

# *Papua New Guinea In 1994 — The Most Turbulent Year?*

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## *Introduction*

Delivering his first Christmas message since becoming Prime Minister in August, Sir Julius Chan told the nation that 1994 had been “the most turbulent, painful and, at times, unpredictable year ever experienced by PNG in its 19 years as an independent state”.<sup>1</sup> Few would have disagreed. A financial crisis of unprecedented proportions; an unexpected change of government; continuing strife, as well as some hope, on Bougainville; secessionist threats from the New Guinea Islands region; successive natural disasters, including the devastating Rabaul volcano; and the deteriorating law and order situation, provided some of the most significant developments during 1994. These developments are reviewed below with particular reference to the law and order situation.

## *The Financial Crisis*

With little doubt the most significant and alarming development of 1994 for most Papua New Guineans was the country’s massive fiscal problems and the official responses these generated. The first half of 1994 witnessed a record budget deficit of K277.5 million. This figure exceeded the estimated deficit for the entire year. The gap between the actual budget deficit and the planned ceilings had been widening steadily since 1989. Whereas the budget deficit amounted to 1.2 per cent of GDP in 1989, it had grown to 5.9 per cent in 1993. By mid-1994 the deficit had grown to more than 10 per cent of GDP. The burgeoning deficit can be largely attributed to government spending, particularly unplanned expenditure which rose from 14.3 per cent in 1992 to 18 per cent in 1993, and to an alarming 23.4 per cent in the first half of 1994.<sup>2</sup> The crux of the problem has been that expenditure has not been matched by increases in revenue, with revenue for the first six months of 1994 being actually 2.6 per cent less than that for the same period in 1993.<sup>3</sup>

A number of factors are implicated in PNG’s fiscal crisis. In addition to the exceptionally high cost of running government in PNG there has been the expense of Bougainville, the slump in international commodity prices and declining foreign grants.<sup>4</sup> The closure of the giant Panguna mine on Bougainville has meant a loss of about 20 per cent of annual government revenue since 1990. In addition, government restoration programs on the troubled island are costing between K60-80 million annually. Likewise, the slump in commodity prices has led to substantial increases in government price subsidies since the beginning of 1990. External grants for budget support have declined from K311.7 million in 1991 to K184 million in 1993.<sup>5</sup> This decline will continue as Australia, PNG’s largest aid donor, switches from budget support to project aid.

Whilst it is clear that PNG has been living beyond its means for a number of years, there has been little to show for increased expenditure in terms of sustainable develop-

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1 *Post Courier*, 28 December 1994.

2 Saffu, Y, “Papua New Guinea in 199 — Reaping the Whirlwind” (1995) XXXV 2 *Asia Survey* (forthcoming).

3 *Ibid.*

4 Mawuli, A, “The Growing Fiscal Problems” *The Times of Papua New Guinea*, 29 September 1994.

5 *Ibid.*

ment. Development in the rural areas, where the majority of the population live, has been minimal. The UN Development Program's 1994 Human Development Report placed PNG bottom of the Pacific region for life expectancy, adult literacy and the status of women.<sup>6</sup> Globally, it is ranked 129th of 173 countries in human development terms. Poor education and health facilities, inadequate transport infrastructure, rapid population growth and lack of job opportunities contribute to the nation's low human development profile.

In the face of diminishing government revenues, growing expenditure has necessitated increasing resort to domestic and international loans. In the past this has been partly justified by buoyant expectations of PNG's much-vaunted minerals boom. Dividends from state owned equities in major resource projects, however, have not yet significantly affected government revenue. By the end of the year the *Australian Financial Review* was claiming that PNG was "drowning in public debt" of approximately K5.5 billion (AUD 6 billion) or about 120 per cent of annual GDP. The same report noted that the Deputy Prime Minister, Chris Haiveta, had told journalists in early December that PNG needed to raise about K300 million to meet immediate bills and debt repayments scheduled for 1995.<sup>7</sup> The debate about the exact character and magnitude of the problems, and their causes, will no doubt continue for some time. By mid-1994, however, it was clear that a serious financial crisis was looming. In August, Masket Iangalio, who replaced Chan as Minister of Finance and Planning in the Wingti government at the beginning of the year, warned that the government's current rate of expenditure would bankrupt the country if allowed to go unchecked. The formation of the Chan-Haiveta government later in the same month led to some immediate and drastic remedial measures. Principal amongst these was a 12 per cent devaluation in mid-September, followed by the floating of the Kina in early October. The initial devaluation had resulted in a massive flight of capital, reportedly over K120 million, and helped persuade the new government to abandon the long-standing hard Kina strategy. Sir Julius Chan, as PNG's first Finance Minister, had been one of the architects of this strategy which had pegged the exchange rate of the kina to a trade weighted basket of currencies. Other measures were introduced to reduce excessive liquidity, tighten commercial lending, and restrict foreign exchange transactions. In addition, a wage and recruitment freeze was imposed on the public sector. A Supply Bill was enacted in place of the postponed national budget in November and, amongst other things, introduced a new tax package designed to raise revenue. At the same time the government, reversing its predecessors policy, announced that it would sell off some of its equity in resource projects aimed at the same end.<sup>8</sup>

Whilst the government was proclaiming considerable success for its expenditure controls by the end of the year, the measures inevitably led to the machinery of government virtually grinding to a halt. Many government workers in Port Moresby and the provinces experienced delays in their pay, and some were retrenched.<sup>9</sup> Already under resourced schools and hospitals throughout the country suffered further. In November, for example, the Health Minister warned that ten provincial hospitals would have to be closed down owing to a lack of funds.<sup>10</sup> Those private sector enterprises owed money by the government faced

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6 United Nations Development Report, *Pacific Human Development Report — Putting People First* (1994).

7 *Australian Financial Review*, 30 December 1994.

8 *National*, 9 November 1994.

9 *National*, 6 October 1994.

10 *National*, 18 November 1994.

considerable delays awaiting repayment and some laid off workers, whilst others expressed fears of imminent bankruptcy.<sup>11</sup>

Owing to the massive presence of the state in the PNG economy, as the largest employer, consumer and provider of resources and services, the impact of the financial crisis has been extensive. It is widely believed that a major force behind PNG's notorious rascal problem is the lack of legitimate cash generating opportunities. A significant aspect of acquisitive crime in PNG is the accessing of cash which is otherwise unavailable to the thousands of school "push-outs" with little prospects of remunerative employment. The drying up of government funds and its knock-on effects in the private sector is likely to further fuel rascalism as a means of survival for many youngsters in both urban and rural areas. In addition, there is growing anger amongst grassroots constituencies at what is seen as gross financial mismanagement amongst the small political and public service elite. This anger, in turn, fuels the violent dimensions of many rascal activities. The incapacitating effect of the crisis on the criminal justice system, to be discussed below, removes a further restraint on criminal behaviour.

### *The Change of Government*

August 1994 saw Sir Julius Chan replace Pias Wingti as Prime Minister after a Supreme Court ruling that Mr Wingti's spectacular resignation/re-election in September 1993 was unconstitutional. The 1993 Wingti coup had taken both the nation and the opposition by complete surprise and was designed to extend his government's period of immunity from a vote of no confidence.<sup>12</sup> On 23 September 1993, during a special parliamentary session, Mr Wingti secretly resigned and was re-elected the next morning, with the opposition boycotting the session. An initial challenge mounted by the opposition before the National Court failed and an appeal was then taken to the Supreme Court. The Supreme Court, presided over by the Chief Justice, handed down its decision on 25 August 1994, declaring that while Mr Wingti's resignation was valid his subsequent re-election on 24 September was null and void.<sup>13</sup> The effect of the Court decision was that Parliament had to proceed immediately to elect a new Prime Minister.

Prior to the Court decision, Mr Wingti's coalition government claimed the support of 72 out of 109 MP's. Acute strains in the coalition were apparent, however, particularly with his principal partner, Sir Julius Chan's People's Progress Party (PPP). Shortly after the ruling, Sir Julius and his PPP abandoned Wingti and took up with the Pangu Pati, led by Chris Haiveta, and the other opposition parties. After the usual period of frenetic political bargaining, Sir Julius Chan was elected Prime Minister by 69 votes to 32 in Parliament on 30 August 1994. Mr Haiveta was named his Deputy, as well as Minister for Finance and Planning. Sir Julius, who had been Wingti's Deputy Prime Minister and Minister for Finance before becoming his Foreign Minister in January 1994, had previously served as Prime Minister between 1980 and 1982.

The new Chan-Haiveta government faced a number of urgent problems. The most pressing of these was the need to reduce the budget deficit. Resolving the long-standing and

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11 *National*, 14 November 1994.

12 Saffu, Y, "Papua New Guinea in 1993 — Toward a More Controlled Society?" (1994) XXXIV 2 *Asia Survey* at 133-8.

13 *Post-Courier*, 26 August 1994.

extremely costly Bougainville crisis was another priority. In addition, growing secessionist sentiment amongst New Guinea Islands leaders demanded prompt attention in the interests of national unity.

### *Bougainville*

Whilst 1994 saw continuing suffering on the island of Bougainville, it was also a year of hope with the initiation of serious negotiations between the principal protagonists. The year started badly. In mid-March 17 people were reported killed and another 26 wounded when Bougainville Revolutionary Army (BRA) members ambushed a supply convoy.<sup>14</sup> Shortage of government funds added to the difficulties faced by the demoralised PNG Defence Force (PNGDF). Although not as intense as previously, tension with neighbouring Solomon Islands continued over allegations of the latter's support for the rebels.<sup>15</sup> The escalating cost of the crisis in terms of human suffering, as well as financially, further underlined the futility of seeking a military solution to the complex problems involved. Indeed, the cost of military operations and restoration programs on Bougainville were themselves a major contributor to PNG's budget deficit.

The visit to Bougainville in April by an Australian parliamentary delegation, led by Senator Loosley, added a persuasive voice to those calling for a more concerted effort at reconciliation by the PNG authorities. Subsequent efforts by Sir Julius Chan, as Wingti's Foreign Minister, secured an agreement in August with the BRA leadership on the prerequisites for declaring a ceasefire (the so-called Tameba Accord). On becoming Prime Minister, Chan took personal charge of the peace negotiations. Within a few days of his appointment, he met the BRA Commander, Sam Kauona, in Honiara. They agreed to deployment of a South Pacific Peacekeeping Force on Bougainville, to hold consultations on the lifting of the embargo, and to have a comprehensive peace conference in October.<sup>16</sup> A peace-keeping force, comprising personnel from Tonga, Fiji, Vanuatu, Australia and New Zealand, was subsequently assembled and the peace conference opened in Arawa on 10 October. Despite high expectations, non-attendance of the BRA leadership led to the cancelling of the peace ceremony at the last minute.<sup>17</sup> A powerful, popular momentum for peace had nevertheless been established and the disarray within the BRA leadership, and its lack of popular support was clearly demonstrated.<sup>18</sup>

### *Secessionist Threats*

The Wingti administration's attempt to reform PNG's costly and cumbersome system of provincial government continued to face strong resistance, particularly among the leaders of the New Guinea Islands (NGI) region. A Constitutional Commission chaired by MP Ben Micah (the so-called Micah Commission) had earlier recommended that the existing system of provincial government be replaced with provincial planning authorities. The latter would comprise MPs from the province, local government council presidents, and nominated representatives of NGOs. Whereas the national government argued that the proposed

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14 *Post Courier*, 25 and 28 March 1994.

15 *Post Courier*, 30 March 1994.

16 *National*, 5 September 1994.

17 *Post Courier*, 14 to 16 October 1994.

18 Above n2.

reforms constituted a decentralisation of powers, provincial politicians claimed, with some justification, that they would lead to further centralisation and significantly increase the powers of national government and national parliamentarians. Whilst the Commission made a number of subsequent revisions, these were dismissed by their critics. Meeting in Kimbe in April, the NGI Premiers Council proposed an alternative regional state government system for the NGI region. They also warned the national government that failure to accede to their proposals would lead to secession and the formation of a Federated Melanesian Republic. The immediate and clumsy response of the Wingti government was to issue a ban on the National Broadcasting Corporation (NBC) from broadcasting all news from the Premiers' meeting.<sup>19</sup>

In September the NGI premiers demanded that the Constitution be amended to give the NGI provinces full legal and administrative control over a number of important government functions: the police, public service, mining and petroleum, lands and physical planning, forests and fisheries, electricity and education. If such demands were not met by early December, the NGI region would declare its independence on 6 January 1995.<sup>20</sup> Newly appointed Prime Minister, Sir Julius Chan, responded by pledging his support for the Micah proposals and issuing a stark warning to the NGI leaders.<sup>21</sup> In October the PM rejected a request for negotiations and in November he signed an order authorising police to investigate and arrest NGI leaders for treason.<sup>22</sup> In December the national government initiated an action in the National Court seeking orders restraining any further secessionist activities by the four NGI premiers.<sup>23</sup>

### *Natural Disasters*

As if human-made disasters were not enough, 1994 witnessed an unprecedented number of natural disasters that caused extensive suffering and economic damage, as well as stretching state resources even further. The only road link between the five Highlands Provinces and the port of Lae was severed in July with the collapse of the Umi Bridge in the Markham Valley. Fears of food shortages resulted in panic shopping in several Highlands towns and business houses in Lae and the Highlands warned of commercial calamity for the region.<sup>24</sup> The situation was declared a disaster as the financially strapped authorities sought resources to construct a new, permanent bridge. Floodwaters and a shortage of necessary parts ensured a delay of five weeks before the bridge re-opened to traffic.

Serious flooding in the Southern Highlands, Morobe and Gulf provinces also caused millions of kina of damage to houses, gardens and transport infrastructure. Overshadowing these events, however, was the dramatic eruption of three volcanoes in Rabaul in September. Approximately 45 000 residents were displaced as the once beautiful town of Rabaul was transformed into a smouldering lunar landscape of volcanic ash. A state of emergency was declared and temporary camps set up for refugees in neighbouring centres. Overseas relief aid and local voluntary donations flooded in but the government had

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19 *Times of PNG*, 7 April 1994.

20 *Post-Courier*, 8 September 1994.

21 *Post-Courier*, 9 September 1994.

22 *Post-Courier*, 14 November 1994.

23 *Post-Courier*, 20 December 1994.

24 *Post-Courier*, 15 July 1994.

to negotiate a K8.7 million loan from the World Bank to fund the rehabilitation and reconstruction of infrastructure.<sup>25</sup> By the end of the year concerns were being raised about the non-release of funds for the rehabilitation program.<sup>26</sup>

## ***Law and Order***

The absence of reliable crime and justice statistics make it extremely difficult to assess PNG's law and order situation or to compare one year with another. Suffice it to say that 1994 was as turbulent a year on the law and order front as on others. Prime Minister Wingti told a Defence Force audience in March that law and order problems were the biggest threat to the nation's security.<sup>27</sup> Throughout the year, newspapers reported incidents of violence, including homicides, rapes, armed robberies and election violence; tribal warfare; threatening compensation demands; corruption; drug abuse; and human rights abuses.

### ***1. Tribal warfare***

Tribal warfare in the Highlands continued to cause extensive suffering and economic damage. Mounting police frustrations were exemplified in a warning by the Highlands Police Commander that he would issue an order to 'shoot to kill' anyone carrying weapons in a fighting area.<sup>28</sup> He was speaking in the context of a three week old fight in the Southern Highlands that had already caused 12 deaths. In the same report, he claimed that fights were increasingly involving military tactics and that warring factions were being assisted by paid outsiders. Fighting in all seven districts of Chimbu Province led to the declaration of a province-wide fighting zone in January,<sup>29</sup> and again in October.<sup>30</sup> A similar declaration, which increased police powers, was made in Enga Province in October<sup>31</sup> and in the city of Lae in December.<sup>32</sup>

The increasing availability of firearms, factory-made and home-made, and their use in tribal warfare has led to a dramatic rise in fatalities and injuries in recent years. Within the first two months of the year, for example, 19 deaths from fighting were reported in Enga Province alone.<sup>33</sup> These outcomes add to the grievances and prolong conflict through pay-back killings. Whilst national politicians threatened to tighten up the punitive aspects of the Inter-Group Fighting Act<sup>34</sup> and senior police officers continued to issue "shoot-to-kill" warnings,<sup>35</sup> the only real progress occurred when authorities and combatants sought to address the underlying disputes. Several elaborate peace ceremonies marked the successful culmination of lengthy negotiations between the parties, police and provincial authorities.<sup>36</sup>

### ***2. Street Crime***

In the eyes of many, PNG's law and order problems have become synonymous with the violent activities of the rascal gangs that operate in both urban and rural contexts. The

25 *National*, 28 September 1994.

26 *Post-Courier*, 1 December 1994.

27 *Post-Courier*, 14 March 1994.

28 *Post-Courier*, 10 January 1994.

29 *Post-Courier*, 20 January 1994.

30 *Post-Courier*, 13 October 1994.

31 *Post-Courier*, 20 October 1994.

32 *Post-Courier*, 8 December 1994.

33 *Times of PNG*, 3 March 1994.

34 *Post-Courier*, 25 May 1994.

35 *National*, 3 November 1994.

36 See *Post-Courier*, 14 July 1994.

large number of youths annually leaving or being "pushed out" of school and a lack of legitimate employment opportunities provides the broader context for contemporary youth crime. Boredom, high expectations, anger at widening social inequalities, generational conflict, the quest for individual prestige, and a pervasive desire for cash, are some of the other ingredients of the causal cocktail. In June, the Minister for Youth and Home Affairs warned of a future uprising if the problems faced by youth were not addressed by government.<sup>37</sup>

The increasing availability of firearms has added significantly to the rascal threat. One of the most publicised crimes of the year was the fatal shooting of an Australian contract worker in Mount Hagen during a hold-up in November.<sup>38</sup> In early December, the Deputy Chief Justice had a narrow escape when held-up on the Magi Highway outside Port Moresby.<sup>39</sup> Hold-ups along the Highlands Highway<sup>40</sup> and other major roads have become frequent and affect commercial enterprises as well as ordinary travellers.

Criminal activities range from highly sophisticated bank robberies down to minor crimes of opportunity, such as bag-snatching and shoplifting. A comparatively small number of committed "hard-core" criminals are supplemented by a large number of peripheral youth who drift in and out of crime. Rascal crimes tend to be localised and occur in cycles. High crime rates in a particular area are usually responded to with special policing operations and restrictive measures, such as curfews, which bring temporary relief until the next peak. A series of brutal crimes attributed to rascal gangs in Port Moresby and Lae towards the end of the year visibly heightened public anxiety. One effect of the financial crisis was demonstrated when senior police told Port Moresby residents that the imposition of a curfew or state of emergency that they had requested was "too expensive".<sup>41</sup> The continuing deterioration of the financial situation in the year ahead is likely to fuel an increase in rascal activities.

### 3. *Violence against Women*

The appalling level of violence against women, particularly sexual assaults, continued unabated during 1994. In February, the Provincial Police Commanders in the Western Highlands and Chimbu Provinces warned of an increase in rapes, especially those involving multiple assailants ("pack-rape").<sup>42</sup> Whilst violence against women in PNG has to be viewed within the context of traditional attitudes towards women, most Papua New Guinean women believe the extent of this violence has increased significantly over recent years. President of the National Council of Women, Dame Josephine Abaijah, told a seminar in November that women in PNG are treated "like animals" and that rape was widespread.<sup>43</sup> In October the Police Commander for the Western Highlands Province revealed that a daily average of four alleged rapes were reported to his police alone.<sup>44</sup>

In many cases rape appears as an incidental crime, committed in the course of committing another offence such as a break and enter or robbery. A case in point was the reported rape of four women during the robbery of a water treatment plant outside of Port Moresby in September.<sup>45</sup> Although the number was later disputed by police, another eight women

37 *Post-Courier*, 23 June 1994.

38 *Post-Courier*, 8 November 1994.

39 *National*, 9 December 1994.

40 *Post-Courier*, 8 November 1994.

41 *Post-Courier*, 24 November 1994.

42 *Post-Courier*, 23 February 1994.

43 *Post-Courier*, 9 November 1994.

44 *National*, 12 October, 1994.

45 *National*, 14 September 1994.

were reportedly raped when an armed gang held-up a funeral procession in Central Province in early December.<sup>46</sup>

Despite the efforts of the Australian International Development Assistance Bureau (AIDAB) Police Support Project and numerous awareness campaigns, police success in investigating such offences has shown little improvement. The tiny proportion of sexual offences that get reported is a reflection of the shame experienced by Melanesian victims, as well as their lack of faith in the police. There is also an understandable fear of the police on the part of many female victims. Allegations of serious sexual assault by police are not uncommon, particularly in the Highlands. A recent survey, conducted by an AIDAB adviser and a senior RPNGC officer, also confirmed the extent to which domestic violence was rife within police families,<sup>47</sup> as it is in the wider community.<sup>48</sup>

#### 4. Corruption

Corruption and other illegal activities among leaders contributed to growing popular disillusionment with the calibre of official leadership. The perception of widespread abuse of power by the privileged has become a powerful rationalisation for the activities of street criminals in both urban and rural areas.<sup>49</sup> Outspoken Ombudsman Commissioner, Sir Charles Maino, continued his crusade against misappropriation and repeatedly attacked the electoral development funds (the so-called "slush funds"), whereby national parliamentarians are given control over K300 000 of public funds for constituency projects.<sup>50</sup> Despite the emerging financial crisis and forceful opposition from international financial institutions, neither the Wingti nor the Chan governments were prepared to abolish the funds.

In January, Wingti's Justice Minister and Attorney-General Philemon Embel stood down from office after being charged with assault and threatening to discharge a pistol during a drunken brawl.<sup>51</sup> He was eventually convicted and fined K1200.<sup>52</sup> Wingti's Housing Minister, John Jaminan, also had several brushes with the law but managed to maintain his portfolio.<sup>53</sup> In June, the Director of the National Intelligence Organisation (NIO) alleged that certain national and provincial leaders were involved in organised criminal activities, specifically mentioning trafficking in high-powered firearms.<sup>54</sup>

In March, long-serving Angoram MP, Philip Laki, was found guilty by a Leadership Tribunal of misappropriating more the K300 000 over a number of years.<sup>55</sup> Then Opposition Leader, Chris Haiveta, claimed that the Leadership Code was "biased against leaders".<sup>56</sup> Popular expectations about the redistribution of wealth are cited by many leaders as the cultural context of corrupt behaviour in PNG. Politicians claim they are under constant

46 *Post-Courier*, 5 December 1994.

47 *National*, 15–19 September 1994.

48 Law Reform Commission of Papua New Guinea, (1992) *Final Report on Domestic Violence*, Report No 14.

49 Dinnen, S, "Big Men, Small Men and Invisible Women — Urban Crime and Inequality in Papua new Guinea" (1993) 26 *ANZ J Crim* at 19-34, and Kulick, D, "Heroes From Hell: Representations of 'Rascals' in a Papua New Guinean Village" (1993) 9 (3) *Anthropology Today* at 9–14.

50 *Post-Courier*, 9 February 1994.

51 *Post-Courier*, 26 January 1994.

52 *Post-Courier*, 27 September 1994.

53 *Post-Courier*, 14 March 1994.

54 *National*, 20 June 1994.

55 *Post-Courier*, 21 March 1994.

56 *Ibid.*

pressure from constituents and kin for money and that conflict with the law is inevitable. More recently, candidates in the Western Highlands provincial elections have claimed that they are "forced" into buying votes.<sup>57</sup>

In October, Sir Charles Maino informed an international symposium that economic crime in PNG "poses a major threat to the integrity of the country's leaders and the standards of living of its citizens".<sup>58</sup> He mentioned four principal examples: abuse of licensing regimes; the "hands-in-the-till" syndrome; political corruption and vote buying; and, kick-backs and other improprieties in the decision-making process for government contracts.<sup>59</sup>

## 5. *Drugs*

PNG's marijuana trade continued to cause concern to authorities. Grown principally in the Highlands, the cultivation of "spak brus" in remote rural areas has proved impossible to contain and finds a ready local and international market. While local trafficking remains largely the province of individual entrepreneurs, there are fears that more organised foreign syndicates will develop the international trade. For growers with few other opportunities for generating cash, marijuana provides a ready option for acquiring the funds to pay school fees and other requirements.

Inaccessible terrain, an under-resourced police force and ideal climatic and soil conditions have combined to facilitate widespread cultivation. Whilst it is impossible to estimate accurately the value of the trade or the numbers involved, a number of figures have been mentioned. In August, the Highlands Divisional Police Commander claimed it had become an K18 million industry.<sup>60</sup> In the same report, police claimed that the drug trade now surpassed the coffee industry in overall value. The Port Moresby-based National Narcotics Bureau subsequently alleged that the industry had an annual turnover of K56.8 million in 1991.<sup>61</sup> The Bureau complained that its efforts were being seriously hampered by the small sum — K15 000 — allocated by government to fund its awareness, rehabilitation and research programs.<sup>62</sup> Whilst much was made of the adverse affects of marijuana use, significantly less was said and done about alcohol abuse which remains the most serious and injurious form of substance abuse in PNG.

## 6. *Criminal Justice*

The sudden death in January of widely respected former Chief Justice, Sir Buri Kidu, marked the beginning of a bad year for PNG's over-burdened criminal justice system.<sup>63</sup> A combination of increasing lawlessness and diminishing resources stretched the capacity of the criminal justice agencies to the limit.

Wingti's new Police Minister, Stanley Pil, assured police in January that he would try and secure them additional funding.<sup>64</sup> He was responding to Police Commissioner Tokam's urgent request for an extra K17 million on top of the sum allocated in the budget. Whilst no supplementary funds were found for the regular police, the government

57 *Post-Courier*, 30 December 1994.

58 *Post-Courier*, 24 October 1994.

59 *Ibid.*

60 *National*, 17 August 1994.

61 *National*, 14 October 1994.

62 *Post-Courier*, 13 April 1994.

63 *Post-Courier*, 31 January 1994.

64 *Post-Courier*, 13 January 1994.

Village Services program gave K1.5 million for the expansion of community auxiliary policing. The latter began as a pilot project in the National Capital District (NCD) in 1991 and relied on community members to police their own areas subject to payment of an allowance and direction from the regular police.<sup>65</sup> Whilst results from the initial schemes had been encouraging, there was growing concern in some quarters that the community orientation of the auxiliaries was being compromised by the degree of influence and control exercised by the regular police.

In March, Minister Pil publicly announced that the National Executive Council (NEC—the Cabinet) had approved in principle the formation of a new Police Tactical Force (PTF).<sup>66</sup> The PTF proposal had been originally prepared in mid-1993 by British security contractors, Defence Systems Limited. The aim of the PTF, according to Mr Pil, was to respond effectively to “armed criminals, hostage situations, gang activities, tribal fights and civil unrest”.<sup>67</sup> In a subsequent submission to the NEC seeking funding, Minister Pil estimated the total cost of the PTF as K22.3 million. The proposal generated considerable opposition within the ranks of senior police who were frustrated by lack of consultation on the part of the politicians. Officials of AIDAB’s Police Development Project were also hostile, being suspicious of DSL’s military orientation and fearing duplication of their own training efforts. While Minister Pil continued to promote the new force, the proposal ultimately died owing to lack of government funds.

Mr Pil’s predecessor, Avusi Tanao, had previously suggested that the PTF could be used to enforce the controversial *Internal Security Act* passed by the Wingti government in May 1993.<sup>68</sup> A legal challenge mounted by the Ombudsman Commission proved partly successful when the Supreme Court declared parts of the Act to be unconstitutional in May 1994.<sup>69</sup> The Chief Ombudsman subsequently criticised the quality of the decision, accusing the Court of failing to address all the points raised in the Commission’s submissions.<sup>70</sup> Whilst the Chan government has given no indication that it will use the Act, the legislation, even in judicially altered form, could still give rise to serious human rights concerns.

As the year progressed, the police experienced growing difficulties maintaining their normal operational capacity. In August, for example, it was reported that police operations in Mount Hagen had been seriously hampered by the grounding of several police vehicles due to a fuel shortage.<sup>71</sup> Apparently, local distributors had stopped accepting government issued cheques. In the same report, the Chimbu Provincial Commander claimed that he was having to purchase fuel with his own money. In September, Commissioner Tokam announced a major crackdown on operational spending.<sup>72</sup> Among the measures proposed was an immediate standing down of 1,000 police reservists and the withdrawal of 200 police vehicles.<sup>73</sup>

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65 Dinnen, S, “Community Policing in Papua new Guinea” (1993) 4 (3) *Crim Aust* at 2–5.

66 *Post-Courier*, 25 March 1995.

67 *Ibid.*

68 Dinnen, S, “Internal Security in Papua New Guinea” (1993) 5 (2) *Crim Aust* at 2–7.

69 *Post-Courier*, 5 May 1994.

70 *Post-Courier*, 9 May 1994.

71 *National*, 26 August 1994.

72 *Post-Courier*, 14 September 1994.

73 *Ibid.*

By October, the President of the Police Association was blaming an alleged increase in armed robberies and car thefts in the NCD on the the Commissioner's cuts.<sup>74</sup> In December, Prime Minister Chan pledged to increase police strength from its current 4800 members to 6000 in three years, starting with 200 recruits in 1995.<sup>75</sup> He noted that police numbers at Independence had been 4200 with an overall population of two million. By 1994 police numbers had only increased to 4800, whereas the population was estimated at four million. While the police welcomed the PM's commitment, there remained a healthy level of scepticism over whether the necessary funding would be forthcoming.

The financial crisis also took its toll on judicial administration. A chronic shortage of magistrates led to long delays in hearings and a growing backlog in Lae's busy District Courts,<sup>76</sup> as well as in Port Moresby.<sup>77</sup> Serious delays were also experienced at Boroko District Court in Moresby owing to a shortage of vehicles to transport remandees from prison to court.<sup>78</sup> A shortage of magistrates later in the year compounded the difficulties at the Boroko Court.<sup>79</sup> In November, the Public Solicitor claimed that mounting financial and personnel constraints would lead to the suspension of National Court circuits in the provinces.<sup>80</sup> Later the same month, a National Court judge announced that the lack of funds was interfering with the administration of justice in Lae.<sup>81</sup> He added that "the cash-flow problem was brought upon the country by the politicians and they must find an immediate solution to it".<sup>82</sup>

Prisons were also affected. At the beginning of the year, an optimistic Mr Chris Haiveta declared the opposition's commitment to improving prison conditions and developing alternatives to imprisonment.<sup>83</sup> At the same time, the Chairman of the Parole Board claimed that the recently introduced parole scheme was being seriously hampered by lack of resources.<sup>84</sup> In February, a National Court judge publicly berated prison conditions, describing those at Lae's Buimo jail as "17th Century".<sup>85</sup> Later in the year, the commander of Port Moresby's Bomana jail claimed that prisoners, mostly remandees, were packed in "like sardines".<sup>86</sup> Water supplies to four jails were cut after the Corrective Institutions Service (CIS) failed to pay the bills.<sup>87</sup> Concerns were simultaneously being expressed about the CIS's ability to supply sufficient food for prisoners.<sup>88</sup> In December, prison authorities released approximately 400 low-risk detainees in an attempt to reduce costs.<sup>89</sup>

In addition to the impact of the financial crisis, national law and order policy was affected by the change of government in August. Under the Wingti government, a National

74 *Post-Courier*, 19 October 1994.

75 *National*, 15 December 1994.

76 *Post-Courier*, 11 February 1994.

77 *Post-Courier*, 30 May 1994.

78 *Post-Courier*, 4 May 1994.

79 *Post-Courier*, 9 September 1994.

80 *Post-Courier*, 1 November 1994.

81 *Post-Courier*, 21 November 1994.

82 *Ibid.*

83 *Post-Courier*, 4 January 1994.

84 *Post-Courier*, 7 January 1994.

85 *Post-Courier*, 24 February 1994.

86 *Post-Courier*, 28 June 1994.

87 *Post-Courier*, 5 September 1994.

88 *Ibid.*

89 *National*, 21 December 1994.

Council for Law, Order and Justice had been established to formulate a national policy. The resulting policy document had been approved by the NEC and the Council was beginning to move towards implementation. AIDAB had also planned its proposed law and order expenditure around this policy. In October, however, Prime Minister Chan announced the setting up of a number of new committees, including one on law and order.<sup>90</sup> At the time of writing, the status of the National Council for Law, Order and Justice, and the policy it prepared, remains unclear.

### **7. Human Rights**

Human Rights in PNG assumed a higher profile in 1994 than any previous year. Whereas Amnesty International had previously publicised alleged violations on Bougainville, its 1994 Report mentioned a number of incidents involving the police in other parts of the country.<sup>91</sup> Many allegations of serious human rights abuses have been raised in recent years. These have mostly been directed against the police force and have included alleged extra-judicial killings, rapes, assaults and destruction to property. In the large urban centres these often relate to police action against individual suspects, escapees and, occasionally, innocent bystanders. According to many urban youths, police violence has become a routine part of arrest. In the rural areas, particularly the Highlands, allegations often arise after police raids against villages suspected of harbouring criminals.

In the case of suspicious deaths, financial and other constraints have meant that the coronial inquiries required by law are either not held or get delayed indefinitely. In March the newly appointed Port Moresby coroner announced that he was about to commence inquiries into 27 deaths that dated back to 1985.<sup>92</sup> Allegations arising out of police raids are more likely to be actioned, with villagers showing a growing propensity to bring civil actions for compensation against the state. A number of such actions were initiated in 1994 and several large awards were made, adding to the state's financial woes in the process. In May, several hundred Engan villagers filed a summons in the National Court claiming K2 million damages as a result of a police raid in June 1993.<sup>93</sup> In August the National Court awarded nearly K1.1 million damages to five Chimbu clans for damages inflicted by police in two raids in 1986.<sup>94</sup> In November, the Court awarded damages totalling K130 000 to villagers in the Southern Highlands Province after a 1990 police raid.<sup>95</sup>

Whilst the PNG authorities recognise human rights as a policy issue and have previously made a public commitment to establish a Human Rights Commission, progress has been painfully slow. Most of the arguments in favour of setting up human rights machinery has come from international sources and this external influence has clearly irritated some PNG politicians. Former Chief Justice, Sir Buri Kidu, had, nevertheless, drafted a Human Rights Commission Bill and this was discussed at a Human Rights Seminar held in Port Moresby in October. Addressing the seminar, Amet CJ acknowledged that "there have been numerous incidents and allegations of the disciplined forces' brutality that have gone unsanctioned and not fully investigated that give me reason to believe internal mechanisms

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90 *Post-Courier*, 14 October 1994.

91 *Times of PNG*, 7 July 1994.

92 *Post-Courier*, 17 March 1994.

93 *Post-Courier*, 31 May 1994.

94 *Post-Courier*, 11 August 1994.

95 *National*, 9 November 1994.

are ineffective".<sup>96</sup> Whilst official commitment appears to be solid, the inevitable question of funding remains.

## *Conclusion*

The financial crisis and its debilitating impact on the state's capacity to deliver services is likely to continue to influence social and political events in PNG for the foreseeable future. The highly visible effect of the crisis on an already weak state is likely to compound its serious lack of legitimacy in many parts of the country. In order to counter the proponents of secession, win-over the long-suffering people of Bougainville and contain growing social disorder, the state needs to demonstrate its ability to provide real benefits to a majority of its citizens. As yet, there are few signs that political leadership either appreciates the extent of the crisis or the contribution of years of financial and political mismanagement that generates such high levels of popular resentment and anger.

The drying-up of state resources negates a defining feature of the state in the eyes of many Papua New Guineans. For many, the essence of the PNG state lies precisely in its control over massive resources and the manner in which these are redistributed in the wider society. Without resources or effective redistribution, the very rationale of the state is called into question. Many aspects of the so-called "law and order" problem from armed hold-ups, marijuana cultivation to belligerent compensation demands represent alternative avenues to accessing resources. The appeal of these options can only increase as the crisis deepens, and the resource-starved criminal justice system is in no position to offer other than token resistance.

Likewise, many of the most common forms of human rights abuse in PNG are manifestations of state weakness and, in particular, the extensive autonomy of its various "bits". Progress on setting up appropriate human rights machinery is timely, given the prevalence of the conditions for abuse. Underlying the financial crisis, there is a clear need for political reform. At no time in its history as an independent nation have the inadequacies of the institutional context of state/society relations in PNG been more apparent. The level of violence accompanying the recent provincial elections in the Western Highlands Province<sup>97</sup> is an indication of the rising stakes attaching to the winning of political office. "Development" is increasingly viewed as something that issues from the largesse of individual "big-men" politicians. The appropriation of introduced Westminster-style politics by local traditions is an impressive example of the resilience of indigenous cultures but inevitably brings conflict with state law and its notions of propriety and corruption.

A turbulent year indeed! Whether 1995 is any less so, remains to be seen.

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96 *National*, 11 October 1994.

97 *Post-Courier*, 19 January 1995.