.

<sup>41</sup> Quoted in ‘Pacific Urged to Take Steering Wheel in Face of US China Rivalry’, *Radio New Zealand*, 3 July 2013.

powers should not be viewed as the subject of competition, but as representative of shared goals of mutual benefit and reciprocity".<sup>42</sup>

The interpretation that external powers are competing for influence has opened up geopolitical opportunities for PNG. PNG no longer necessarily needs to identify itself as falling within an uncontested Australian and New Zealand sphere of influence. Instead, PNG may believe that it has more choice as to which external power (or powers) it engages with.<sup>43</sup> When this Constructivist interpretation is applied to the Realist approach, it holds that when there is the interpretation (or reality) that a competitive (balance of power) system has emerged, small states like PNG will have more room to manoeuvre, as they will believe that they are able to play competing great powers off against each other.<sup>44</sup> Indeed, small states might provide a determining factor in an actual balance of power situation, if enough side with one great power over the other.<sup>45</sup> PNG appears to already be astutely playing-off perceived Chinese and American competition in order to access increased development assistance, concessional loans, military support and international influence. For example, in 2013 it was reported that PNG was considering seeking a large loan from China in order to fund increasing the size of the Papua New Guinea Defence Force (PNGDF) from 2,100 to 10,000 personnel.<sup>46</sup>

## Regional Opportunities

The increased choice that has come from these geopolitical opportunities has also opened up regional opportunities for PNG. Since 1971 the dominant regional institution has been the Pacific Islands Forum (PIF, previously named the South Pacific Forum), which comprises all independent and self-governing states, Australia and New Zealand, and is the primary forum for political affairs in the region. In the last decade the Secretariat of the Pacific Community (SPC), which promotes development and cooperation in relation to economic, social and scientific issues, has also become influential. The SPC has a wider membership than the PIF, as it includes former and current colonial powers and their territories. The PIF and SPC have also spawned a series of more specialised agencies and institutions. Australia and New Zealand take a dominant role in both the PIF

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<sup>42</sup> Henry Puna, speech at 'Pacific Day 2013', Center for Strategic & International Studies, Washington, 17 June 2013.

<sup>43</sup> Edgar A. Porter and Terence Wesley-Smith, 'Oceania Matters', in Terence Wesley-Smith and Edgar A. Porter (eds), *China in Oceania: Reshaping the Pacific?* (New York: Berghahn Books, 2010).

<sup>44</sup> Michael Handel, *Weak States in the International System* (London: Frank Cass, 1981).

<sup>45</sup> Nicola Smith, et al., 'Size Matters: Small States and International Studies', *International Studies Perspectives*, vol. 6 (2005), pp. ii-iii.

<sup>46</sup> Isaac Nicholas, 'Govt Moves To Rebuild PNGDF', *Post-Courier*, 3 January 2013.

and SPC, in particular through driving the move towards enhanced regional integration, most notably in the form of the PIF's 'Pacific Plan'.<sup>47</sup>

Empowered by their greater choice of international partners, PNG and other South Pacific states increasingly are creating, or strengthening, alternative regional and sub-regional institutions and organisations that exclude Australia, New Zealand and other traditional external partners. These alternative organisations allow PNG to operate outside its traditional partners' spheres of influence, to work with other South Pacific states to pool their resources and to operate as a united group when negotiating with their partners.<sup>48</sup>

This process of creating, or strengthening, alternative regional and sub-regional institutions and organisations has been accelerated by an emboldened Fiji. After Fiji was suspended from the PIF in 2009, it encouraged the growth of the sub-regional Melanesian Spearhead Group (MSG) which includes Fiji, PNG, Solomon Islands, Vanuatu and the FLNKS (*Front de Libération Nationale Kanak et Socialiste*, representing the Kanak population of New Caledonia). The MSG adopted a constitution in 2007 and China financed the creation of the MSG's Secretariat and the building of its headquarters in Vanuatu in 2007. The MSG has developed its activities with Papua New Guinean and Fijian encouragement, including agreeing to a Trade Agreement and a Skilled Movement Scheme (although given the limited economic activities between its members it is unclear how beneficial they will be).<sup>49</sup> PNG has fast-tracked MSG trade liberalisation, with O'Neill declaring that: "Melanesian countries are the biggest in the Pacific and once we are able to engage more actively together, I think the rest of the Pacific can be able to follow us".<sup>50</sup> It has been argued that the MSG could "become the principal organ for the vast majority of Pacific Islanders and the portal of choice for new, mainly Asian, interests in the Pacific Islands",<sup>51</sup> or at least a "counterweight" to the PIF.<sup>52</sup> Indeed, the MSG Eminent Persons Group describes the MSG as a "stepping stone and bridge to Asia's growing economies",<sup>53</sup> a role that PNG's geography makes it uniquely well-placed to

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<sup>47</sup> Pacific Islands Forum, *The Pacific Plan for Regional Integration and Cooperation* (Suva: Pacific Islands Forum Secretariat, 2007).

<sup>48</sup> Robert O. Keohane, 'Lilliputians Dilemmas: Small States in International Politics', *International Organization*, vol. 23, no. 2 (1969) p. 297.

<sup>49</sup> Nic Maclellan, 'The Region in Review: International Issues and Events, 2012', *The Contemporary Pacific*, vol. 25, no. 2 (2013), pp. 352-68.

<sup>50</sup> Quoted in 'Peter O'Neill's Pacific Plan: The "PNG Push" into the Region', *Islands Business*, November 2012.

<sup>51</sup> Richard Herr, 'The Security Outlook for Melanesia', *United Service*, vol. 64, no. 2 (2013), p. 12.

<sup>52</sup> Ron May, *The Melanesian Spearhead Group: Testing Pacific Island Solidarity* (Canberra: Australian Strategic Policy Institute, 2011), p. 7.

<sup>53</sup> Eminent Persons Group, *The Case for an Enhanced Melanesian Spearhead Group Sub-regionalism* (Port Vila: Melanesian Spearhead Group, 2013), p. 7.

lead. In this regard, Indonesia and Timor-Leste gained observer status of the MSG's meetings in 2011, and in 2013 Indonesia invited the MSG Secretariat to attend the APEC Ministerial meeting its guest. While Indonesia's efforts may suggest that it recognises the emerging role of the MSG in the region, they might equally be motivated by a desire to pressure MSG members not to support the self-determination of its West Papua region, or that region's application to join the MSG.

In addition, allegedly with funding from China, Russia and some Arab states, in 2010 Fiji held its own 'Engaging the Pacific' meeting as a rival to the PIF. In 2013 this meeting evolved into the Pacific Islands Development Forum (PIDF), which explicitly excludes developed states such as Australia, New Zealand and the United States, but which includes civil society and private sector actors. Furthermore, thirty countries from Europe, Africa, Latin America, North America and Asia attended the meeting as observers.<sup>54</sup> South Pacific leaders have agreed to establish a PIDF Secretariat in Fiji, possibly with Russian, Chinese or Kuwaiti funding.<sup>55</sup> Although O'Neill did not attend the PIDF meeting, as the largest South Pacific state PNG is well-placed to capitalise on this development to play a more influential role in regional and international relations in the future.

PNG is also increasingly acting independently in the region. In this regard, it must be recalled that PNG occupies more than 85 per cent of the land in Melanesia, and has perhaps 83 per cent of the people.<sup>56</sup> Therefore, while PNG is a small state in global terms, it is much larger than its South Pacific neighbours, which may also have enhanced its belief that it is able to exercise growing regional influence. For example, in 2011 PNG funded the creation of a permanent secretariat and headquarters for the Parties to the Nauru Agreement (PNA) Concerning Cooperation in the Management of Fisheries of Common Interest.<sup>57</sup> The PNA is potentially an alternative to the PIF's Forum Fisheries Agency, and has been able exert influence over that agency on behalf of its members. This move signals PNG's belief that it is the 'big brother' of other PNA signatories, whose interests it has to defend.<sup>58</sup> By working with other South Pacific states within a multilateral institution, PNG has been able to exert greater control over fisheries management and exercise greater influence when negotiating with external partners.

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<sup>54</sup> Sandra Tarte, 'A New Regional Pacific Voice?', *Pacific Islands Brief*, no. 4, 28 August 2013.

<sup>55</sup> Ibid.

<sup>56</sup> Herr, 'The Security Outlook for Melanesia'.

<sup>57</sup> Nic Maclellan, 'The Region in Review: International Issues and Events, 2011', *The Contemporary Pacific*, vol. 24, no. 2 (2012), pp. 360-75.

<sup>58</sup> Christopher Pala, 'Islands Revoke UK Fisheries Treaty', *Islands Business*, May 2011.

An emboldened PNG is also moving outside Australia's sphere of influence on the international stage. PNG has taken the lead in respect of climate change, cofounding the Coalition for Rainforest Nations, which is lobbying for carbon-credit schemes under the United Nations Collaborative Program on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries.<sup>59</sup> This development exhibits how a small state like PNG can attempt to use norms, identity and ideas to act as a 'norm entrepreneur' in order to influence regional and international politics.<sup>60</sup> According to a Constructivist analysis, PNG might be able to mobilise support for particular standards and persuade other states to adopt and conform with new norms.<sup>61</sup>

PNG is also the only South Pacific state that is a member of the Asia-Pacific Economic Cooperation (APEC) forum, and it is seeking full membership of the Association of South East Asian Nations (ASEAN), of which it has observer status. In 2010 PNG adopted the *International Obligations Bill*, which provides the legal framework for it to participate in United Nations peacekeeping missions, and in 2011 it became a United Nations Troop Contributing Country. However, these deployments are conducted with a degree of Australian influence, as Australia provides pre-deployment and force preparation training, which has seen Papua New Guinea Defence Personnel deployed to United Nations missions in the South Sudan and Darfur.<sup>62</sup> PNG, along with Fiji and Vanuatu, has also joined the Non-Aligned Movement, and with Chinese support, the 'Asia' group at the United Nations has been renamed 'Asia and the Pacific Small Island Developing States'. Fiji has also encouraged South Pacific states to form an alternative caucus grouping at the United Nations, the 'Pacific Small Island Developing States' (PSIDS) group, which has effectively replaced the PIF in this role. Fiji took advantage of these developments to secure the chairmanship of the Group of 77 plus China in 2013. Given PNG's much larger size it has the potential to take a similar approach to increase its influence on the international stage.

## **Economic Opportunities**

The growing confidence that PNG has demonstrated in its geopolitical and regional activities has been enhanced by its economic opportunities. Most significantly, the PNG Southern Highlands are home to the massive Exxon-Mobil LNG project. The construction of the project will cost US \$15 billion,

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<sup>59</sup> Nic Maclellan, 'The Region in Review: International Issues and Events, 2010', *The Contemporary Pacific*, vol. 23, no. 2 (2011), pp. 440-54.

<sup>60</sup> Christine Ingebritsen, 'Norm Entrepreneurs: Scandinavia's Role in World Politics', *Cooperation and Change*, vol. 37, no. 1 (2002), pp. 11-23.

<sup>61</sup> Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization*, vol. 52, no. 4 (1998), pp. 887-917.

<sup>62</sup> Maclellan, 'The Region in Review: International Issues and Events, 2010'; Maclellan, 'The Region in Review: International Issues and Events, 2011'.

although only 4.5 per cent (around US \$675 million) is expected to directly affect the economy during the construction period.<sup>63</sup> The major direct economic impact will occur during production, which is expected to commence in mid-2014. It is predicted that, during the peak production phase, the project will contribute an additional 20 to 25 per cent of GDP per year.<sup>64</sup> While much of the income generated by the project will be repatriated overseas, in the form of dividends or interest repayments on debt, the income that will remain in PNG will include tax payments, dividend payments to residents, royalty and development levy payments to landowners and provinces, as well as income earned by local employees and contractors. In this regard, the total revenue generated by the project for the government to 2040 is estimated at about US \$31 billion.<sup>65</sup> There are hopes that these revenues will increase per capita incomes and generate broad-based development.

It is also hoped that the LNG project will have indirect benefits, as spending by people involved in the project or recipients of royalties will generate economic activity. For example, during the construction period, it is anticipated that expatriate employees will spend between 100 to 200 million kina per annum. The project is also expected to lead to significant investment in infrastructure, such as roads and airports, and social development, such as education and health services.<sup>66</sup> Other indirect impacts are likely to include: increased business activity from local companies that supply goods and services to the project and its employees; increased activity relating to higher government expenditures; and increased domestic activity from activities, such as agriculture, that experience higher aggregate demand and possibly improved access to markets.<sup>67</sup> The project is also expected to create employment opportunities and encourage future gas-based industry development.

Beyond the LNG project, PNG receives revenue from several other natural resource projects, including the AUD \$1.5 billion Ramu nickel mine, in which Chinese companies have invested. However, while natural resource extraction offers significant economic opportunities to PNG, it is not without costs. Natural resource projects can cause the displacement of communities, generate economic competition and societal conflict and, as illustrated in the case of the civil war that arose from the Panguna copper

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<sup>63</sup> Department of Treasury, *2011 National Budget* (Waigani: Government of Papua New Guinea, 2010), chapter 11, p. 143.

<sup>64</sup> *Ibid.*, p. 144.

<sup>65</sup> *Ibid.*, p. 148.

<sup>66</sup> ACIL Tasman, *PNG LNG Economic Impact Study* (Melbourne: ACIL Tasman, 2009).

<sup>67</sup> Department of Treasury, *2011 National Budget*, chapter 11, p. 145.

mine in the Bougainville region, challenge the stability of the state.<sup>68</sup> PNG also has the potential for deep-sea mining, and in 2011 granted Canadian company Nautilus Minerals Inc the world's first deep-sea mining lease to develop the Solwara I project in the Bismarck Sea.<sup>69</sup> Yet, this natural resource project is also controversial, with concerns about both its potential environmental impact and the Government of Papua New Guinea's involvement in partially funding the project.

Over the last decade PNG's non-mineral economy, such as manufacturing, financial services and wholesale/retail, has also performed well, which has seen formal employment grow by an average of 6 per cent per year, almost doubling the size of the private sector workforce.<sup>70</sup> However, while PNG's economy appears to be growing rapidly, as the construction phase of the LNG project comes to a close in 2014 and external conditions become less favourable, the non-mineral economy is slowing. Non-mineral GDP growth fell from 9.1 per cent in 2012 to 5.5 per cent in 2013, and is expected to decline to around 1.3 per cent in 2014.<sup>71</sup> Moreover, although PNG's real GDP grew by 7.7 per cent in 2012 it has "impacted little on basic services and living standards".<sup>72</sup> Indeed, in 2010 "per capita expenditures for health and infrastructure were still 15 per cent and 30 per cent lower than in the early 1980s, respectively".<sup>73</sup> There are estimates that only an average of 2.5 per cent of resource revenues have been spent on health and education, while 5 per cent has been allocated to infrastructure.<sup>74</sup> Moreover, PNG has responded to the expectation of its future LNG revenues by engaging in a program of potentially unsustainable borrowing. For example, in March 2014 the government resolved to borrow 3 billion kina from UBS bank to purchase a 10.1 per cent stake in Oil Search Ltd. This decision contravened the

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<sup>68</sup> Nicole Haley and Ron May (eds), *Conflict and Resource Development in the Southern Highlands of Papua New Guinea* (Canberra: ANU E Press, 2007); Anthony J. Regan, 'Causes and Course of the Bougainville Conflict', *The Journal of Pacific History*, vol. 33, no. 3 (1998), pp. 269-85.

<sup>69</sup> Solomon Kantha, 'Papua New Guinea', *The Contemporary Pacific*, vol. 25, no. 2 (2013), pp. 304-415.

<sup>70</sup> Don Pomb Poyle, Minister for Treasury, *2014 Budget Strategy Paper* (Waigani: Government of Papua New Guinea, 2013).

<sup>71</sup> Ibid.

<sup>72</sup> Mekere Morauta, 'Managing the Boom in Mineral Revenue in Papua New Guinea', *DevPolicy*, 20 January 2012, <<http://www.eastasiaforum.org/2012/01/02/managing-the-boom-in-mineral-revenue-in-papua-new-guinea/>> [Accessed 31 March 2014].

<sup>73</sup> Aaron Batten, 'Service Delivery and Resource Revenues in PNG', *DevPolicy*, 29 June 2011, <<http://devpolicy.org/service-delivery-and-resource-revenues-png20110629/>> [Accessed 31 March 2014].

<sup>74</sup> Ibid.

principles of the Sovereign Wealth Fund legislation that had been adopted in 2012, under Australian tutelage.<sup>75</sup>

## Continuing Challenges

Therefore, although PNG has several opportunities, there are a number of issues that continue to challenge the state and potentially limit its ability to capitalise on them. These issues have been outlined already in more detail in this journal,<sup>76</sup> and are expanded on in other contributions to this volume. Briefly, the first challenge relates to the potential for political instability. The 2012 political and constitutional crisis that saw two parallel governments, after the purported replacement of Sir Michael Somare with Peter O'Neill as Prime Minister, has been resolved. However, the potential for similar situations in the future remains. In this regard, once large revenues from its LNG project begin to flow they may potentially exacerbate existing government corruption, patronage and destabilising competition for political office.

The second challenge relates to escalating crime, inter-group fighting and increased (often illegal) migration from Asia, each of which threaten stability, particularly if they affect the LNG and other resource projects on which PNG relies.<sup>77</sup> Third, the upcoming referendum on Bougainville's future political status (a key element of the 2001 Bougainville Peace Agreement), scheduled to take place between 2015 and 2020, is another potential source of conflict and instability, depending on whether it is held, what the result is and how the Bougainville parties and Government of PNG react.<sup>78</sup> Developments in Bougainville have also encouraged potentially destabilising secessionist demands in other provinces. East New Britain and New Ireland have already sought autonomy under the *National Power Sharing and National Framework Policy*.<sup>79</sup>

A fourth challenge relates to the possibility of conflict along PNG's border with Indonesia. Although PNG and Indonesia have entered into a *Treaty of Mutual Respect, Friendship and Cooperation*, the potential for incidents along the border is high, as the PNGDF does not have the capacity to patrol the border, which may lead to Indonesian incursions in pursuit of residents of

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<sup>75</sup> Department of Foreign Affairs and Trade, 'Papua New Guinea Country Brief', <[https://www.dfat.gov.au/geo/png/png\\_brief.html](https://www.dfat.gov.au/geo/png/png_brief.html)> [Accessed 4 April 2014].

<sup>76</sup> Ron May, 'Papua New Guinea: Issues of External and Internal Security', *Security Challenges*, vol. 8, no. 4 (2012), pp. 47-60.

<sup>77</sup> May, 'Papua New Guinea: Issues of External and Internal Security'.

<sup>78</sup> Joanne Wallis, 'Ten Years of Peace: Assessing Bougainville's Progress and Prospects', *The Round Table*, vol. 101 (2012), pp. 29-40.

<sup>79</sup> Kantha, 'Papua New Guinea' (2011).



its Papua and West Papua provinces seeking either asylum or temporary shelter.<sup>80</sup>

## Declining Australian Influence?

Although these continuing challenges may limit the material power and influence that PNG is actually able to harness from its opportunities, PNG appears to have the ideational belief that these opportunities have increased its power and influence. As a result, PNG is likely to be less susceptible to Australian influence. Indeed, the 2013 Australian Defence White Paper acknowledged that “attitudes to our role are changing” in the region, as “the growing reach of Asian nations opens up a wider range of external players for our neighbours to partner with”.<sup>81</sup> Although Australia is PNG’s largest aid donor, investor, trading partner and source of tourism, as well as security guarantor, this “does not buy Australia more than a very limited, and changeable, influence over Papua New Guinea’s security policies”.<sup>82</sup>

The first example of Australia’s declining influence in PNG was the February 2004 bilateral Enhanced Cooperation Program (ECP). The ECP involved the insertion of 230 Australian police advisers into the Royal Papua New Guinea Constabulary (RPNGC) and Australian public servants seconded into government agencies. Although the ECP was perceived to be improving local security, it was resented by certain political leaders and Australia had to withdraw its police in May 2005, after the constitutionality of arrangements that gave Australian police immunity were successfully challenged. This left PNG with forty-four advisers who continued to work in treasury, finance, planning, transport, customs, and law and justice.

PNG’s reaction to the ECP, as well as the broader South Pacific’s response to Australia’s “new interventionism” in the region,<sup>83</sup> motivated a shift in Australia’s approach, signalled in the *Port Moresby Declaration* delivered by then Prime Minister Kevin Rudd on 6 March 2008.<sup>84</sup> In an effort to distinguish itself from the previous government, the Rudd Government’s Declaration claimed to signal that the government wanted a “new era of cooperation” with PNG and other South Pacific states that respected their independence and worked with them “on the basis of partnership, mutual respect and mutual responsibility”.<sup>85</sup> Reflecting the new approach, Australia

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<sup>80</sup> May, ‘Papua New Guinea: Issues of External and Internal Security’.

<sup>81</sup> Commonwealth of Australia, *Defence White Paper 2013*, p. 15.

<sup>82</sup> May, ‘Papua New Guinea: Issues of External and Internal Security’, p. 59.

<sup>83</sup> Sinclair Dinnen, *Lending a Fist? Australia’s New Interventionism in the Southwest Pacific*, SSGM Discussion Paper 2004/5 (Canberra: ANU Research School of Pacific and Asian Studies, State, Society and Governance in Melanesia Program, 2004).

<sup>84</sup> Department of Foreign Affairs and Trade, ‘Port Moresby Declaration’, 2013, <<http://aid.dfat.gov.au/countries/pacific/Pages/Port-Moresby-Declaration.aspx>> [Accessed 24 January 2014].

<sup>85</sup> Ibid.

entered into bilateral *Pacific Partnerships for Development*<sup>86</sup> with PNG and other South Pacific states. In 2008 the ECP was also renamed the *Strongim Gavman* (Strong Government) Program, which provided for greater consultation with PNG and new arrangements to enable Australian police to serve as advisers. 2008 also saw the inauguration of the PNG-Australia Policing Partnership. This Partnership initially focused on designing programs to improve the performance of the RPNGC, but evolved to include the deployment of fifty Australian police in late 2013. While the Australian police are not empowered to exercise direct policing powers, they accompany RPNGC officers on their patrols and provide assistance with respect to issues such as: community policing; station management and supervision; community liaison; traffic operations; criminal investigations; and dealing with sexual offences.<sup>87</sup>

Australia's declining influence is also evident with respect to trade policy. Since August 2009, Australia has been attempting to finalise negotiations on the PACER-Plus (Pacific Agreement on Closer Economic Relations-Plus) free trade agreement between itself, New Zealand and the independent South Pacific islands. PNG and the other island states have instead prioritised their negotiations with the European Union on an Economic Partnership Agreement to replace the *Lome Convention*, an aid and trade agreement between the European Community and South Pacific, African and Caribbean countries. Although a regional Economic Partnership Agreement has not been agreed, PNG and Fiji have entered into bilateral agreements with the European Union, and PNG has offered to host and fund a new secretariat to convene leaders' meetings under the future regional agreement.<sup>88</sup>

Australia's declining influence is also evident with respect to the visa rules governing the entry of Australians into PNG. Papua New Guineans travelling to Australia have to apply for a visa in advance, which has been a source of tension in the relationship, as Australians could obtain a visa on arrival in PNG. In February 2014, PNG ruled that Australians have to apply for a visa in advance of their travel. Although the decision to implement this change was made by the Papua New Guinea Executive Council in December 2013, the government delayed implementing the change until February, apparently to give Australia the opportunity to rethink its refusal to

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<sup>86</sup> Department of Foreign Affairs and Trade, 'Pacific Partnerships for Development', 2008, <<http://www.aid.dfat.gov.au/countries/pacific/partnership/Pages/default.aspx>> [Accessed 24 January 2014].

<sup>87</sup> Australian Federal Police, 'Media Release: Australian Federal Police officers arrive to work alongside Royal Papua New Guinea Constabulary', 5 November 2013, <<http://www.afp.gov.au/media-centre/news/afp/2013/november/australian-federal-police-officers-arrive-to-work-alongside-royal-papua-new-guinea-constabulary.aspx?source=rss>> [accessed 24 April 2014].

<sup>88</sup> Maclellan, 'The Region in Review: International Issues and Events, 2012'.

provide a visa-on-arrival facility for Papua New Guineans travelling to Australia, which it did not.<sup>89</sup> The fact that PNG felt sufficiently empowered in its relationship with Australia to make this move is another indication of Australia's declining influence.

As Australia's influence over PNG has declined, Australia appears to have gradually realised that it must now approach PNG as a partner, rather than a client, and has recalibrated its approach. The *Port Moresby Declaration* was the first signal of this recalibration. Recent moves that have built on the Declaration include the *Joint Declaration for a New Papua New Guinea—Australia Partnership* signed by the prime ministers of both countries on 10 May 2013, which in turn builds on the 1987 *Joint Declaration of Principles*. According to the Joint Declaration the two states commit to their relationship “as equals to each other as among our most important partners”. Australia has consequently made moves to deepen its economic partnership with PNG. At the 2012 Papua New Guinea-Australia Ministerial Forum, the two governments agreed on the text of an *Australia-Papua New Guinea Economic Cooperation Treaty*, which deals with trade, investment and labour mobility. The Treaty was later signed during Australian Prime Minister Tony Abbott's visit to PNG in March 2014. During that visit it was also announced that the two state's leaders will have annual meetings. Australia and PNG also held the first Defence Ministers' Meeting on 10 December 2013, at which they agreed to establish an annual security dialogue between the two countries and to expand Australia's Defence Cooperation Program with PNG, which is already Australia's largest with any country.<sup>90</sup>

### Case Study: the Regional Resettlement Arrangement

The starkest example of Australia's declining influence in PNG are the circumstances surrounding the arrangements to process, and possibly resettle, in PNG people who travel by boat to seek asylum in Australia. It should be noted that the legal, political, social, economic and security challenges raised by these arrangements for PNG are numerous and beyond the scope of this article.<sup>91</sup>

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<sup>89</sup> Annmaree O'Keeffe, 'In Visa Stoush, PNG Only Hurts Itself', *Lowy Interpreter*, 27 February 2014, <<http://www.lowyinterpreter.org/post/2014/02/27/In-visa-stoush-PNG-only-hurts-itself.aspx>> [Accessed 27 March 2014].

<sup>90</sup> Julie Bishop, 'The 22<sup>nd</sup> Papua New Guinea-Australia Ministerial Forum: Communique', Parliament House, Canberra, 11 December 2013.

<sup>91</sup> They have been comprehensively outlined elsewhere. See: Sue Harris-Rimmer, 'The Top 10 Mistakes in the PNG Solution', *The Drum*, 24 July 2013, <<http://www.abc.net.au/news/2013-07-24/harris-rimmer-the-top-10-mistakes-in-rudds-png-solution/483858>> [Accessed 11 March 2014]; Victoria Stead, 'Rudd's Hard-line Approach Will Be Disastrous', *The Age*, 22 July 2013; Jenny Hayward-Jones, 'Australia's Asylum-seeker Obsession Risks Damaging PNG Relations', *The*

These arrangements have their antecedents in the 'Pacific Solution', implemented under the John Howard-led Australian Government in 2001. This policy introduced the processing of asylum seekers in PNG and Nauru (it ended in 2008). In exchange, Australia made no additional development assistance payments to PNG. However, the request by Australia was put to PNG at the same meeting at which the two governments were discussing the provision of AUD \$20 million of Australian assistance for the reform of the PNGDF, which may have had some influence over PNG's decision to accede to Australia's request.<sup>92</sup> Other purported benefits included: improvements to the Lobrum naval base, where asylum seekers were processed; Australian-funded infrastructure improvements to service the processing centre; and the fast-tracking of Australian aid projects.<sup>93</sup>

The *Regional Resettlement Arrangement between Australia and Papua New Guinea* agreed on 19 July 2013,<sup>94</sup> represents the shifting dynamics of the relationship. Under the Arrangement any "unauthorised maritime arrival entering Australian water" will be transferred to PNG's Manus Island Regional Processing Centre for processing and resettlement in PNG "and in any other participating regional, including Pacific Island, states". Australia undertook to "provide support, through a service provider, to any refugees who are resettled". Although the Australian media has portrayed the Arrangement as having been imposed on PNG, it has been claimed that O'Neill actually approached Rudd with the proposal, which is a sharp contrast to the approach in 2001.<sup>95</sup> In another important contrast to 2001, in exchange for processing and resettling asylum seekers, O'Neill demanded—and received—a total re-alignment of Australia's aid program to support his government's priorities.<sup>96</sup> Although the Australian Government had very strong domestic political motivations for acceding to this demand, the fact that PNG felt empowered to make it, and that Australia agreed to it, suggests that Australia's influence over PNG is declining.

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*Interpreter*, 6 March 2014, <<http://www.lowyinterpreter.org/post/2014/03/06/Australia-asylum-seekers-PNG-relations.aspx>> [Accessed 11 March 2014].

<sup>92</sup> Senate Select Committee on a Certain Maritime Incident, *A Certain Maritime Incident Majority Report* (Canberra: Parliament of Australia, 2002), para. 10.45-10.46.

<sup>93</sup> *Ibid.*, para. 10.54-10.55.

<sup>94</sup> *A Memorandum of Understanding between the Government of the Independent State of Papua New Guinea and the Government of Australia, relating to the transfer to, and assessment and settlement in, Papua New Guinea of certain persons, and related issues*, was then agreed on 6 August 2013.

<sup>95</sup> Deni ToKunai, 'Asylum Deal a Nightmare for PNG and Australia', *The Interpreter*, 24 July 2013, <<http://www.lowyinterpreter.org/post/2013/07/24/Asylum-deal-a-nightmare-for-PNG-and-Australia.aspx>> [Accessed 21 March 2014].

<sup>96</sup> 'PNG PM Calls for Re-alignment of Australian Aid', *Radio Australia*, 30 November 2012, <<http://www.radioaustralia.net.au/international/radio/program/pacific-beat/png-pm-calls-for-realignment-of-australian-aid/10544688>> [Accessed 1 April 2014].

In accordance with O'Neill's demand, on the same day that the Arrangement was signed, the two countries also agreed on a *Joint Understanding between Australia and Papua New Guinea on further bilateral cooperation on health, education and law and order*. According to the Joint Understanding, Australia agreed to provide an extra AUD \$420 million of development assistance to PNG,<sup>97</sup> on top of the projected \$507.2 million in development assistance budgeted for PNG in 2013-2014, which includes expenditure on:

- health: rebuilding Lae hospital (\$207 million over four years);
- education: rehabilitating the University of Papua New Guinea (\$62 million over four years);
- justice: deployments to the Department of Corrections and the Royal PNG Constabulary (\$19 million over four years);
- transport: scoping of the Madang-Ramu highway (\$0.8 million over four years); and
- law and order: deployment of fifty Australian Federal Police officers for advisory and mentoring roles (under the PNG-Australia Policing Partnership) (\$132 million).<sup>98</sup>

Australia's capacity to exercise significant influence over how these projects are conducted has been questioned.<sup>99</sup> For example, Australia had previously provided significant aid to advise the Government of PNG on its plan to create a sovereign wealth fund. While PNG legislated to create the fund in 2012,<sup>100</sup> the government recently announced that, rather than invest the proceeds of the LNG project in the fund, it will use them to make repayments on the loan it obtained from UBS. Another part of Australia's aid program involved funding medical supplies. PNG ignored Australia's condition that it should obtain the medicines from an internationally-certified company, and instead selected a non-certified company, leading Australia to

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<sup>97</sup> Chris Bowen and Penny Wong, *Economic Statement* (Canberra: Commonwealth of Australia, August 2013).

<sup>98</sup> Bob Carr, 'Australia's International Development Assistance Program 2013-14, Effective Aid: Helping the World's Poor', Statement by Senator the Hon Bob Carr, Minister for Foreign Affairs, 14 May 2013, <<http://aid.dfat.gov.au/Publications/web/australias-international-development-assistance-program-2013-14/Pages/home.aspx>> [Accessed 1 April 2014].

<sup>99</sup> Stephen Howes, 'There's a Price To Pay for Our Indebtedness to PNG', *The Australian*, 21 March 2014.

<sup>100</sup> Department of Treasury, 'A Sovereign Wealth Fund for all PNG: Information on Sovereign Wealth Fund of Papua New Guinea', <[www.treasury.gov.pg/public\\_debt/files/2013/swf/png.swf\\_public.info\\_22\\_Feb\\_2013.pdf](http://www.treasury.gov.pg/public_debt/files/2013/swf/png.swf_public.info_22_Feb_2013.pdf)> [Accessed 4 April 2014].

withdraw its support. Similarly, the Joint Understanding states that Australia will rehabilitate the University of PNG. Australia's further offer to match PNG support to reform the University and others in PNG has been ignored by the Government of PNG.<sup>101</sup>

More recently, PNG's increased assertiveness in the relationship is evidenced by its approach to resettling refugees. When the Arrangement was agreed in July 2013, Rudd made several announcements indicating his understanding that most people found to be refugees would be resettled in PNG.<sup>102</sup> This belief was shared by Abbott, who declared in February 2014 that the plan that refugees would be resettled in PNG "is still very much available and Prime Minister Peter O'Neill has reassured me repeatedly that the same deal that was on offer to the former government remains on offer".<sup>103</sup> However, in March 2014 O'Neill contradicted both Rudd and Abbott, as he announced that he believed that a "good majority" of people processed at Manus Island were not "genuine refugees" and that PNG will only resettle "some" of the people whose claims are recognised, as other countries in the region should "carry the same burden as we do".<sup>104</sup> O'Neill recanted that statement in April 2014, and agreed that PNG will resettle all asylum seekers who are found to be refugees,<sup>105</sup> suggesting that Australia retains some influence over PNG. However, the fact that he initially felt empowered to openly contradict two Australian prime ministers suggests a growing degree of confidence in PNG's attitude to its relationship to Australia. Moreover, although O'Neill has a strong majority, there is also no guarantee that his undertaking will be supported by the PNG parliament when the relevant enabling legislation is introduced.

The circumstances surrounding the Arrangement exemplify how PNG has interpreted its increased opportunities as enhancing its power and influence in its relationship with Australia. As a result, PNG now appears to believe that it no longer necessarily needs to comply with the conditions that Australia places on its development assistance, which has seen Australia's massive aid program directed away from Australia's preferred governance and public sector management issues towards the Government of PNG's preferred infrastructure projects.

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<sup>101</sup> Howes, 'There's a Price To Pay for Our Indebtedness to PNG'.

<sup>102</sup> Bianca Hall and Jonathan Swan, 'Kevin Rudd to Send Asylum Seekers who Arrive by Boat to Papua New Guinea', *Sydney Morning Herald*, 19 July 2013.

<sup>103</sup> Quoted in Michelle Grattan, 'PNG "Mateship" on Asylum Seekers No Substitute for Rigorous Policy and Decent Conditions', *The Conversation*, 23 March 2014, <<http://theconversation.com/png-mateship-on-asylum-seekers-no-substitute-for-rigorous-policy-and-decent-conditions-24701>> [Accessed 26 March 2014].

<sup>104</sup> Quoted in Michael Gordon, 'Future of Manus Island Asylum Seekers Unclear as Peter O'Neill Says Most Are Not 'Genuine Refugees'', *Sydney Morning Herald*, 21 March 2014.

<sup>105</sup> Sarah Whyte, 'About-turn as PNG will Resettle Refugees and AFP Offers Help', *Sydney Morning Herald*, 4 April 2014.

## **Conclusion**

In conclusion, it appears that PNG has interpreted its geopolitical, regional and economic opportunities as having enhanced both its material and ideational power and influence with respect to Australia, which have led to a consequent decline in Australia's influence. This is not to say that Australia has no influence; Australia remains PNG's largest aid, trade and investment partner, as well as its security guarantor. In the event of future instability or crisis, the depth of the historical relationship means that Australia will be the partner to which PNG first looks. Instead, this article argues that Australia may find itself with less influence over the shape of its future relationship with PNG. This shift would probably be a welcome change for PNG, which is increasingly able to act as a partner of Australia, rather than its client. Given the opportunities available to PNG, and to other South Pacific states, Australia seems to have little choice but to recognise that these states now perceive themselves as an 'arc of opportunity', rather than as an 'arc of instability'.<sup>106</sup>

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<sup>106</sup> Joanne Wallis, 'The Pacific: from "Arc of Instability" to "Arc of Responsibility" and then to "Arc of Opportunity"? *Security Challenges*, vol. 8, no. 4 (2012), pp. 1-12.

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The Kokoda Foundation has been established as an independent, not-for-profit think tank to research and foster innovative thinking on Australia's future security challenges. The foundation's priorities are:

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Cover Picture: Police vehicle in a Port Moresby settlement.  
Photograph taken by Michelle Rooney.

