



June 2018  
Research Report

Promoting equity and managing conflict in development



# Safety and Security at the Edges of the State: Local regulation in Papua New Guinea's urban settlements

David Craig and Doug Porter



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Cover photo: Sunday afternoon after church, the Lae 5 Mile komitis (including 2 women komitis) convene. David Craig/Worldbank

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*Papua New Guinea  
Urban Safety and Security ASA Activity  
Justice for the Poor (J4P) Trust Fund*

# Acknowledgements

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This report was prepared by David Craig, Senior Government Specialist, and Doug Porter, consultant to Urban Safety and Security for the World Bank's Advisory Services and Analytics activity. Virginia Horscroft was the task team leader. Caroline Sage and Doug Porter were the previous task team leaders, with support from Debbie Isser and Rob Talierno. Research in Lae was assisted by Levi Johnston and Don Savi and facilitated by many members of Lae's urban settlement leadership. This report draws on earlier work in Port Moresby to which Fiona Hukula, Rabura, and Keke Aiga contributed. The work was funded by Australia's Department of Foreign Affairs and Trade (DFAT) through the Justice for the Poor Trust Fund.

None of this work would have been possible without the constant, warm and positive engagement of urban settlement, mediation and law and justice leaders, in both Port Moresby and Lae. These leaders, VC magistrates, women leaders and komitis of both genders welcomed the team, included us in events, talked and discussed openly at all times about what they were doing, kept us safe, and provided no obstacle when we needed to triangulate regarding komiti activities with other sources. Special thanks to Micah Yosman, Philemon Boddeh, Tony Miria, Andrew Kuno, Chris Waima, Doreen Yak, Peter Simbago, Esther Toss, Grace Laman, Helen Illitavalo, Hiob Awagasi, Anthony Guken, Francis Kanasi, James Kinjin, James Mukale, Judith Gidisa, Laura Dawa, Leo Raka, Mark Gigmai, Nalau Agi, Oscar Aiya, Michael Nakut, Sam Temiel, Zuabe Tinning, Mote Zaza, Anna Zerica.

# Contents

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Acknowledgements.....	ii
<b>1. Introduction: safety, security, and investment in Papua New Guinea’s urban future .....</b>	<b>1</b>
1.1 CITIES AND URBAN REGULATION ARE KEY TO PNG’S FUTURE.....	1
1.2 PNG’S URBAN DEVELOPMENT AND REGULATION CHALLENGES.....	2
1.3 THIS REPORT’S INSTITUTIONAL CAPABILITIES APPROACH TO UNDERSTANDING URBAN REGULATION.....	5
1.4 BRIEF BACKGROUND, SITES, AND METHODS OF THE REPORT.....	6
<b>2. PNG’s urban political economy and local settlement-regulating institutions .....</b>	<b>7</b>
2.1 A BRIEF OVERVIEW OF THE HISTORY OF PNG’S URBAN POLITICAL ECONOMY AND GOVERNANCE .....	7
2.2. THE RISE OF INFORMALITY, CONFLICT, AND CRIME, 1980–2005 .....	9
2.3 BEYOND CRISIS? NEW FORMS OF URBAN LEADERSHIP, AUTHORITY, INVESTMENT, AND INSTITUTION, 2005–17.....	10
<b>3. Local regulatory capabilities in urban settlements: what exists and how does it work? .....</b>	<b>14</b>
3.1 KOMITIS AS SITES FOR COLLECTIVE ACTION .....	14
3.2 LOCAL REGULATORY FORM AND FUNCTION: THE KOMITI SYSTEM.....	16
3.3 KOMITIS’ EMERGENCE AND LEGITIMACY AS AN ETHNICALLY AND LOCALLY INCLUSIVE INSTITUTION .....	18
3.4 KOMITIS AS LEADERS: AGENCY, PERFORMANCE, GREATER RECOGNITION .....	20
3.5 COORDINATION AND REACH: KOMITIS AND THE ASSEMBLING OF FRAGMENTED LOCAL AUTHORITY.....	22
3.6 WEAK COOPERATION: WHERE KOMITIS ARE UNFORMED AND DIVIDED.....	23
<b>4. Local regulatory capability: the four principal regulatory functions of komitis and lidas.....</b>	<b>25</b>
4.1 FUNCTIONAL CAPABILITY 1: REGULATION OF SETTLEMENT AND TENURE: ESTABLISHING BASIC SECURITY OF TENURE AND PHYSICAL CAPITAL OR PROPERTY .....	26
4.2 FUNCTIONAL CAPABILITY 2: SOLVING DISPUTES, BUILDING TRUST: PROTECTING SOCIAL AND LEGAL-POLITICAL CAPITAL .....	28
4.3 FUNCTIONAL CAPABILITY 3: CREATING LOCAL ECONOMIC SECURITY AND OPPORTUNITY AT MARKETS: PROTECTING ECONOMIC CAPITAL .....	31
4.4 FUNCTIONAL CAPABILITY 4: POLITICAL AND LEGAL REPRESENTATION AND COORDINATING WITH OTHER LOCAL REGULATION: PROTECTING LEGAL/POLITICAL AND SYMBOLIC CAPITAL .....	36
<b>5. Power asymmetries, outcomes, and the limits of local regulatory reach.....</b>	<b>39</b>
5.1 THE LIMITS TO KOMITI’S AUTHORITY .....	39
5.2 ETHNIC ASYMMETRY IN SETTLEMENT REGULATION: HIGHLANDER HEGEMONY .....	39
5.3 THE EXCLUSION OF YOUTH .....	41
5.4 THE KOMITI’S GREATEST FAILING: PERPETUATING WOMEN’S INSECURITY .....	44
<b>6. Local Regulation: komiti and lida relations with police and subnational authorities .....</b>	<b>49</b>
6.1 WEAK VERTICAL LINKAGES .....	49
6.2 KOMITIS’ DIFFICULT RELATIONS WITH POLICE: MUTUAL ACCUSATIONS OF DISRESPECT, AS WELL AS PRACTICAL DYSFUNCTION AND DANGER.....	49
6.3 EMERGING DISTRICT AND CITY AUTHORITY: NEW OPPORTUNITY FOR LOCAL GOVERNMENT LINKAGES?.....	53
<b>7. What is the significance and potential of komiti and lida regulation of settlements?</b>	
<b>Conclusions and implications .....</b>	<b>55</b>
7.1 SUMMARY CONCLUSIONS.....	55
7.2 PRACTICAL IMPLICATIONS FOR URBAN ENGAGEMENTS: “DO NO HARM” .....	56
7.3 OBSERVATIONS AND ADVICE FOR URBAN DEVELOPERS: CARRYING “DO NO HARM” INTO PROJECT PRACTICE .....	58
7.4 MPLICATIONS FOR THOSE WHO WANT TO STRENGTHEN KOMITI AND LIDA CAPABILITIES AND PERFORMANCE .....	59
7.5 A FUTURE RESEARCH AGENDA.....	61
<b>Annex 1: Different Komiti Structures in Lae Settlements .....</b>	<b>62</b>
<b>Annex 1: Research Methods.....</b>	<b>64</b>
<b>Bibliography .....</b>	<b>66</b>

# Safety and Security at the Edges of the State:

## Local regulation in Papua New Guinea's urban settlements

# 1. Introduction: safety, security, and investment in Papua New Guinea's urban future

## 1.1 CITIES AND URBAN REGULATION ARE KEY TO PNG'S FUTURE

**1.1.1 Cities are key to reducing poverty and promoting shared prosperity in Papua New Guinea (PNG). Cities generally are sites for cultivating and fostering the accumulation of multiple forms of capital.**<sup>1</sup> Citizens and businesses create *physical or economic capital* as they engage in powerful urban markets and invest in assets, homes, and infrastructure. They produce *cultural or human capital* by investing in education and developing skills in sectors that are largely absent in rural areas. As they build new relationships and urban identities, cities foster development of *social capital* in its most prized and economically valuable "thin" or bridging forms,<sup>2</sup> enabling trust and reciprocity over ethnic difference and kin preference. As city arrivals represent their interests and resolve conflicts, customary law gets translated into new contexts, creating *legal and political capital*, which is essential to safety and rights.<sup>3</sup> Finally, reputation, recognition, identity, and civic pride are valuable forms of (*positive and negative*) *symbolic capital*,<sup>4</sup> and they work to either attract or deter further investment.

**1.1.2 In urban areas, these different kinds of capital can bring economic, social, and political benefits to national development.** In the case of PNG, urban growth will help the economy to diversify, reducing dependence on subsistence rural production and extractive industries, and also to expand

wealth in human resources, services, assets, and real estate. Urban growth will also deliver a demographic dividend<sup>5</sup> in reduced birth rates and enable the "youth bulge" to be absorbed into productive activity. Another benefit will stem from enhanced service delivery as a result of the economies of scale possible through urban concentration. And urban voter power may very likely bring a shift from governance via resource rent patronage to political structures that respond to demands for population-wide services and institutions to deliver them.<sup>6</sup>

**1.1.3 Nurturing all of these forms of capital and turning them into development outcomes require security and regulation.** People need to feel secure in going about their business: and that they can trade and exchange within clear rules. Security and regulation are needed not just for business transactions, but also within the many diverse formal and informal<sup>7</sup> institutions that regulate the social contexts in which markets are embedded. Rules and institutions need to govern the intense market and social contests associated with transactions over land and settlement, commercial activity, and political affairs;<sup>8</sup> and to do this well they need to be adaptive and inclusive. In PNG, the institutions responsible for handling the inevitable contest and competition involved in this rural to urban transition will need to bridge the divides between the country's myriad ethnic groups (involving 840 languages and 10,000 clans); between rural village-, ethnic-, and kin-based justice practices and modern urban and national

1 World Bank (2017a). See also Bourdieu (1986); Agostini et al. (2007), 6.

2 See Lancee (2010); Putnam (2000).

3 See Bourdieu (1986), 241–58; Agostini et al. (2007), 6.

4 See Bourdieu (1981).

5 Mason (2007).

6 See Barma et al. (2012); Auty (2007).

7 The distinction between formal and informal in urban PNG needs to be seen as both a modest descriptor and also a powerful political tool in characterizing, and governing people and places. An examination of how this works in urban governance beyond the partial review provided in this report is in McFarlane (2012).

8 In this report, governance refers to "the way a society organizes to use power to manage public resources, involving the making and implementing of collective decisions, enforcement of rules and resolution of conflicts" (Kassimir 2001), 98.

conceptions of human rights and universal laws; and between patriarchal and often gerontocratic customary arrangements and the wider emerging roles for urban women and youth. Regulatory mechanisms need to deal with the ways even minor disputes (for example, between children fighting) can rapidly escalate into widening ethnic conflict that resonates not just across different city settlements but in distant Highland rural communities also.

**1.1.4 The social and economic regulation of informal urban settlements in PNG needs to be expressed territorially and spatially<sup>9</sup> in residential neighborhoods, public spaces and amenities, and transport nodes and routes.** It especially needs to be present in the places where new urban settlers arrive, the places Doug Saunders calls “Arrival Cities,”<sup>10</sup> which are essentially settlements located within or at the growing edge of existing cities, characterized by mobility, volatility, and cultural transformation, as arrival groups mingle and compete. For PNG’s forthcoming rural to urban transition to succeed in these crucial areas, new arrivals will need the same things that urban dwellers everywhere need: entry level housing, economic opportunities, access to transport, and legal-political representation.<sup>11</sup> “Arrival City” development should occur in ways that remove the stigma from younger newcomers and instead help them become assets to city development rather than scapegoats for urban dysfunction.

**1.1.5 Regulatory failure, on the other hand, can lead to communal disputes and escalating violence at all levels that pervert and destroy capital and threaten national stability.<sup>12</sup>** In urban areas, poor quality regulation creates and reproduces division and inequality between ethnic groups and along

gender and age lines, raising costs for the vulnerable in local marketplaces. It reinforces mistrust, exclusion, patronage, and corruption and denies the vulnerable access to justice. In settlements and at the wider urban and country level, failed regulation creates stigma, destroying reputations and deterring investment.

## 1.2 PNG’S URBAN DEVELOPMENT AND REGULATION CHALLENGES

**1.2.1 Urbanization in PNG has been delayed to an exceptional degree, but as elsewhere, it is an unstoppable feature of national life.** It has a long way to go, however; currently at around 14 percent,<sup>13</sup> PNG’s official urbanization figures place it 202nd in the world<sup>14</sup> and at less than one-third of the global average. Nevertheless, some important drivers of urbanization are strengthening and the transformation will inevitably have enormous consequences. If PNG were to reach only the current Pacific average of 50 percent by 2050, the total urban population would be 9 million, which would mean that the capital Port Moresby, currently approximately 750,000 people, would exceed 3 million and Lae, the country’s second-largest city, located in Morobe province (currently 250,000),<sup>15</sup> could reach 2 million.<sup>16</sup>

**1.2.2. Urbanization works best when the nation’s demographic transition (declining death rates followed by declining birth rates) synchronizes with the urban transition, and as a result, growing, mobile populations of young people are able to access better opportunities in cities.** Urbanization in PNG will be driven by population increases that lead to land pressures in rural areas, but the “pull” and integration factors of dynamic urban markets are

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9 See Goodwin, Duncan, and Halford (1993).

10 See Saunders (2011).

11 See Baker and Gadgil (2017).

12 See Slater (2010).

13 This is likely to be a considerable undercount. See Jones and Kep (2012).

14 For urbanization figures, see [http://www.indexmundi.com/papua\\_new\\_guinea/urbanization.html](http://www.indexmundi.com/papua_new_guinea/urbanization.html). See also UN (2014).

15 Jones and Kep (2012). Official census data put Port Moresby’s population at just 318,000, and growth between 2000 and 2022 at just 8,400 persons. Estimations of growth related to unplanned settlement suggest 500,000–750,000 persons, with upper estimates at 1 million. Census figures for Lae in 2011 are 119,178, but this excludes large sections of the city located outside Lae District boundaries, including 7 Lae Ahi rural wards.

16 Current UN estimates for PNG are for just 23 percent urbanization by 2050, which would make it a serious outlier. But this figure underestimates the actual current level and assumes rural areas will absorb high (currently 3.1 percent) rural growth. See UN (2014); Montgomery (2008), 761.

often missing in the country.<sup>17</sup> Missing too has been urban development planning and the provision of infrastructure capable of embracing and integrating settlers. PNG thus faces the difficult prospect of urbanization without urban development, the kind described in Mike Davis' *Planet of Slums*,<sup>18</sup> where people arrive in large numbers driven by the impact of wider economic downturns and adjustments that also restrict opportunities in urban marketplaces.

**1.2.3 PNG has already experienced a traumatic period of urbanization without corresponding urban development.** The prospect of more of the kind of urbanization that occurred in the 1980s and 1990s is alarming, since PNG's cities have consistently been ranked among the world's least livable.<sup>19</sup> The country's institutional shortcomings are conspicuously evident in the failure of formal state institutions to provide municipal infrastructure and services, and to plan for and regulate commercial activities to offer opportunities for the youth, underemployed, and swelling numbers of new arrivals.<sup>20</sup> As elsewhere,<sup>21</sup> urban settlements have long been represented as "the pariah edge"—locations of dysfunction and deficit, uniformly degraded sites of illegality and violence<sup>22</sup> and "no-go zones" for police and government services.<sup>23</sup> "Settlement" has become a stigmatizing shorthand, suggesting places that produce crime and violence perpetrated by workless, predatory "raskols" and youth who destroy the safety and the various forms of capital of other urban dwellers and impose costs on business that impede growth across the economy.<sup>24</sup>

**1.2.4 Local regulation of urban settlement: most important, least understood?** The governance of urban settlements is perhaps the least understood feature of contemporary life in PNG. Its cities' sprawling, diverse settlements have been highly stigmatized, but they have not been entirely ungoverned and unregulated. They are perhaps best understood as "areas of limited statehood"<sup>25</sup> (ALS), with the proviso that "ALS are not ungoverned spaces, but 'differently' governed."<sup>26</sup> What and how different that governance is, what forms, functions, and processes it involves, and with what consequences for different sections—gender, age, wealth, and ethnicity—of the urban population, is the primary focus of this report.

**1.2.5 Official public authorities in these spaces, including police and justice services, local governments and municipal administrations,** and service delivery sectors, appear to behave with the hallmarks of "frontier" overstretch, demonstrating rogue dysfunction and the failure to regulate consistently over time and across different agencies and areas of the city. In these spaces, for all that state governance appears disorderly, neglectful, unpredictable, and unaccountable, it also typically coexists with the equally variable legitimacy and effectiveness of other forms of authority, whether based in custom, religion, ethnicity, or the new kinds of authority that are the product of the new urban experience.<sup>27</sup>

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17 PNG's exceptionally low urbanization has historical causes. Neither migration "push" factors (dense rural populations and scarcity or enclosure of land) nor "pull" factors (availability of formal- and informal-sector opportunities in work, housing, transport, and political representation) are yet operating at societal scale. But rural population growth above 3 percent means that the population will double in 20 years, and there will be severely limited opportunities for international labor mobility.

18 Davis (2006).

19 In 2004, Port Moresby was ranked as the least livable city in the *Economist Intelligence Unit's* annual list. It improved to the third worst in 2014 and to the fifth worst in 2016. For the most recent rankings, see The Economist Intelligence Unit, "The Global Liveability Report 2017," [http://pages.eiu.com/rs/753-RIQ-438/images/Liveability\\_Free\\_Summary\\_2017.pdf](http://pages.eiu.com/rs/753-RIQ-438/images/Liveability_Free_Summary_2017.pdf).

20 See Saunders (2011).

21 See Davis (2006), 20–49.

22 Goddard (2005a).

23 See, for example, William Kep, "Port Moresby: A Squatter Settlement" (blog), August 2, 2016, <http://www.pngblogs.com/2016/08/port-moresby-big-squatter-settlement.html>.

24 See Lakhani and Willman (2014a, 2014b).

25 Korf et al. (2018), 167. Korf et al. note that ALS spaces are usually understood as "domains where state capacities to control the means of violence are regarded as either weak, privatized or non-existent."

26 Ibid.

27 See Rasmussen and Lund (2018); Watts (2018).

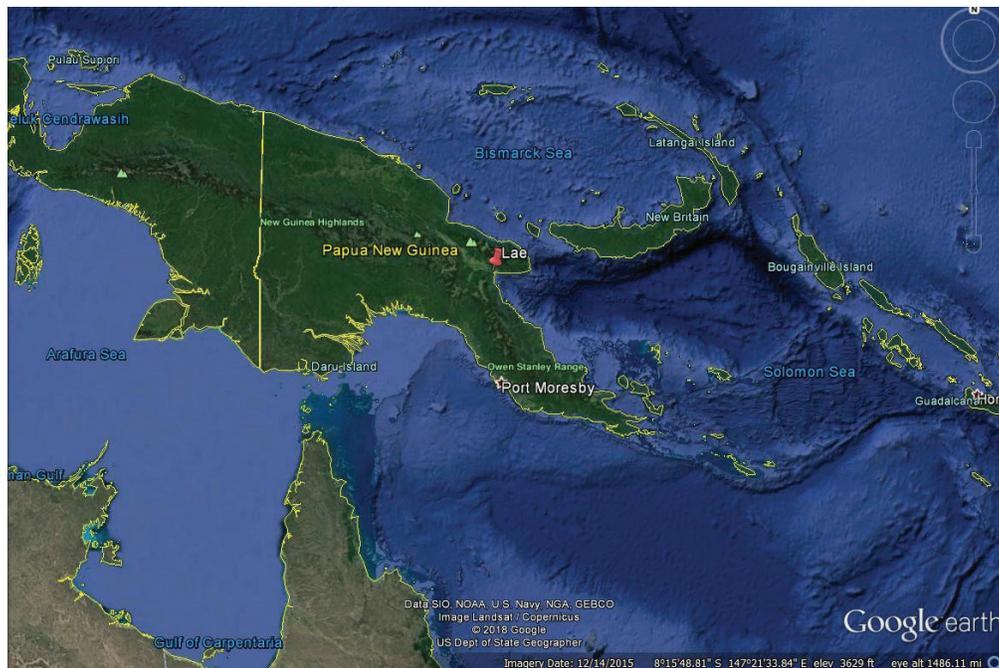
**1.2.6 In these edge-of-state settings, urban residents with sufficient means may be able to solicit the amenities of state governance and augment this through private security, health, education, and other services.** The majority of urban residents lack these means, however, and at the same time are most vulnerable to the unreliability and often predatory behavior of formal state governance.<sup>28</sup> They must therefore pact together and invest in creating and sustaining local mechanisms through which to protect their ability to accumulate capital. As this report will show, people are prepared to invest a major, and at times astonishing, quantity of their time and capital in these everyday forms, functions, and regulatory processes in order to *stretim hevi* [in Tok Pisin (PNG's most widely used language): solve problems] and create *gutpela sindaun* [good, livable places].

**1.2.7 Port Moresby and Lae are becoming cities with populations and leaders who want a better urban future.** Among other outcomes, this emer-

gence of a new generation of urban leaders has triggered a much closer review of the quality of institutions responsible for regulating social order and settlement and economic activities and for handling administrative functions and political authority.<sup>29</sup> Recent legislation<sup>30</sup> is one signal of this attention that could potentially support improved urban regulation, administration, and political representation. This mandates that the cities of Kokopo, Lae, and Mount Hagen join Port Moresby, which has a more powerful city commission, as stand-alone regulatory authorities, potentially with clear, urban jurisdictions, service delivery mandates, and revenue sources.

**1.2.8 As this report will describe, the chief institutions of local regulation have taken distinctive forms: local committees [in Tok Pisin and hereafter *komitis*] and flexibly institutionalized leadership [*lidaman/meri*] roles,** all enacted through mediation and the spatial regulation of settlements and markets. *Komitis*, *lidamen/meri*, and their regulatory practices coexist with formal state governance (the

Figure 1. Port Moresby and Lae, Papua New Guinea



28 See Davis (2006), chapter 3.

29 See Hambleton (2017).

30 Lae, Kokopo, and Mount Hagen City Authority Acts.

police, local-level government [LLG], Village Courts) and draw on their authority (though often not their resources) where possible. All of them “co-produce” authority and regulation by enrolling the support of residents and by pacting and working together with fellow recognized ethnic and other leaders. In doing so, albeit with highly uneven effectiveness in relation to gender and violence, they can help produce, combine, and protect some of the rich but precarious capital that is produced and accumulates in urban settlements.

### 1.3 THIS REPORT’S INSTITUTIONAL CAPABILITIES APPROACH TO UNDERSTANDING URBAN REGULATION

#### Box 1. The “System in Place” for Regulating PNG’s Settlements

*Unless you go into an area and know it, you can’t know what is going on. So, when people say, “These areas always looks rough, how can people live in there?” Well, there must be a system in place, and you’ve got to know how to ask the questions to find it, otherwise, people don’t realize what is in there and working. It’s hard to describe unless you see it in specific cases. Mediator, Sabama, Port Moresby*

*There’s a song about this: “Kerema yu no savi. Yu yet cam na lukim.” “You don’t know Kerema [a provincial town of mixed reputation]: you need to come and see.” Community leader, Port Moresby*

**1.3.1 Classic and advanced criminological approaches to security focus attention on crime “hot spots” as defined by various risk factors, which may then be addressed through focused intervention.**<sup>31</sup> All too often, these responses (so-called “targeted/saturated patrols”) highlight the deficits and deepen the stigma of already struggling communities or regard them as simply ungovernable and therefore as legitimate targets for rough intrusion or *tabula rasa* redevelopment. Urban settlements are certainly sites of intense and often conflictual competition, but they tend also to be highly, if unevenly, governed by institutions and actors that perform the basic regulatory functions needed for transactions relating to tenure, business, and social life.

#### Box 2. Definition Note: Local Regulation of Settlements

Local regulation of settlement is defined here in functional capability terms. It refers to the ability of residents, groups, and leaders to create security and social order through practices that resolve personal, family, and communal disputes, to secure and manage tenure and residence, economic opportunity, and representation, and to do this for all residents.

**1.3.2 This report focuses on the everyday institutional arrangements that regulate the safety and security of PNG’s urban settlements in relation to people and places where the reach of formal authorities is limited, dysfunctional, and/or lacks legitimacy.** Section 2 sketches out the history and underlying urban political economy cities in PNG, presenting them as the conditions of possibility for local regulation. Section 3 focuses on local regulation itself: what machinery is there and how it works.<sup>32</sup>

31 Crime “hot spots” are small areas (typically less than 5 percent of a city’s area) with high crime densities (accounting for on the order of 50 percent of all crimes). See Helbich and Leitner (2017); Murray, de Castro Cerqueira, and Kahn (2013); and Weisburd et al. (2017).

32 The analysis in this paper was informed by, and illustrates some of the precepts of, the *World Development Report 2017 Governance and the Law* (World Bank 2017b). It follows the report’s injunction that analysis should pay attention to: 1. Functions, not forms: what functions are the institutions supposed to achieve? Where are the implementation/effectiveness gaps, and why do they exist? 2. The ability of elites and citizens to bargain and forge agreements or “pacts,” embodying commitment, cooperation, and coordination that effectively reach across economy/society. 3. The policy arenas within which these bargaining processes happen, bringing together the “rules of the game” and including competing/collaborating actors to generate development outcomes. 4. The ways asymmetric power relations (the greater power and resources of some groups and actors) work within the policy arenas, reducing effectiveness and producing (and reproducing) exclusion, capture, corruption, and unequal outcomes. 5. How these processes do and do not adapt, and where careful intervention might make them more inclusive and able to deliver better functional outcomes.

**1.3.3 The report describes the functions, forms, and processes typical of local regulation.** Considering local regulation to be a *function* frames its role in enabling capital accumulation through four domains: 1) securing basic settlement and tenure and protecting property (physical capital), 2) solving disputes and safeguarding family and communal relations (social capital), 3) ensuring economic opportunity (financial and human capital) in relation to markets, finance, and employment, and 4) providing representation and protecting rights (legal and political capital). These four domains are discussed in Section 4.

**1.3.4 These functions are realized locally through various local institutional forms (settlement committees, leader networks, mediation activities) that have differing capabilities to secure commitment (and enable contest) and extend regulatory functions across settlement populations.** These functions and forms are enacted through distinctive *processes* through which local regulation adapts, develops “rules of the game,” and produces outcomes that display various limitations and patterns of inclusion and exclusion.<sup>33</sup> They do this in the wider context of the very uneven and often dysfunctional reach of the state, where the elements of state authority cannot be relied on to produce good outcomes.

**1.3.5 The limits to local regulatory capability are significant.** First, there are limits to local regulation’s ability to reach beyond its local status to draw in higher authorities, and second, there are limits to local regulators’ own ability to reach across different ethnic, social (gender, age), and other differences. Section 5 shows how these limits reflect the ways local regulation is shaped by and reproduces patterns of power and thus acts to reproduce exclusion, capture, and corruption. Most significant is the mistrust that women have for komiti structures, involving the important issues of regulatory failure and malfeasance related to family and sexual

violence and the very slow emergence of women into local komiti and lida roles. Section 6 considers local regulation in light of recent (but still nascent) developments in formal subnational governance, in particular, city authorities. Section 7 summarizes the arguments, presents conclusions, and points to the safeguards and other implications for all agencies whose work will bring them into contact with komitis.

## 1.4 BRIEF BACKGROUND, SITES, AND METHODS OF THE REPORT

**1.4.1 This report is the product of a World Bank PNG Urban Safety and Security Technical Assistance, led by the Justice for the Poor program and funded by the Australian government.** The objective of this engagement was to improve the quality of the policies and interventions of PNG’s public authorities that are aimed at improving citizen security in Port Moresby and Lae. This report is one of a series based on extensive field research conducted in the two cities from late 2014 to June 2017.<sup>34</sup> The research endeavored to create new empirical knowledge of the ways citizens and a range of state, community, business, and other authorities address neighborhood disputes and govern markets and transport nodes, and through this, to support dialogue between municipal authorities, business associations, community organizations, the police, justice offices, and local government agencies to identify practical ways to improve public safety and security. Research for this particular report was conducted primarily but not exclusively in the five Lae settlements described in Annex 1, and also, for several shorter periods, in Port Moresby (Sabama, Tokarara/June Valley).

A full description of the research process and methodology the report draws on is found in Annex 2.

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33 In relation to these spaces, Korf et al. (2018), 168, refer to the creation of “public authority through shifting networks of relationships that cross-cut socially constructed scales.”

34 See Craig and Porter (2017); Craig, Porter, and Hukula (2016).

## 2. PNG's urban political economy and local settlement-regulating institutions

### 2.1 A BRIEF OVERVIEW OF THE HISTORY OF PNG'S URBAN POLITICAL ECONOMY AND GOVERNANCE

#### 2.1.1 Notwithstanding the recent nature of urban-ization in PNG and the country's distinctive ethnic diversity, PNG's cities exhibit the kind of features found in similar geopolities elsewhere.

Port Moresby and Lae are both based on an underlying colonial planning system and order, upon which numerous different settlements have emerged either on *lusgraun* (unoccupied state or other land with contested title), on "low-covenant", "sites-and-services" state leasehold land, or through the leasehold of customary land. Although Port Moresby is not connected by road to most other major population areas, it has a primacy over those cities in a way similar to the capital cities of other archipelagic countries. This dominance seems assured to grow, as patterns of circular and other migration tend to crowd new settlers mainly into existing settlements. Like cities elsewhere, Port Moresby and Lae are melting pots, containing extraordinary diversity, and their sprawling development can perhaps be partly attributed to patterns of resettlement following some conflict. Certainly Lae is somewhat polarized between the highlands and coastal ethnic groups ("coastals" are non-highlander settlers).

**2.1.2 Urbanization is a relatively recent phenomenon in PNG, as are the challenges of combating urban violence, providing security, and regulating economic and other public interactions.** Since the earliest colonial times, PNG has been governed as an overwhelmingly rural country. The pre-indepen-

dence colonial center, Port Moresby, was dominated by Australian administrators. Indigenous and diverse Papuan and New Guinean arrival populations were subject to curfews; many were corralled into work compounds just outside the urban boundaries, and from this place, beyond the immediate purview of the colonial administration, contemporary urban settlements grew. Port Moresby residents of the 1960s (population 24,730, one quarter expatriate) recall a time before crime, barbed wire, and even locked doors.<sup>35</sup> Governance was controlled by expatriate public servants, but indigenous institutions were emerging by the 1950s, fashioning themselves on colonial templates. At this time, ethnic leaders known as "councilors" were appointed to liaise with the population and preserve public order, and when the councilor system failed in the 1960s, some migrant groups revived this practice.

**2.1.3 Committees/komitis emerged from within urbanized (and male-dominated) ethnic groups, and early "courts" were urban adaptations by ethnically homogeneous groups.** By the early 1970s, Moresby's first historian recounted that "in nearly all [homogeneous] residential areas... individuals distinguished by wisdom and forcefulness of character may be formally recognized by their own groups,"<sup>36</sup> and that "the committees of the [heterogeneous] no-covenant settlements at Morata and June Valley are now demanding powers to maintain public order in their settlements."<sup>37</sup>

**2.1.4 Ethnic heterogeneity was always a hallmark of PNG's cities.** Three quarters of the population were from the Central and Gulf provinces, but high-

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35 Stuart (1970).

36 Oram (1976), 150.

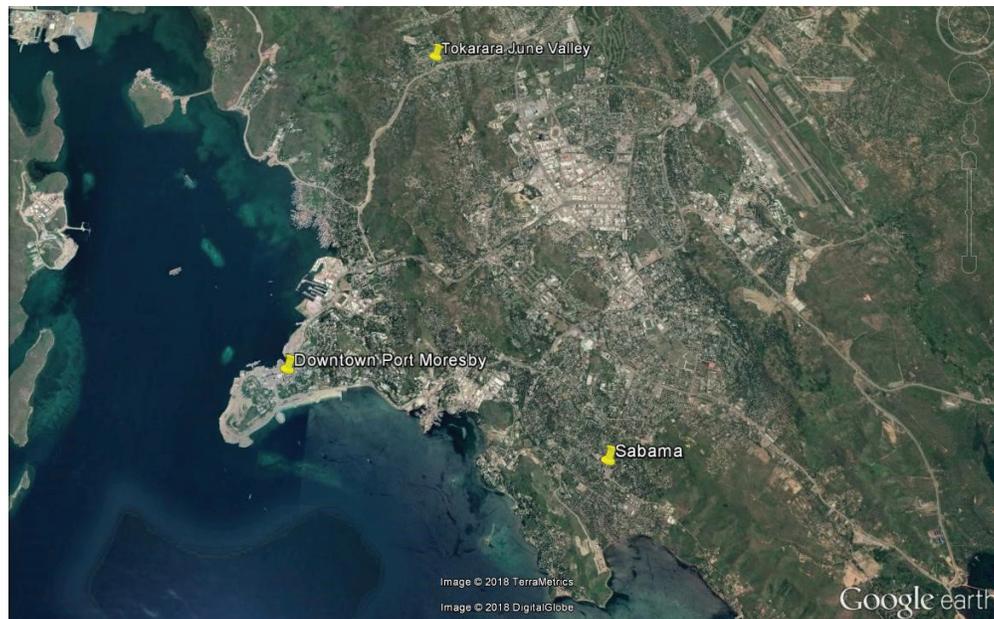
37 *Ibid.*, 151. "No covenant" refers to the arrangements for distribution of the individual land parcels; no-covenant houses were expected to be self-built and not subject to the formal urban building codes applied in high-covenant subdivisions. Committees emerged from within ethnic groups, and early "courts" were urban adaptations of single ethnic codes by ethnically homogeneous groups. Oram recounted that though "There is a large potential leadership within villages and homogeneous residential groups which as yet can only find inadequate expression... Leadership is lacking in heterogeneous residential areas such as Kaugere..."

landers, who first appeared in 1961, were already conspicuous and highly mobile immigrants.<sup>38</sup> Urban mixing also led to the emergence of other forms of social organization and solidarity; pidgin English [Tok Pisin] became the urban lingua franca, enabling the formation of labor and ethnic welfare movements, as well as inter-ethnic associations, especially those affiliated with sports.<sup>39</sup>

**2.1.5 But “wantok” social relations stressed the transference and adaptation of communal kin preference into urban settings.** In urban settlements, *wantok* [“one talk,” that is, linguistic affiliation based on a shared village language identity] ties meant petty quarrels would quickly escalate into communal conflict. Large ethnic fights between people from Central province and Morobe highlanders were recorded around contested sites of economic opportunity (in Koki market in Moresby, for example) beginning in 1961.<sup>40</sup>

**2.1.6 Diversity and potential conflict also encouraged urban sprawl, and migrants in PNG struck a range of settlement deals with traditional landowners across the settlement frontiers of a wide urban territory.** Closely settled sites to the east of Port Moresby’s city center became the notorious “*raskol* settlements” of Kaugere and Sabama.<sup>41</sup> There, urban gang membership was ethnically mixed but based on urban rather than rural place of origin, and was dominated by Papuans and not highlanders, who arrived in increasing numbers in Port Moresby later in the 1970s–1990s. A similar pattern emerged in Lae, where ethnic fights in diverse compounds divided that city along Morobe “highlander” and “coastal” identity lines, with central highlanders coming into dominance in some parts of the city in the 2000s.

Figure 2. Maps of POM and Lae showing settlements studied



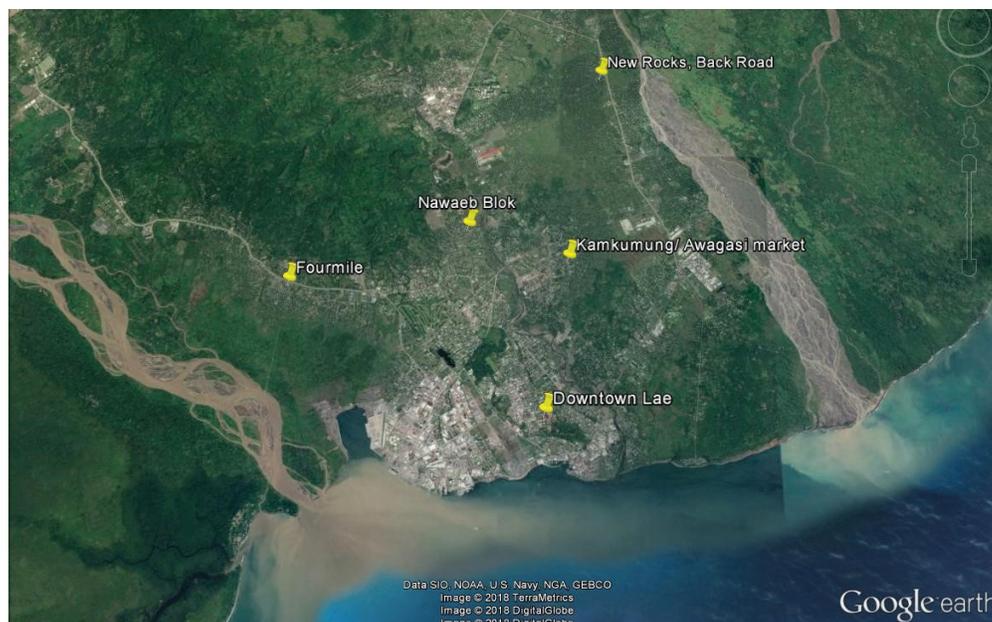
38 Rew (1974), 10–12, in 1966 described the indigenous population as “drawn from every sub-district in the joint Territories.”

39 Ibid., 9–10.

40 Ibid., 9.

41 Ibid., 18.

Figure 3. Maps of POM and Lae showing settlements studied



## 2.2. THE RISE OF INFORMALITY, CONFLICT, AND CRIME, 1980–2005

### 2.2.1 Urban population numbers have been increasing rapidly, but political and administrative boundaries and urban tenure have remained largely unaltered.

Between 1978 and 1988, Port Moresby grew by 8 percent per annum and Lae by 6 percent, but no new formal suburbs were developed in Port Moresby (or Lae) after 1989, despite the fact that its population increased by 60 percent in the 1980s and added another 30 percent in the 1990s.<sup>42</sup> The cessation of state alienation of land<sup>43</sup> led to the growing importance of informal settlement on state-owned land, usually in insecure or otherwise precarious locations and in pockets along rivers and hill lines, spilling over from low-covenant areas into neighboring vacant land with a variety of owners. Alienated land became hugely expensive, and as formal sector employment no longer provided sufficient remuneration

to enable property ownership, many joined the informal or custom land settlement spillover.

**2.2.2 On custom land, new arrivals established relations with indigenous landowners.** Today, many landlords [*papa grauns*] remain assertive and evictions are common, often on the pretext of law and order or public health issues.<sup>44</sup> Occupied state land, however, is less secure. Typically, the most violent unilateral evictions, often accompanied by houseburning in Lae [*kukim, rausim*, burn their house, kick them out], occur on state land.

### 2.2.3 A deepening sense of crisis emerged in the 1980s at both the grassroots and official levels.<sup>45</sup>

Reports—and popular dismay—continued to focus on illegal settlements as particular centers of criminal activity: urban villages, ethnic/migrant groups, and especially groups of young men.<sup>46</sup> By 1988, senior police officials were in the media describing the “terrorizing” of Lae by

42 For population statistics, see <http://www.citypopulation.de/PapuaNewGuinea.html>.

43 During the colonial period, customary land was routinely alienated by the state. This practice effectively ceased during the 1980s, as landowner resistance grew.

44 See “Lae Woman is Homeless Twice at Limki Settlement,” posted on YouTube at <https://www.youtube.com/watch?v=OGvRy98geQ>.

45 See Norwood (1984).

46 Clifford, Morauta, and Stuart (1984).

armed gangs that were committing robberies, home invasions, gang rapes, and armed holdups.<sup>47</sup> Informal settlements became a political issue, and their residents a political base. Prominent leaders (including then-Prime Minister Bill Skate) gained political support from settlement youth. In the Miles settlements along Lae's western highway route from the city, the Morobe 585 gang found common cause with politicians who proclaimed "Morobe for Morobeans" and targeted highlander arrivals. Morobe politicians bulldozed Highlands settlements, trying to stem the flow of immigrants. Citizens fortified their houses and neighborhoods, and markets became sites of entrenched conflict.

**2.2.4 The peak of the urban crisis occurred in the 1990s and early 2000s, as registered in the gangs' public presence, influence, and violence.** But LLG structures were also set up during this time, involving elected ward councilors (but appointed in Port

Moresby) and a range of subcommittees that could be formed under local discretion. Most wards have had some kind or remnant of a ward development committee since then, though these entities have almost never been adequately funded and have fallen into edge-of-state dysfunctionality. Still, most settlements' chairmen, presidents, and komitis would claim some kind of mandate from these committees or from ward bylaws that have never been made public.

## 2.3 BEYOND CRISIS? NEW FORMS OF URBAN LEADERSHIP, AUTHORITY, INVESTMENT, AND INSTITUTION, 2005–17

**2.3.1 Port Moresby emerged as a global symbol of urban violence in the 1980s. In the mid-2010s, even as the city was renewing itself, it continued to be regarded as one of the world's least livable cities.**<sup>48</sup> In 2010, Lae and Port Moresby reported homicide

### Box 3. Definitional Note:

**The term "settlement," as with the distinction between "formal" and "informal" in urban PNG, needs to be seen as both a modest descriptor and also a powerful political tool in characterizing, stigmatizing, and governing people and places.** PNG's 1973 White Paper *Self Help Housing and Settlements for Urban Areas* related settlements to planned and officially recognized no- or low-covenant subdivisions, with sites and services set up to enable occupier-built housing. Documents from the United Nations Human Settlements Programme (UN Habitat) and the PNG Office of Urbanization refer mainly to "informal settlements," but also to "unplanned" or "squatter settlements," as well as to "village settlements," which they describe as "informal settlements on traditional land on the urban fringes, whose occupation is arranged through informal agreements... involving an annual land rental fee." Urban development discussions have referred to "cosmopolitan networks of tribal groupings or anarchical sub-cultures, which have been defined by ethnicity and regionalism within an urban context." Media accounts vary from the recognition of settlements as diverse but established neighborhoods, distinguished by affordable, often informal housing that houses 40–50 percent of urban residents, to dwelling places of unemployed and informal sector workers, to dirty, unhealthy, and "notorious breeding grounds for criminals and violent persons."

**In this report, "settlement" is applied to align with popular contemporary usage, referring to residential settlement on land where custom is the basis of tenure and where there is informal or low-covenant tenure on state land** (settlements can include mixes of all three). Crucially, these are places where mixed ethnic tenure means that there is a core need for the kinds of regulatory arrangements this report describes. "Blok," which has an overlapping meaning, here refers to either a small residential area, section, or compound of land occupied by a single clustered ethnic group, or to an entire settlement.

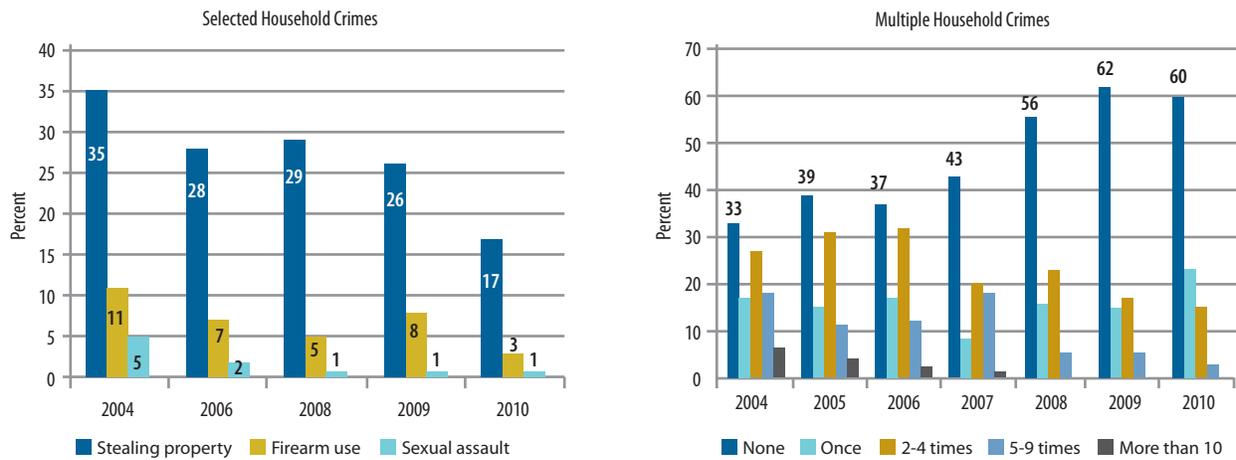
47 Sinclair (1998), 389.

48 See Elena Holodny, "The 11 Least 'Liveable' Cities in the World," Business Insider (Australia), August 21, 2014, <http://www.businessinsider.com.au/worst-cities-economist-intelligence-unit-2014-8?op=1>.

rates of 66 and 33 per 100,000 persons, respectively, nine and three times the global homicide rate.<sup>49</sup> Lae's rate places it in the top 15 cities globally, alongside a cluster of notorious Latin American cases.<sup>50</sup> Still, as in many urban settings internationally, property crime and repeat victimization in fact declined in Moresby during the 2000s,<sup>51</sup> though not in Lae, where in 2005, 78 percent of all families were victims of at least one

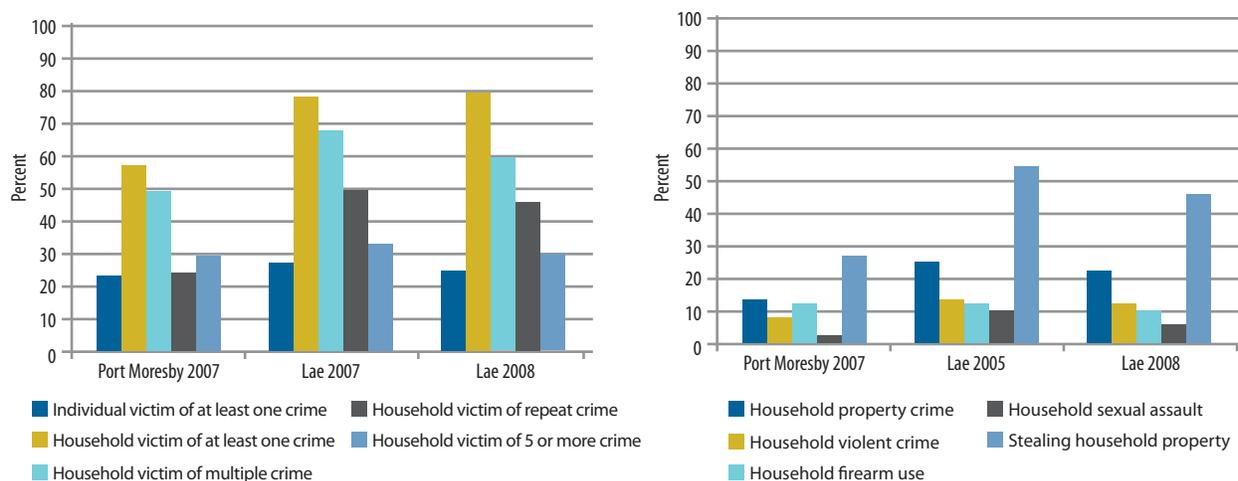
crime.<sup>52</sup> Yet despite the persistent crime problem in Lae, across urban PNG, the deep crisis of the late 1980s and 1990s began to pass during the long resource boom of the 2000s and early 2010s. Figure 4 shows that 33 percent of households in Port Moresby had not experienced any crime in 2004, and by 2010, this figure had increased to 60 percent.

Figure 4. Port Moresby: Reported Victimization, 2004-2010



Source: Papua New Guinea (2011a).

Figure 5. Comparative Lae-Port Moresby Victimization Figures, mid-2000s



Source: Papua New Guinea (2011b).

49 Lakhani and Willman (2014a), 3.

50 "List of Cities by Murder Rate," *Wikipedia*, [https://en.wikipedia.org/wiki/List\\_of\\_cities\\_by\\_murder\\_rate](https://en.wikipedia.org/wiki/List_of_cities_by_murder_rate).

51 Papua New Guinea (2011a, 2011b).

52 Guthrie, Laki, and Hukula (2006).

### 2.3.2 There are likely several reasons for the changing rates of crime and victimization during this 2004–10 period.

Life-course patterns of crime and especially gang engagement may be distinctive in PNG. Unlike notorious, long-lived gangs in other countries, PNG's urban gangs have failed to institutionalize in recent decades.<sup>53</sup> Gang members have been "growing out of crime"<sup>54</sup> in numbers that have outpaced generational renewal, and more members are now "resting at home" than are being recruited for robberies. What has institutionalized in settlements is much more positive and interesting and is the main focus of this report: community investment in committee structures, along with churches and primary schools. But behind their influence lies the rise of multi-generational families living in compounds, bound together by economic interdependence through investments that all have made in institutions to regulate everyday settlement life.

### 2.3.3 Urbanization processes in and of themselves bring together diverse peoples, creating powerful incentives for everyday investments in safety and security,

for example, by creating new forms of association and new bases for trust. In PNG's cities, village and local *wantok* identities have continued to adapt, being "strategically edited and usually simplified"<sup>55</sup> into regional, province, or urban ones (Coastal [northern coast], Morobe [province], *Kaugere mangi* [a *Kaugere* suburb person]). These adaptations in turn provide new patterns of urban affiliation, trust, and opportunity. Churches, sports, business, and social issues networks all enable these new identities, relations, leadership, and regulatory capability to emerge and institutionalize in various ways.

### 2.3.4 At the same time, alternative pathways for settlement youth to move into education

#### Box 4. New Forms of Urban Association and Identity: Port Moresby Market Customers Speak

*Before we used to go in ethnic lines; now, we go by street. But it's the same thing: you have to be in that community to gain that respect. You've got no status in the community unless you prove yourself that you are part of there. You have the luksawe [recognition] in the relationships with people that you build all the time, everyday. And from that you get the understanding of leadership in the community. That's how you live here, and grow up here, and be safe here. Tokarara resident*

*We are not wantoks [kin or language members]; we grew up here together, we became brothers in the same place. I was born here. I'm a [Tokarara suburb] man. But so are they. When we were young, we played touch, we played sport together. Now, we are older, higher status. We still know, we trust each other. So, when we are here together in the market, we are relaxed. Tokarara resident*

### and formal or informal employment multiplied in PNG's cities during the long 2003–15 resource boom.

Contemporaneously, beginning in the mid-2000s, leadership in urban development emerged in Port Moresby,<sup>56</sup> riding the resource investment, including spillover from the US\$19 billion Exxon Mobil/GoPNG liquid natural gas project.<sup>57</sup> Boom-time revenues created roads; public buildings; port, airport, and land transport nodes and links; new suburban development;<sup>58</sup> and facilities for the 2015 Pacific Games and the 2018 Asia-Pacific Economic

53 See Hagedorn (2008). Institutionalized gangs everywhere rely on generational recruitment, as older members follow global patterns of growing out of crime in their mid-20s, when domestic arrangements become important. Recruitment involves the branding of identity and commitment through rites of passage involving dependence on illicit drug and extortion economies, cooperation and participation in conspicuous crime, and maximum security incarceration. Jails become major institutional strongholds for protection based on the cementing of gang members' identities and loyalties, as well as tight hierarchical structures from which imprisoned leaders coordinate gang activities outside.

54 Rutherford (2002).

55 Davis (2000), 17.

56 See <https://www.pomcci.com/yumi-lukautim-mosbi/>.

57 See Celine Rouzet, "Papua New Guinea: The Gas Boom," *Pulitzer Center*, June 20, 2013, <http://pulitzercenter.org/reporting/china-japan-papua-new-guinea-exxon-mobile-gas-oil-local-poor-poverty-foreign-executives-gang-slum>.

58 "Plan to Build 40,000 Houses in Port Moresby," *RNZ*, February 28, 2014, <http://www.radionz.co.nz/international/programmes/datelinepacific/audio/2587399/plan-to-build-40,000-houses-in-port-moresby>.



Lae Miles leaders meet to discuss working with local corporate leaders.

Photo: David Craig/Worldbank

Cooperation summit.<sup>59</sup> Lae too experienced investment, and legislation was passed for a Port Moresby-style city commission. Investment in urban youth employment has demonstrated the impact of creating more opportunities for job and other training for young people.<sup>60</sup>

**2.3.5 As anticipated above, however, the effective reach of all these local regulation arrangements is often limited.** On the one hand, the wider “enabling environment” of formal urban governance and law and order that could recognize and support local regulation is frequently either disabled or itself predatory. And on the other hand, emerging local regulatory arrangements themselves struggle to be effective and maintain trust across settlement populations. As elsewhere where customary, traditional, and hybrid legal practices predominate,<sup>61</sup> insecurity typically remains pronounced for women, youth, marginal ethnic groups, many informal sector traders such as market vendors, and residents on customary and informal state land.

### Box 5. Urban Insecurity: Ongoing Fears

*I recently moved to Bundi camp to reside and I think it's terrible. The worst thing is ethnic clashes: one time they threw stones at our house and we had to jump the fence. It's like a nightmare to us. We took it to court, but there were too many conflict of interest in the police and we needed money to appeal so we left it. They paid money to the police to hide our files. There is no control of noises— youths or people make noises till day break so you don't really have a peaceful life or privacy. When youths are taking in steam (homebrew) and drugs, they have no control over their minds.*  
**Female settlement resident, Ward 1 Lae Urban**

59 Rowan Callick, “Coup for PNG as ‘Least Liveable’ City to Host 2018 APEC Summit,” *The Australian*, October 10, 2013, <http://www.theaustralian.com.au/national-affairs/foreign-affairs/coup-for-png-as-least-liveable-city-to-host-2018-apec-summit/story-fn59nm2j-1226735720143>.

60 Ivaschenko et al. (2016).

61 See Amnesty International (2005); Castillo Diaz (2006); and Lee and Haider (2012).

## 3. Local regulatory capabilities in urban settlements: what exists and how does it work?

### 3.1 KOMITIS AS SITES FOR COLLECTIVE ACTION

**3.1.1. This section considers how everyday institutional mechanisms in urban settlements fulfill their basic regulatory function by becoming local arenas wherein leaders and common people combine efforts to solve disputes, execute judgments, manage settlements, make local markets safe, and create opportunities for youth.** It focuses on komiti systems and emergent local leadership and their ability to create consensus and cooperation through performing public roles and mediation, forging horizontal and vertical links and working pacts, and collectively framing and enforcing rules. As will be described, komitis are assemblages distinctive to PNG. But in many ways, they resemble some of the forms of local collective efficacy that international research has shown to have considerable influence on community crime and safety.<sup>62</sup> The literature on collective efficacy suggests that “a community’s ability to exercise informal control and its collective capacity for action were the more proximate mediators of structural disadvantage on crime.”<sup>63</sup> Although the distinction between formality and informality is difficult to sustain in practice, “informal control” and “collective capacity for action” are very much what komitis manage to construct from the diverse social groupings in PNG’s settlements. In terms of violence and social order,<sup>64</sup> a komiti can be seen as a site for and mode of pacting between leaders that functions to regulate and suppress violence between group members.

**3.1.2 In international comparative perspective, komitis in PNG represent a relatively mature (but also somewhat disempowered) level of urban settlement leadership development.** Internationally, many urban settlements’ leadership (and, not coincidentally, much of the literature on settlements) is more focused on struggles to secure land access and resist removal, the participation and roles of local leaders in upgrading or delivering basic services for residents, or settlement politics as a stepping stone to higher office.<sup>65</sup> In contrast, in Port Moresby and Lae, of greater concern and preoccupation to settlement leaders are managing ethnic relationships and issues arising from social disorder and economic competition. As will be shown, komitis are not substantially in conflict with formal urban governance or policing agencies, and they have fairly good relations with local quasi-state law and justice agencies (especially Village Courts).

**3.1.3 Thus, local settlement regulation performed by komitis and leaders does not happen in a regulatory vacuum.** Rather, as will be developed, it depends to a significant extent on an ability to “co-produce” regulation<sup>66</sup> by reaching both vertically and horizontally to locally recognized forms of authority. In the diagram below, the bold lines represent regular and important links to such authority, and the dotted lines represent nominal or weak links.

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62 See Mazerolle, Wickes, and McBroom (2010), 3: “Recent research, however, indicates that highly specific, collective processes are more important and proximate factors in differentiating community crime outcomes than are social relationships . . . . Using the term collective efficacy to capture the task-specific nature of these community processes, Sampson and others suggest that the level of collective efficacy in a community explains spatial variation in crime problems better than systemic theories of crime.”

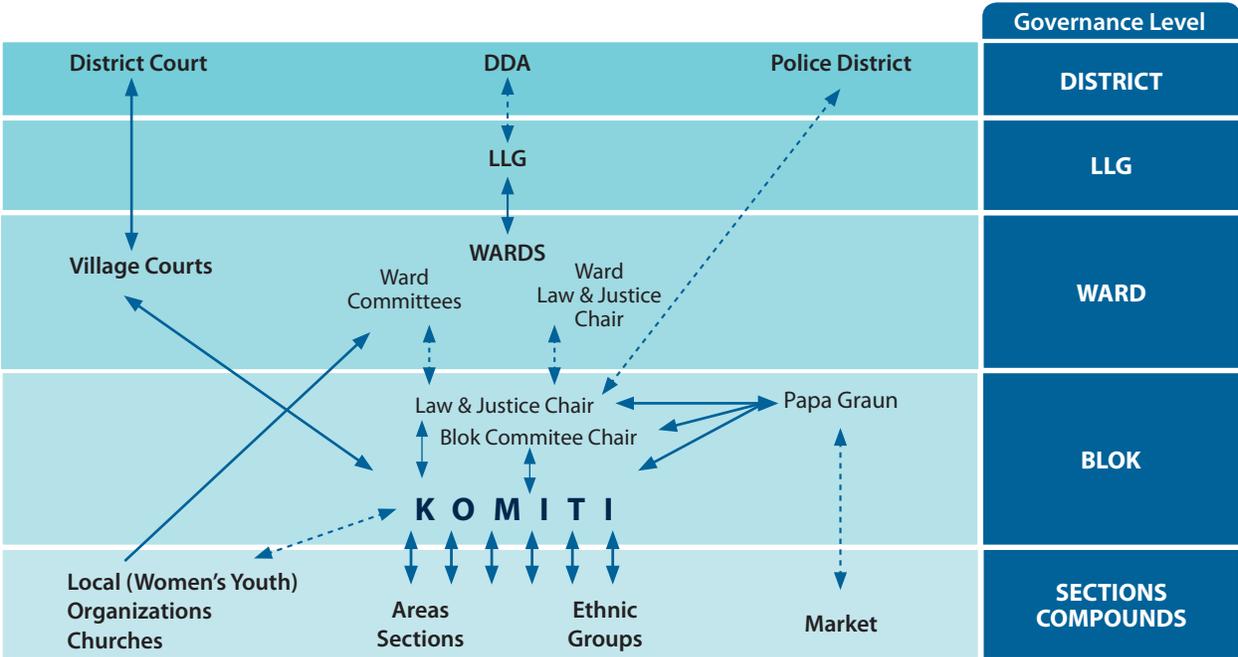
63 Ibid., 5–6. See also Sampson (2004).

64 See North, Wallis, and Weingast (2012).

65 See, for example, Sakaya, Sanonib, and DEng (2011); and Koster and de Vries (2012).

66 Bovaird and Loeffler (2012); Joshi and Moore (2003).

Figure 6. Structure of Local Regulatory Arrangements in PNG Settlements (Key required).



**Box 6. Disclaimers: There is a range of issues related to urban safety and security that this report does not deal with directly**

*This report does not address the traditional Motu Koitabu or Ahi landowning villages of Port Moresby and Lae, which generally have hybrid rather than komiti governing arrangements.<sup>67</sup> The ways Lae's traditional landowners regulate their bloks is seen through the lens of komiti arrangements (which are present even with the most capable landlords), so that landowning is not treated as a separate function or institutional form. Although komitis in some places and sectors are mandated to function under LLG and ward bylaws, in other places they operate in parallel or supplementary to, or in the practical absence of, local state forms and recognition.*

*This report covers all komitis operating in the areas of limited statehood constituted by urban settlements, many of which would want to or could claim that they are the mandated expression of LLG or ward levels of the state. But by nature of their formation and operation, they blur the boundaries of the state and operate along powerfully diverse lines rarely governed by bylaw or bureaucratic procedure.*

*Nor does this report separately treat the quasi-state Village Courts, which are already the subject of good research.<sup>68</sup> However, in all the research areas, the Village Courts functioned alongside and overlapped with the komiti system, sharing members, cases, and recognition. This report also does not examine the functions, ways of operating, and impacts associated with the Royal Papua New Guinea Constabulary (RPNGC), magistrates and district courts, and district, city, or LLG agencies.*

67 The report authors are aware of the issue, but for reasons of space and purpose, do not elaborate on the different ways in which notions of tradition and traditional authority, are politicized and constructed in areas of limited statehood. See, for example, Forster and Koechlin (2018).  
 68 See, for example, Goddard (2009); Demian (2016), 13-30; and Evans, Goddard, and Paterson (2010).

## 3.2 LOCAL REGULATORY FORM AND FUNCTION: THE KOMITI SYSTEM

### 3.1.1. PNG's urban settlements are not usually places where outsiders simply arrive, or even access, without local recognition or connections.

And as the quote in box 1 suggested, “These areas always look rough,” leading to questions about “how can people live in there?” But across urban PNG, settlements and bloks (subward local areas) on both state and custom land all have people who are recognized as a form of local authority, in addition to the landowners’ customary authority. Universally, research shows that this authority—and the individuals exercising it—is now known as a komiti.

### 3.2.2 The function of the komiti, local leadership, and regulation is expressed most neatly in the Tok Pisin phrases *daunim* (or *stretim*) *hevi, gutpela sindaun*: to resolve or straighten out problems and create a good way of life for people here. Other

terms express a similar objective: *mekim bel isi stap insait lo blok* [establish peace within the settlement]. Concerns about security are at the core of the komiti’s function, as well as the ways different ethnic groups can pact together to coproduce protection and manage peace and good order locally. The komitis represent their ethnic group or blok and perform this pacting, which provides protection that includes personal safety but also communal well-being and the various forms of capital.

**3.2.3 *Daunim hevi, gutpela sindaun* gives komitis a wide functional mandate involving both proactive and reactive regulation:** creating the conditions for peace and good order and sorting out the challenges to it as quickly as possible (see Section 4, box 13). Interestingly, the komiti’s four functional areas line up reasonably well with the factors that have been identified as the most important elements in successful urban arrival locations: entry level shelter, work, transport, and political-legal representation.<sup>69</sup>

#### Box 7. Basic Elements of PNG Urban Komitis

- **Self-professed function:** solving problems and creating stable living conditions
- **Form:** multiethnic committee with widely recognized members ranging in number from one to around a dozen. Some individual members are designated to be “senior komitis.”
- **Membership:** flexible but always composed of locally resident and recognized (almost entirely male) ethnic leaders from across all local ethnic groups
- **Geographic reach:** site specific—a settlement can consist of a number of locally identified bloks or zones, which together can be a subset of a wider urban ward. A single blok can comprise formal and informal or *kastom* lands. Blok size varies from 1 to 3 or 4 hectares. Zones or settlements can include up to 20,000 residents (see Annex 1 for a variation in actual Lae blok/zone composition)
- **Regulatory capabilities** (see Section 4, box 13): manage the multiethnic settlement, carry out dispute resolution and mediation, manage local marketplaces, represent the settlement to the wider authorities
- **Common strengths:** recognition, ethnic representation, accessibility, experience, skills in mediation
- **Common limitations:** gender and age representation, management of gender-based violence, uneven relations with police and formal urban government

<sup>69</sup> See Saunders (2011).



Above: Lae Law and Justice leaders, June 2018.

Below: 4 Mile Lae Law and Justice leader Philemon Boddeh, with family



**3.2.4 The are multiple forms of local (komiti, lida) regulation, carrying out local functions.** Enacting the wide scope of that common function, forms of komiti are diverse and adaptive. Komitis as *collective* entities vary in name, definition, appointment basis, and scope of operation. Some law and justice komitis are simply known as “the komiti”; others as the *hevi* [problem] komiti, by the prefix “blok,” or “line” (compound or group of houses).<sup>70</sup> There are land management or blok komitis that collect rent for indigenous landowners and manage settlement locations, law and justice komitis that hold regular courts [cots] and mediate disputes throughout the week, and market komitis or “business reps” who collect fees and enforce local rules in relation to local markets and businesses.

**3.2.5 A komiti (understood as a collective group) will usually have a chairman, who is often elected by the komiti members themselves and who takes a more or less dominant role in komiti business, including appointing other members of the komiti.** The blok and/or law and justice chairman has a representative, quasi-political, or territorial authority role, especially in relation to police, customary landowner, or ward authority. Most but not all law and justice or blok chairmen and komitis would claim (or want) some kind of recognition or mandate from the local ward-level community development committee, as well as from local residents and their ethnic groupings. Relations with ward councilors, who are supposed to have some funding for these kinds of committees, are typically limited, though the LLG/ward will fund local komitis to run community activities, including by providing forms of diversion during the crime-heavy buildup to Christmas (and sometimes on PNG’s Independence Day). Election and/or appointment procedures to local komiti status vary widely and seem to be rather flexible.

**3.2.6. The term komiti is also commonly used in relation to an individual (“he’s my committee/komiti,” “he’s the market komiti”).** This does not necessarily cause confusion, as it is an important way of understanding the komiti role and its individual and collective authority and workings. A komiti

is indeed an individual, but he (and there are very few female komitis) is an individual selected and recognized by his own and other groups. He also necessarily acts as part of a collective construction of authority involving several different individual, group-representing komitis, who, by definition, should be working together at various points.

**3.2.7 Within these basic outline and function parameters, komitis exist in plural forms.** Investigations in Lae and Port Moresby have identified considerable overlap in the usage of terms (komitis, bloks, zones), but no two identical komiti structures (see Annex 1 for an overview summary of five different Lae configurations). This diversity relates in part to the fact that these systems are not framed in a written statute and in part to the different types of tenure, ethnic mixes, and strength and level of engagement of the traditional landowner.

### 3.3 KOMITIS’ EMERGENCE AND LEGITIMACY AS AN ETHNICALLY AND LOCALLY INCLUSIVE INSTITUTION

**3.3.1 Komitis emerged very early in PNG’s urbanization process in both homogeneous and heterogeneous ethnic settlements.**<sup>71</sup> Describing the early emergence of endogenous settlement governance in pre-independence Port Moresby, Oram recounted that the komiti appeared first within homogeneous residential areas, but that “leadership [was] lacking in heterogeneous residential areas such as Kaugere...”<sup>72</sup> After the failure of the colonial government-appointed councilors system, it was committee (i.e., komiti) members, each individually recognized as leaders by their groups, who emerged to manage local social relations in ethnically heterogeneous areas.

**3.3.2 Both the individual and collective senses of the word komiti have long been in usage.** Individually, ethnic settlement leaders were called komitis (as in, “he’s a komiti”), with each one appointed by the group and leading procedures through which the group might, as outlined below,

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70 Hukula (2013).

71 There is no extensive international comparative literature on the historical development of collective efficacy in urban informal settlements. But see Perlman (2006).

72 Oram (1976), 150.

“mind their own business.” Together, these individual komitis comprised a wider, collective komiti that, when in strong and expressed agreement with each other, was not easily ignored. As noted, by the early 1970s, komitis in the towns of Morata and June Valley were “demanding powers to maintain public order in their settlements.”<sup>73</sup> Both of these communities were distinctively heterogeneous, and the committees that emerged combined homogeneous legitimacy with heterogeneous inclusion and reach.

#### Box 8. Community-Appointed Komitis?

*In the settlements, ethnic groups live together, but they also live alongside other groups. But to do that you need to have someone who will speak on your behalf, someone you and others can go to. So the community says, “this is the guy, we give him our blessing, he will be the one to mediate, to negotiate, to settle.”*  
**Moresby mediator.**

*Without a group of people behind us, we won't be leaders. A leader comes out from a group of people; back inside your communities, your streets, there are a group of people who recognize you and push you up. People are happy if you continue to stand up. If you ignore problems they will stay, and you will damage [bagarap] everyone who stands behind you. You'll turn around and see everyone, they'll look at you, you'll hang your head.* **Lae settlement senior komiti**

**3.3.3. Komiti legitimacy and regulatory authority depend on people's need for representation in multiethnic contests** (see box 8 above, “...you need to have someone who will speak on your behalf”). In these terms, above all else, the komiti needs to be able to do two things: 1. represent his people as a personally invested, local authority figure, and 2. solve problems with other groups by forging agreements

(through mediation) or pacts (through recognized membership in a group of local leaders or komitis). Insofar as he can do this, the agreements and pacts he makes resolve a fundamental challenge to basic security in urban PNG: the threat of inter-communal violence. These are, in this sense, *protection pacts* that give the komiti his power and underpins his authority.<sup>74</sup>

#### 3.3.4 Dealing fairly and inclusively with heterogeneity is a crucial challenge for komitis and lidas.

Striking the right balance between representing the group's interests and negotiating settlements fairly across the locality is not easy work, but it is essential to komiti effectiveness. Komitis are subject to frequent accusations of being *wansait* [one-sided along ethnic, gender, or other lines] or working *baksait* [being corrupt, subject to behind-the-scenes deals]. With the accusations come threats, and komitis emphasize the ways they put their own lives on the line despite little more than the rewards of *luksawe* [reputation].<sup>75</sup> Again, performance of these roles and aspirations varies, and frequent accusations of komiti weakness and one-sidedness are part of everyday settlement life. As is demonstrated below, capacity to deal with ethnic diversity does not necessarily translate into the ability to manage problems involving other kinds of difference, such as gender, age, or class.

#### Box 9. Diversity, Cooperation, and Effectiveness in Komiti Work

*People come with different languages, but if we can all work together in Tok Pisin we can make it work. If we get five people from five different places, and we are all covered by unity, we can all contribute ideas. We compromise, we work together. We don't just go back to our languages. Then we stick in this together: it's the right way. If we include people from different places we can solve the problem. But if we stand by just one particular way, we won't solve it.* **Pita Blok chairman**

73 Ibid., 151

74 [See Slater (2010), 10-13. Protection pacts involve elites pacting together to prevent urban and communal violence, which can fundamentally destabilize national unity and economic development. Protection pacts can be performed locally, where, as in wider political settlements, they impose costs on local elites and locals alike. See also Khan (2010); and Craig and Porter (2014).

75 Fees are a thorny matter in relation to komiti mediation. See section 4.2.7, on Mediation Fees and Leadership Recognition.

### 3.4 KOMITIS AS LEADERS: AGENCY, PERFORMANCE, GREATER RECOGNITION

**3.4.1 Although komitis depend heavily on local legitimacy, there is also a wider competitive and aspirational element to becoming a respected komiti, reflected in popular expectations about leadership and performance.** A strong or “senior” komiti will embody and channel the reputation of his ethnic group as people who “know how to act” in an urban environment and do not maintain backward rural practices [*pasin blo bus*], and as people who know how to “mind their own business” and cooperate with other groups to solve problems (or keep out of their problems when they are not their business). He (again, it is most commonly a he) should be

grounded in and able to “go back” to and respectfully adapt custom; he should also be active, able to talk “like a man,” and extract clarity and consensus.

**3.4.2 There is also considerable agency and aspiration on the part of komiti chairmen. Being chairman can be a powerful, widely respected (though not often lucrative) role,** and becoming chairman means achieving and performing a kind of urban patronage status, expressed in terms of (Highlands) *kastom* recognition of leadership. Chairmen regularly and proudly refer to the other komitis in hierarchical, cliental terms as *their* senior komitis, or sometimes their “little boys.” Both characterizations express hierarchy and a level of trust: “He is my komiti, I chose and appointed him.”

#### Box 10. Choosing and Mentoring Komitis in Kamkumung, Lae

*I look for the active ones, whoever knows how to fight against corruption and those who can handle such corrupt activities, and I get them on board. They handle cases themselves, but when they see that the case is fairly serious, they call me in to handle the case, and then I get and apply an overall view. If there are those [komitis] who want to raise concerns or any verbal attack [about the judgment], I put all views together and call everyone to sort it out. We must all know how to make good judgments, and go back to custom. A blok chairman*



Pita Blok settlement, Lae.

Photo: David Craig/Worldbank

**3.4.3 In recent years, komiti or chairman status has become a stepping stone to emerging urban leadership [lidaman/meri] roles.** Such an aspirant leader must perform like a “super komiti.” S/he needs to be available and active at any significant event, be among the first to turn up when there is trouble, and stick to the business until it is resolved. The person must be seen to reach above ethnic or local *wantok* allegiance to resolve problems and build consensus, cooperation, and peaceful relations [*bel isi*]. This consensus must be achieved through public speaking but also needs to be pragmatic; the lidaman should be able to pull together diverse perspectives into short-term action.

**3.4.4 What distinguishes a lidaman from the mass of komitis is their ability to both transcend his ethnic origins and reach well beyond the territory of the blok komiti “vertically” to sources of power and authority beyond it.** A well-regarded lida will be heavily in demand by komitis elsewhere for a range of activities and semi-official advisory, consultation, and witnessing roles, including business and other deals, politics, urban development, court cases, youth issues, and event organizing. Thus, lida status is earned, and once earned may provide the basis for creating wider, issue-resolving networks; becoming a ward or council of women councilor, city-wide ethnic group representative, or part of a district member of parliament’s support team; or contesting an election himself.

#### Box 11. Lae Residents Talk about the Way of a Leader

*A leader in the community is not elected based on his appearance or wealth. We see those who can talk and his words can remove the bad and bring good to the community. His words will bring a sense of peace in people’s lives, regardless of his wealth, possession, and appearance. Whenever the leader speaks in any given scenario, people display great respect. Regardless of unfavorable weather conditions or proper sitting arrangements, people patiently pay attention, without unnecessary distraction, to what their leader conveys out of respect for him. If he’s a good leader, he could talk forever, always bringing the people along with him, them agreeing with him.* **4 Mile resident**

*If there is a situation within a particular community, it is the leaders’ responsibility to immediately attend to it. Any matter that arises, the leaders are already there to address the situation. But if the leaders are not present, they are negligent; the problem will continue and bring destruction to lives and properties.* **Nawaeb Blok leader**

*You can assess a leader’s skill in this by the state of their community. If there’s problem in a community, leaders are not working or there is no cooperation between the community, and the leaders are not working together due to disrespect, conflict of interest, etc. When trying to address a situation in a particular community, first look at the leader. How does the leader conduct himself in the community? How do the leaders formulate solutions when disputes arise?* **Lae City Law and Justice leader**

*He has the reputation that he’s always there for the people. He stands for the people, he represents the people of his community in both good times and bad times, he is always committed. He is always on the front line. He has time to listen to everyone, from teenagers, women, men, youths, and persons with disabilities. He gives openly to the people in his community who are in need in times of sorrow or disaster or compensation demands. He’s got the care attitude, unselfish. He has the network of his boys who take orders from him and carries out without arguing or complaining because he takes care of them. But the most important thing of all is whether they are playing a big part in the community, in maintaining peace and order.* **Ahi Ward Law and Justice leader**

**3.4.5 All of these elements can be summed together as the “*pasin*” (fashion/passion, usage or practice) *blo lidaman*.** This comprises a set of cultural forms (rules, roles) that are currently expanding and becoming institutionalized in urban PNG.

**3.5 COORDINATION AND REACH: KOMITIS AND THE ASSEMBLING OF FRAGMENTED LOCAL AUTHORITY**

**3.5.1 State authority might be remote or fractious, but settlements have an endowment of various kinds of authority in their several generations of mixed residency.** It is this fragmented, quasi-formal, lightly resourced, and individual reputation-based authority that the komiti system picks up on, recognizes, grasps, and pacts together, and from which it also builds new forms of credible local authority.



Lae Law and Justice leaders hear a dispute under umbrellas..

Photo: David Craig/Worldbank

**Table 1. Grasping Authority at Kamkumung: the Multiple Hats of Komitis and Mediators**

	Ethnic leader	Village Court role	Land ownership or formal title	Mediator	Ahi/ward/politics	Business	Police links	Church/network leader
Jacob	√		√	√	√	√	√	
Peter	√		√	√				√
Julian	√	√	√	√	√	√	√	
Ruth	√	√		√	√		√	√
Mote	√		√	√				
Banjo	√	√		√			√	
Peter	√	√		√			√	
Nick	√			√		√		

**3.5.2 This local grasping together of available forms of authority happens in two dimensions: vertical and horizontal.** Vertically, it draws in individuals with formal state or police connections, experience, and respect, as well as a reputation. It does not matter that the policeman is now retired and running a local business, or that the sportsman’s glory days on the national team are over; both still have respect, along with powerful connections and ways of operating that can support local authority. Horizontally, it draws together all the ethnic and church groups present, all the potential leaders living inside the blok or

near the market, and all the different sectors (youth, church, women, business) and brings them “inside the komiti.”

**3.5.3 Thus, with these diverse leaders come a diverse but collectively powerful base of the various forms of capital described in the introduction:** *human capital* of experience and mediation skills or knowledge of the legal system; *cultural capital* of ethnic expertise and knowledge of *pasin* or the village language [*tok ples*]; *legal/political capital* in terms of representation and official or quasi-official



Multi-hat wearing lida, 4 Mile.

Photo: David Craig/Worldbank

office-holding within the blok or zone; and *symbolic capital* in terms of titles held, places afforded at meetings, demonstrated links to formal hierarchies, and the recognition [*lüksawe*] of powerful outsiders. The physical capital of money is, on the other hand, not usually a significant advantage or, crucially, even necessity. A strong individual komiti will personally embody many of these forms of capital, emerging as a “multi-hat wearing” actor with multiple interconnected roles.

**3.5.4 These forms of capital and the roles of the people who possess them often expand to reach across wider urban territories.** To the extent that a komiti performs in a fair and balanced way, his/ her reputation will expand and with it, the geographical scope of his/ her engagement. In Tok Pisin idiom, a komiti “whose reputation is not destroyed” [*nem blo em no kisim bagarup*] will be invited into other settlements to help solve disputes, and as noted above, he will be looked upon as a potential leader in the broader sense, as someone able to bring wider communities together in consensus and action. In all of this, komitis and their system demonstrate a kind of adaptive capability, able to adjust, depending on which groups are involved, and to reach out to and include new ethnic or other arrivals. That is not to say that youth or women are often included in komiti roles, but it is to recognize this possibility going forward.

### 3.6 WEAK COOPERATION: WHERE KOMITIS ARE UNFORMED AND DIVIDED

**3.6.1 Komitis perform a complex and multifaceted regulatory role, reflecting and working with both homogeneous and heterogeneous local interests and processes, and with various elements of state and quasi-state agencies.** Where the reach of the state is limited, komitis co-produce state-like local authority by borrowing and mimicking some of the paraphernalia of the state (providing cots services, holding office, adopting bylaws, taxing local businesses, and so on). This is a complex performance that is common in governance situations that are beyond the actual reach of the state or in areas of limited statehood. Overall, it produces institutions that are neither state nor society but that work across each and are recognizable and intelligible from both sides.<sup>76</sup>

**3.6.2 The komiti needs to be able to legitimately represent and work horizontally across local interests as well as vertically, connecting the settlement to other regulatory forms, including the Village Courts, police, and formal government.** Many individual komitis have overlapping or divergent roles, each of which gives them some kind of authority and horizontal or vertical connection. In disputes as in other local regulatory activities, it is precisely the ability to combine individual standing and authority with plural, communal recognition that makes the system work or fail.

**3.6.2 Not all komitis are created equal, however. Some do not function, and their failure to achieve commitment and cooperation is evident in a proliferation of local divisions and internal fights.** The lack of long-established and recognized leaders within ethnic groups can make problem solving harder or subject to errors of judgment and poor timeliness. A weak and inactive indigenous landlord [*papa graun*], with multiple, factionalized komitis (see Annex 1), or a powerfully ethnically divided community (as seen at Lae’s Sialum compound, site of a major ethnic fight in 2015 involving hundreds of burned houses) seems to undermine functioning on several levels, especially in such core operations as solving interethnic disputes.

<sup>76</sup> This performance is arguably a contemporary version in PNG of a wider phenomenon often referred to in recent scholarly discussions as “new governance arrangements [which] rearticulate the [wider] state-civil society relationship ... in a two way, ‘Janus faced’ relationship.” See Swyngedouw (2005); and Brenner (2004.)

Emerging settlement areas, such as Ass Mambu on Lae's notorious Back Road, may not yet have had time to produce strong komiti leadership; in its absence, youth associations or nascent gangs can cause serious safety and security issues. In general, areas with small highlander populations seem more vulnerable to these concerns.

**3.6.3 On the other hand, a weak *papa graun* can be supported by a powerful komiti,** and a strong *papa graun* (as at Niu Rocks and Awagasi market, see below) will rely on komitis only for a limited range of tasks that he does not want to do himself. Hybrid or even competing komiti arrangements, as at Pita Blok, can also be functional and effective.

**3.6.4 There are also implicit structural weaknesses in the komitis' roles.** As the report shows in Section 6, a feature of the *local* nature of komitis is that they

are generally not well aligned or linked with vertical, city, or nationwide governance or policing. This impacts directly on komiti effectiveness; for instance, komitis are simply out of their depth in relation to larger issues of social inequality or disputes arising in conjunction with large-scale urban development. This feature also reinforces the fact that komitis reproduce local power relations (for example, between men and women or highlanders and coastals, as described below), and this affects the perceived fairness and legitimacy of their activities and decisions (see Section 5 below). But when a komiti brings locally available authority together to achieve collective efficacy in settlements, its intrinsic pivotal powers and adaptability become patent. Such authority maintains a credible threat of sanction against those creating problems, particularly in relation to the availability of economic opportunities.

#### Box 12. "Some Komitis but No Leaders" at 4 Mile Stage 1

Stage 1 area at 4 Mile settlement has had a long history of local conflict and notoriety as the place where armed holdups of vehicles on the Highlands Highway frequently occur. Until recently, it was a stronghold of gang organization, and the predominantly ethnically Morobe 585 gang used it as a base. Streets were named after gang allegiances. Highlander settlement was informally restricted, and fighting across territorial lines with highlanders in Stage 2 was endemic.

But a series of deaths and retirements from the gang leadership did not actually lead to a violent leadership contest, as is often the case elsewhere. Rather, it left local youth acting autonomously, committing crimes on a much more episodic basis. These youth, known locally as "*sortimobs*" (short, i.e., youthful gangsters), have not institutionalized a new generation of gang practices, and as a result, ethnic Morobeans are underrepresented in overall 4 Mile zone komiti arrangements, and 4 Mile komitis struggle to exert authority in Stage 1. Meanwhile, the *sortimobs* continue to commit robberies but are so loosely organized that 4 Mile komitis and leaders find it hard to respond systematically. Former gang-associated leaders who are settling down have in recent years adopted recognized komiti roles in Stage 1. But no one—and especially no Morobe—has yet emerged in Stage 1 as a blok-wide law and justice leader capable of regulating the *sortimobs*. Thus 4 Mile Stage 1 was characterized in interviews with Miles leadership as having "some komitis but no *lidas*."

## 4. Local regulatory capability: the four principal regulatory functions of komitis and lidas

This section details the four sets of regulatory capabilities of the komiti/lida system. These are summarized immediately below in box 13 and explained further in the text following.

### Box 13. Settlement Problems to be Resolved: The Four Core Komiti/ Lida Regulatory Functions

#### 1. Regulating settlement and tenure: establishing basic security of tenure and physical capital or property

- *Rental/tenancy/occupancy*, allowing and taxing certain usages, including disputes, infringement on another's property, damage, boundary issues, downstream waste or sewerage impacts, unlawful sale of property; property crime (theft, burglary); eviction of malfeasants (or others) from the settlement; impact of safety and security in relation to infrastructure and commercial development
- *Peace and good order*: overseeing the blok and/or its local markets and bus stops personally via patrols or networks of komitis; regulating youth and children's public behavior; restricting homebrew, public drunkenness, and damage to property (especially around public holidays and Christmas, when actual funding for some activities from the LLG ward has usually been available); reducing disruptions to neighbors and public spaces; dealing with drunk driving
- *Personal injury*: occurring by accident, from dog bites or as a result of children's activities, or involving vehicles
- *Diversion of youths*: organizing sporting activities around public holidays

#### 2. Solving disputes, building trust: protecting social and legal-political capital

- *Mediation around fights, ethnic conflict*: fights between individuals and groups at schools, markets, and local sports events, and fights and ongoing conflicts between larger groups, all while recognizing each group's customs and leadership
- *Family, marriage and relationship disputes, adultery, violence*: extra-marital affairs, disputes between marital partners/family members over money (including inheritance, shares of windfalls); negotiations over bride price repayment; access to children (after awarding of custody); treatment of different wives in polygamous relationships; daughter's loss of virginity (and thus bride price); family violence, sexual violence, including abuse and rape
- *Swearing and slander*: public or private defamation, talking *baksait* [behind another's back], spreading gossip, including possible curses, sorcery accusations
- *Developer impact*: disputes with outside actors, including developers, businesses, infrastructure contractors

### 3. Creating local economic security and opportunity at markets: protecting economic and human capital

- *Local marketplace regulation*: what is sold or done and by whom, and managing disputes related to access or trading
- *Loans and money*: disputes at the local market or over street selling, loans and repayment, irregularities around sports or other funds
- *Diversion of and employment for youths*: organizing sporting activities around public holidays, finding work (local contracting, formal employment selection)
- *Sourcing money for local groups*: especially from the ward and around public holidays

### 4. Ensuring political and legal representation and coordinating with other local regulations: protecting legal-political and symbolic capital

- *Representing the settlement*: in relation to the ward, police, schools, and higher government, and with politicians, though mainly at election times
- *Defending residents' rights*: in relation to police and legal representation and with regard to the impact of infrastructure and other development
- *Reinforcing place-based and law/rights-based identity and authority alongside ethnic or wantok-based authority*: encouraging locals to defend these in relation to outside conflict
- *Having cases referred by police*: back to the settlement
- *Networking with/providing cross support*: for other komitis and in cases within wider law and justice concerns (police, Village Court, ward, or city domain)

#### 4.1. FUNCTIONAL CAPABILITY 1: REGULATION OF SETTLEMENT AND TENURE: ESTABLISHING BASIC SECURITY OF TENURE AND PHYSICAL CAPITAL OR PROPERTY

**4.1.1 There are several case examples of regulatory function 1, including the crisis and emerging regulation at 4 Mile, Lae.** 4 Mile, introduced in box 12 above, the most notorious of the Lae Miles settlement areas, is a hybrid tenured settlement, comprising areas of formal leasehold on state land, within Ward 4, Lae Urban LLG. There are three zones: 4 Mile Stages One and Two are on low-covenant land,<sup>77</sup> 99-year leaseholds (with a fringe of informal settlement on swamp land toward the river), and a third, called Mountain Zone, is an informal settlement on state land. Each zone has five komitis (individuals) appointed by the community for life (although each komiti receives some guidance from the law and justice chairman/blok president,

as described below). Almost all komiti members are highlanders, although appointments are based on community respect and performance, not on ethnic allegiance or identity.

**4.1.1.1 Regulatory authority over Lae settlements has emerged through numerous struggles, as the rise and fall of local gangs has been a significant factor in generating public order in the settlement.** Until the mid-2000s, 4 Mile settlement was “regulated” (more precisely, terrorized) by gangs extorting money on paydays and raping women in and out of their homes. Conflict between gangs and youths raged across informal boundaries, and the centrally located 4 Mile market became the site of regular turf fights. In 2007, the severed head of an Eastern Highlands market trader was placed in the center of the market by the perpetrators as a trophy and intimidating message. The rejoinder to the challenge, however, came not just from the

<sup>77</sup> No-covenant settlement allocated sections on a self-help basis, with no requirement to build according to housing standards. Low-covenant areas demanded a certain basic standard.

Eastern Highlands group and its former policeman komiti/leader, but from across the 4 Mile community in the reformation of the local komiti into a wider informal network able to physically respond to any particular threat in the settlement. Alerts were generated by community members banging pipes on steel power poles. Police support was enlisted, and summary justice, including extrajudicial punishment, was enacted. Offenders were jailed, their families were expelled from the community, and their houses burned to the ground, even when they had housing corporation leaseholds. In the 10 years since these measures were put into action, violence has not returned to 4 Mile Stage 2. The leader of the counter fight was the 4 Mile law and justice chairman, combining this role with the blok president and chair of the (not gazetted [officially registered]) HaiCoss 2 Village Court.

**4.1.1.2 4 Mile komiti functions include daily mediation and cot events, many conducted at the local police station, with the cooperation of komitis and non-confirmed magistrates.** Due to the relative stability, there have been few evictions since the 2007 crisis, and so far, informal tenure in the mountain and swamp areas has not been challenged. Active youth leaders collaborate with komitis to manage public holiday and Christmas peak pressures, although in recent years, funding for this from the LLG ward councilor level has been scarce, as allegations of misappropriation of funds circulate.

**4.1.1.3 Notwithstanding 4 Mile komiti capabilities, the extension of effective komiti regulation to engage 4 Mile Stage 1's youthful Morobeansortimobs [young gangsters] remains a challenge.** Like all other komitis, 4 Mile faces real limitations in terms of its ability to coordinate the links across the city and to regulate the numbers and possible residences of new arrivals. A 4 Mile komiti related that "now that the population has increased and we have influx of people, and the rent houses which are not controlled, we can't identify which people live in which blok. The population in this blok used to be around 17,000. Now it must have gone up to around 23,000-plus population."

**4.1.2 Another case study of regulatory function 1 deals with the consolidation of order in a changing arrival community at Pita Blok, Lae.** Pita Blok is named after its *papa graun*, Pita Tiba. Situated in Lae

Ahi LLG, its customary titled land over the past two decades has become a highly significant arrival and settlement point for chain migrating families and villages from Enga province. Regulation inside Pita Blok is a story of partnership, growing (highlander) ethnic hegemony (see Section 5.2 below), and commitment to diverse, inclusive settlement. A strong, long-term relationship between the *papa graun* and his appointed Engan blok and law and order chairman has given the settlement a reputation for safety that has attracted other ethnic groups hoping to settle. As remarked by an ethnically Engan local resident, "They like to live here, because Engans are strong. For the *papa grauns*, we are looking after their land, we make it safe."

**4.1.3 The Pita Blok landlord-appointed komiti faces some minor competition from another, ward-related committee structure and chair with a Sepik support base (see Annex 1).** There is active territorial and security management of the blok. The komitis move around the community, especially at night, when they conduct foot patrols. As outlined below, the local police also perform foot patrols in the afternoon on the invitation of the komitis, who ensure their safety. But if problems come up at night, "... they don't call the police, they call us. We live close together, it's dangerous... we move quick as possible to kill this fire. Other-wise people are aggressive and use weapons. We don't wait for daybreak." As explained in the section on market regulation below, komitis' influence extends to local markets: according to a Pita Blok resident, "Normally we have the same leaders surrounding the markets, living together there, working, so it's ok, fine." But the komiti has established his authority through recent elections. There are no women among the blok or law and order komitis, and women's issues are not properly dealt with by these entities (see Section 5).

**4.1.4 Pita Blok settlement regulation extends to housing arrangements for new arrivals.** Pita Blok has more than 20 "renthouses," multi-unit rental accommodations, usually popular with younger recent arrivals to the city, both singletons and couples. These, like residential compounds that have young arrivals staying with *wantoks*, can be problematic sites to regulate, especially on weekend afternoons, when drunkenness can be widespread. The komitis are active in their regulation of youth

and homemade alcohol; they are active too in the regulation of rent houses, demanding registration and fees and the establishment of house bylaws, including curfews and visiting hours. Rent house owners impose their own conditions, including the careful selecting of ethnic group makeup and a common landlord preference for formally employed residents. Rent house regulation is where the kinds of close local management of settlements that are achievable on custom land become visible. As noted below, there is also spillover of security from the residential komiti areas into the local market.



Law and Justice leader Chris Waimo at a Rent house, Kamkumung, Lae.

Photo: David Craig/Worldbank

#### Box 14. Regulating Rent Houses/Entry-Level Housing and Local Businesses in Pita Blok, Kamkumung

*I tell the residential blok owners ok, you want to earn money, and run a rent house: so. You need to set up bylaws, and everyone has to submit to them. No beer, no drugs, no fighting, you come home by this time, etc. Anyone wanting to run a rent house who doesn't like these rules won't get permission from the papa graun. And if any problems come up, the man running the rent house will be responsible: "You, you are harboring these people and now trouble has come up. Since they are staying here, and there are problems, you as the blok owner need to take ownership." Because the tenant, he's going to sleep then go, but you accommodate him. We charge different amounts (of fees). If a rent house has 30 rooms, okay, every fortnight each one is 100 kina, so if it's more than k1,000 you are going to pay a different charge. So the rent house pays k500 or 250, and we make a payment schedule for them. A proportion of the money goes to the papa graun, and a separate proportion comes to the komiti. We have a list, everyone follows the list, and when we say to pay k250, that's what they pay each month or fortnight. **Blok law and justice chairman***

**4.1.5 Pita Blok's highly functioning komiti arrangements have not resulted in guarantees that settlers' tenure arrangements are on a legal footing.** The Engan komiti chairman has strong incentives to enable his and other ethnic groups to achieve long-term security of tenure. But though he has acted to clarify issues of generational succession by signing a personal memorandum of understanding with the aging *papa graun*, the tenure of settlers is insecure. Land values are rising rapidly, and legally there is nothing whatsoever standing between the *papa graun* (or his successor) and the sale of the land, followed closely by mass eviction. That this happened just down the road at Speedway Blok in 2015 is not lost on the komitis; according to an Engan Village Court official, "We make it safe, we are looking after their land, but they never turn back

to us. Ee don't get permanent living, we don't get land titles, we settle only."

#### 4.2 FUNCTIONAL CAPABILITY 2: SOLVING DISPUTES, BUILDING TRUST: PROTECTING SOCIAL AND LEGAL-POLITICAL CAPITAL

**4.2.1 Komitis function most conspicuously in solving disputes [stretim hevī], enabling community life [gutpela sindaun] to go on.** Achieving safety and security in settlements is heavily shaped by leaders' ability to come together, bargain, and commit to collective action.<sup>78</sup> At mediation events, komitis commonly work as a team, together establishing a local arena where authority and its "rules of the game" are reassembled and recombined to

78 See World Bank (2017b), especially chapter 4 on security and governance.

produce outcomes that people can agree to and live with. Mediation events perform and enact—in fact, dramatize—the komitis’ authority. As described in a previous research report, “Come and See the System in Place,”<sup>79</sup> neighborhood mediation in urban PNG is an established, locally recognized practice in which a community leader or organization brings together different parties in an openly and explicitly neighborhood venue to negotiate and agree on an arrangement acceptable to the people living there and to others immediately affected. Such “voice” is joined to local loyalties;<sup>80</sup> in the terms famously developed by Albert Hirschman, the ensuing settlement is then reinforced over time by the vocal, loyal, and committed leadership of these same participating actors.<sup>81</sup>

**4.2.2 As described in a previous World Bank Urban Safety and Security activity research report, mediation is a widely adopted, closely adapted modality for dispute resolution.**<sup>82</sup> Although subject to enormous local variation, local capabilities in dispute resolution have been a part of every traditional society in PNG’s long human settlement. In recent years, however, mediation practices have coalesced to the point where they are highly recognizable across PNG’s major cities. What is coalescing has three constituent elements: (1) a translation of village or rural ethnic-based tradition [*pasin blo ples*], (2) a distinctly urban hybrid *kastom* law based on extensive local but networked practice, and (3) an adaptation of globally recognized mediation practices, as promoted across PNG by the Peace Foundation Melanesia, during the 2000s.

**4.2.3 These processes involve the significant translation of ethnic custom and also its adaptation into modern contexts.** It is not just the content (or institutional “rules”) that gets translated in these processes. Institutionalized leadership roles are rearticulated and renegotiated within these relations, especially as (as developed further below) Highlands-based “men’s house” [*haus man*] roles and relationships interface with Coastal leadership structures related to chiefly authority. In these processes, komitis are not simply

### Box 15. Adaptation, Leadership, and Cross-Cultural Communication within the Komiti System

*It’s been going on for a long time; we make decisions and we bring peace together, even in cases like the [Coastal or Morobe Highlands] Sialums and the Kabwums cases, where they don’t usually solve issues in the open. We [Highlands] Chimbus, we have a different culture but we value the leadership, how you play a different role in the community.*

*[In many cases] it’s the leaders only. [After a recent fight] I had to go and bring the leaders from up there to come down and we talk together. They go back to their community, they talk to their community and get their views. Then we leaders, we come and sit down and discuss the solutions. And we give the mediation dates, organize the location, and call all parties to come to the location and we mediate.*

*So it depends on the leadership and all the communication: how you network with each other and you brainstorm together. People will respect you and come to an understanding to make peace and it depends on the leaders. It’s not the community but the leaders who makes the decision. But if another ethnic group is involved, it’s very hard to communicate. That’s the reason why we have set up the Haikos [Highlands-Coastal] leaders’ group here. If there’s a fight between the Highlands and Coastal, we have leaders working together already so we have a good understanding of each other and respect of each other. Lae 3 Mile law and justice chairman*

79 Craig, Porter, and Hukula (2016).

80 Hirschman (1970).

81 This definition aligns broadly with international perspectives on local mediation, also known as “insider” or local, community, or neighborhood mediation. See, for example, Mason (2009); UNDP and EC (2014); Suurmond and Sharma (2012); Lederach and Thapa (2012); and AFSC (2013).

82 Craig, Porter, and Hukula (2016).

domains of consensus, cooperation, and adaptive harmony; rather, they embody and reproduce power relations between ethnic groups, (mostly male) leaders, and women and youths, and between competing forms of local authority (police, Village Courts, ward governance).

**4.2.4 PNG's settlement residents approach mediation not just as individuals, but inevitably as members of a communal or ethnic group.** Each group brings with it beliefs about justice in general and how these relate to the particular case at hand. In the course of mediation, these beliefs and perspectives are actively aired and frequently explicitly recognized as reflecting the custom or *pasin* [fashion or legal usage] of the group that reaches back to the rural setting of the original migrants: *pasin bilong Sepik*, or “the Sepik way.”<sup>83</sup> In everyday practice, this recognition is broad brushed, expansive, and flexible; it might relate to the acceptance of polygamy or to the conviction that some groups (for example, Papuans) are not familiar with large compensation payments. Each of these traditions has its own gender framings; many are highly patriarchal, but significant matrilinearity also exists in parts of PNG.

**4.2.5 Participation in mediation events constitutes a significant investment of a family's time resources.** Extended family and kin/ethnic groups are expected to attend three or four sessions, and dozens—if not hundreds—of them do. This investment involves a combining of various forms of capital: the human capital of time, skill, knowledge; the (thick) social capital of trust in intragroup relations, being translated into (thin, bridging) intergroup relations; the cultural capital of knowledge of custom and basic national law, and how these might be applied in urban, intercultural settings; and the symbolic capital of a formal event and process, presided over by recognized leaders and turned up to and respected by different groups and outside witnesses.

**4.2.6 Mediation involves commitment and facilitated consensus at several steps over time.** At Lae's 3 and 4 Mile and Nawaeb bloks, komiti mediations are held in open, public locations (under a local tree, in a field, at the local police station, beside the market). There, local komitis (some of whom have been identified but not gazetted as Village Court

magistrates) and aspirant komitis often join the process, jumping in to lead the questioning or discussion or withdrawing while another takes the lead. Individual komitis are seen as representing their ethnic group in these situations, leading some to recuse themselves in some cases and others to be told to stand aside. Conversely, they might be asked to stay, because their participation in the consensus adds authority. After a fight, procedures start rapidly, with initial meetings within hours of the bout or event, followed quickly by “gut cooling” [*bel col*] compensation payments. A formal mediation hearing is scheduled, sometimes within days and other times after the initial *bel col* payment has been given time to calm passions. After the mediation event, the formal handover of the compensation payment is scheduled for a date one to two weeks into the future to allow for the communal collection of contributions. If it is clear that initial or negotiated resolution amounts will not be reached, the mediator needs to go to the groups and try to negotiate a lower payment. The formal handover itself may involve final negotiations, but once compensation is agreed, serious efforts are made to express goodwill and an end to the conflict, again underlined by the presence of wider community and urban leadership.

#### Box 16. Mediation Fees and Leadership Recognition

*A lot of komitis have been there a long time, others are more recent. But they all speak the heart [Tok Pisin bel] of all and oversee law and order and community issues, and they keep on doing it. They all work for free, without the recognition of the government. When they hear a case, they charge 50 kina, but that only buys them cold water or betelnut.*

**Women's committee member, Kamkumung**

**4.2.7 Mediation is resourced by table fees that are often calculated as a percentage of the agreed compensation payments. Together, these combined costs are usually substantial enough to require further extended family commitment.** Mediation or table fees are usually arranged as a part of the agreement and paid before the settlement is

83 See Demian (2003); and Filer (2006). For international comparatives, see Wolfe and Yang (1996); and Anleu (2009).

announced. Fees are often calculated as a percentage of the overall settlement and might be as much as 10 percent of that amount, but divided between the often plural mediators and yielding a typically low hourly rate (not including, however, any side payments made to mediators). For violent crime involving serious offenses, however, including family and sexual violence, the fees are large enough to be an incentive for mediators to hear cases and ask for fees that are well beyond the formal limits imposed, for example, in Village Courts, and to claim customary legitimacy for doing so (see below). But in general, the relatively small fees (physical capital) charged by the mediator and his or her team are only one form of capital being exchanged; reward and value are seen in the recognition, security, and trust gained. The compensation payments themselves, however, are a substantial and credible commitment, as well as a mechanism of punishment and reward.

**4.2.8 Group commitment and cooperation around the mediation are needed to make agreements stick.** Participants are thus highly motivated at mediation events, as basic personal and family safety are at stake, as well as time and physical capital. An agreement needs to be not just negotiated and agreed, but adhered to as a genuine resolution of the issue, embodied in a judgment or pact approved across family or ethnic lines. Ultimately, the authority to make the deal stick through commitment over time<sup>84</sup> comes from all sides. It depends only partly on the mediators themselves. Much more important is the agreed commitment of the families and clans involved, and the sealing of the agreement through mutual compensation payments. In the words of a Moresby mediator, “It’s because everyone there [at the mediation] has been a part of it, that’s why it will last. The family, the neighbors, the police, the komitis; everyone wants it to be over, for the thing to be sorted out. They want other people to know that is the case; people who know both sides. Mediation belongs in public, with witnesses. It’s not something small you can walk away from, and no one will say anything.” This commitment is further reinforced by some sort of ceremony and the witnessing of the agreements by local and outside authority figures,

such as the police, local komitis, Village Court magistrates working outside court hours, or other public figures.

### 4.3 FUNCTIONAL CAPABILITY 3: CREATING LOCAL ECONOMIC SECURITY AND OPPORTUNITY AT MARKETS: PROTECTING ECONOMIC CAPITAL

**4.3.1 PNG’s local urban markets are basic to urban life and livelihood.** The country’s urban produce markets range from central markets, which generally combine wholesale with retail trade, through to much smaller local or neighborhood markets. The latter tend to cater to more diverse needs and market functions, including retailing fresh fruit and vegetables, but also hot food snacks, cigarettes and betelnut, old and new clothing, crafts, and the cheap everyday electrical, plastic, and other household items known as “minigoods.” In addition to being a functioning site of livelihood and economic opportunity, local markets are also a center of social and recreational activity and a forum where different groups with different power and resource bases are represented.<sup>85</sup>



Snack vendors, Awagasi market, Lae.

Photo: David Craig/Worldbank

84 See World Bank (2017b), 54.

85 See Craig and Porter (2017).

#### 4.3.2 Self-regulation and ethnic diversity are core features of local markets.

Local markets in Port Moresby and Lae are mostly regulated by vendors themselves, backed up by immediately available/appointed market komitis (individuals given komiti status in the market). In Lae as elsewhere in PNG, different areas and specialties within the market have evolved as the domains of different groups: snack, single betelnut, and hot food sellers to the front, bulk betelnut sellers in another zone, fruits, vegetables, used clothing, minigoods, and so on, elsewhere.



Dispute resolution, Tokarara Market, Port Moresby.

Photo: David Craig/Worldbank

Table 2. Mixed Marketing: Specialization and Diversity at Awagasi Market, Lae

Usages/Ethnicities	Enga	EHP	SHP	WHP	Chimbu	Coastal	Total vendors
Wholesale buai	7		7				14
Wholesale cigarettes	4		4				8
Retail buai/cigarettes	20		10				30
Minigoods, household items	7		4			2	11
Cooked food	15					1	16
Drinks	17		9				26
1. Fresh vegetables	9	14	4		3		30
2. Used clothes			2	1			3
3. Dried tobacco				1			1
4. Firewood		2				1	3
5. Fresh fruits	2	1	1				4
6. Moneylending	1						1
7. Frozen meat			3				3
8. Baked goods						2	2
9. Eggs	5		1				6
10. Bilum/craft			1				1
11. Store clothes			4				4
12. Live poultry	1						1
13. Phone/accessories			3				3

Note: EHP refers to Eastern Highlands province, SHP to Southern Highlands province, and WHP to Western Highlands province.

Source: Authors' field notes.

Map 4. Awagasi Market, with Different Usages and Ethnic Groups



**4.3.3 Many local market sections or usages are ethnically dominated, but overall, ethnic plurality commonly predominates.** Plural ethnic groups and communal affinities work as both a risk and a “collective action” resolution. Individual disputes always threaten to escalate rapidly into ethnic fights, but any dispute also faces communal scrutiny and collective interest. In practice, this means that few disputes will be allowed to escalate to the point where the integrity of the market as a whole might be impaired. Quick de-escalation of problems is important but also possible—and highly incentivized, as a bad reputation among vendors or buyers will diminish patronage, and everyone loses. Rogue traders prepared to “big-head against the market” are routinely sanctioned at several levels and commonly excluded.



Vendors, Awagasi market.

Photo: David Craig/Worldbank

### Box 17. Self-Help/Communal Regulation at Awagasi Market

*I feel safe here at Awagasi market because there are so many Engans selling at the market, so we support each other. **Table Market vendor from Enga province***

*I come here to do my marketing because this is an Engan market and we control and look after the market. The Engans look after the market properly with no trouble or problems, so everybody likes to come here to do their markets. **Betelnut customer from Enga***

*If you disturb me and my market, you disturb all the Kaguas doing market in Awagasi market. **Table market vendor from Kagua in Southern Highlands province***

*Everyone at the market or the community contributes. They are making a living in there! So they take ownership of the place. There is competition between rival ethnic groups, but they all ensure that law and order is maintained. The *papa graun*, VC, komitis work together, and the community supports these leaders to make the community safe for all to live. **Eastern highlander customer***

**4.3.4 By definition, it is more difficult to regulate market usages that routinely introduce problems (and their regular perpetrators) into the wider market.** Betelnut and cigarette selling, both staples of local markets, have this reputation, as they commonly attract young males and aggressive Highlands groups. Illegal or quasi-legal activities (marijuana sales, gambling games [cards and darts], and especially the sale of homebrew) also attract these vendors, as well as buyers who will socialize around the points of sale, variously intoxicated and variously prone to displays of money or other male dominance. Harassment and robbery of vendors and customers (and passing traffic) are regularly ascribed to those involved with or hanging around these activities.

**4.3.5 Market traders themselves are unlikely to be able to regulate the entry of problematic usages into the market or their containment in separate sections.** There are immediate gains to be had from having males with discretionary resources in the market buying food, snacks, and vegetables. Moreover, advocating or prosecuting exclusion is dangerous. Here, *papa grauns* and komitis supported by clear bylaws can have enormous influence. The *papa graun* in Awagasi market is very much hands-on, prepared to evict vendors and buyers alike, and has closed the whole market for months at a time after trouble. With his young, fee-collecting komiti, he has effectively enforced a ban on several high-risk activities. Similar hands-on traditional leadership on Back Road has also simply closed down the developing Centa Market due to insecurity related to youths and homebrew.

### Box 18. Betelnut [*buai*] Trading and Ethnic Market Violence, Tokarara Market

*It's always about buai. The fighting. There's always a group who want to control the buai market. When they get drunk, they like to complain about the other people who come in. So a Wabag man is from here, but then he will go outside and get their family from Wabag to come in and sell too. And the Wabags are selling cheaper, and it brings the price down—they want to get all the customers. So the others don't want the outsiders to steal their customers. And they challenge [the newcomers], physically. They kick the stall. The family come and join in the fight. **Female market vendor***



Buai (betelnut) vendors, Awagasi market, Lae.

Photo: David Craig/Worldbank

#### Box 19. Safety and Security Outcomes at Kamkumung, Lae

*Awagasi market is much safer and accessible than Kamkumung market because there are no drug bodies and steam (homebrew) bodies around the market. We feel safer to have our lunch here. Students from a nearby girls vocational school.*

*I do vegetable shopping at the Kamkumung market early in the day, because in the afternoon it's all crowded and there are possibilities of drunkards around the market, which disturbs the market. Awagasi market is safe, with the papa graun keeping the market under control, with the help of the police presence in the afternoon. The market vendors mind their own business by selling their stuffs and you are free to do marketing without intimidation, so if anyone wants to disturb the market, he is asking for trouble from these vendors because that's where they earn their living. Market customer, Kamkumung*

**4.3.6 Horizontal authority achieved through the representation of ethnic groups in market komiti management seems not to be as important as the sense within each group that it is included and secure, under whichever komiti and papa graun leadership is in place.** Komiti success in regulating nearby settlements helps; according to an Engan market vendor, “The market here is good compared to Kamkumung market, because in here fighting never spills over to residential areas but is contained where it started.” The fact that a Village Court or active mediation practice is nearby also helps, as the market is continually generating some kind of issue, especially around debt and its repayment. The proximity of the police station also matters; at Awagasi market, this relationship is cultivated and at the large, multiethnic, betelnut-dominated Bumbu market, the head komiti has the local Chinatown police on speed dial. But he has also fenced off a part of the market that is restricted for the exclusive use of Sepik buai sellers.

#### 4.3.7 Making the market an ethnic- and gender-inclusive arena of opportunity—and a financial success—requires a diversity of uses in the market.

In achieving market security, the diversity of usages and the different ethnic groups specializing in them constitute both an opportunity and a challenge. In regulatory terms, there is diversity and competition (the essence of a functioning market),<sup>86</sup> potentially forming a stable ecology of opportunities in which each group/ethnic identity feels that it is “their” space. This enables ongoing commitment and investment. There are incentives for all to work to make this happen, but the local authority, whether it is a *papa graun* and/or komiti, is crucial. Achieving this equilibrium requires that a *papa graun* or komiti not ignore ethnic differences and power asymmetries but instead actively work with them to create a functioning, complex, and multi-use environment in which ethnic and other dominance might exist but does not become the basis for exclusion.

#### Box 20. The Papa Graun, Komitis, and Cooperation at Awagasi Market

*Hiob [Awagasi, the papa graun] keeps control of the Awagasi market close to himself because of constant competition between rival factions of the Engans, Eastern Highlands, and the Southern Highlands of who would control the market. He makes each and every vendor or ethnic group be involved in becoming part of the system. Whenever there is a problem, everybody takes part in solving it because there isn't a lot of komitis available... but Hiob gives the ownership and responsibilities to the vendors themselves. So, there is a cooperation between ethnic rivals, but there is also a quest among who could be best at solving hevi/problem. Market Vendor, Kamkumung*

86 See Craig and Porter (2017).

#### **4.4 FUNCTIONAL CAPABILITY 4: POLITICAL AND LEGAL REPRESENTATION AND COORDINATING WITH OTHER LOCAL REGULATION: PROTECTING LEGAL/POLITICAL AND SYMBOLIC CAPITAL**

**4.4.1 Core representational and coordinative regulatory functions involve the komiti and lidas in co-production, symbiosis, and overlap.** All of the functional capabilities of komitis are co-produced with other forms of local authority. Section 6 of this report will consider the more formal elements of these relations, particularly with the police, LLG and district government, and emerging city authorities. Here, the focus is on how komitis function as mechanisms of legal and political representation in relation to agencies of the state—in this case, the Village Courts — and local corporates and infrastructure developers.

**4.4.2 Village Courts, where active and respected, represent a vital and important part of the komitis' regulatory environment.** Individual komitis may well be court magistrates or “peace officers” (bailiffs), and Village Court magistrates will participate in (and sometimes compete for cases with) komiti mediations, often as senior members of a wider team of local komitis and leaders. Village Courts can be very flexible in their forms; they are as likely to comprise a few magistrates and komitis as they are to be a bench sitting of the five gazetted magistrates. In Lae, various ward, blok, and section cots model themselves on Village Court practices, issuing summonses and orders, collecting fines and fees, and imposing compensation.

**4.4.3 The formal Village Court has gained local significance in recent years, particularly in urban contexts where it was not expected to succeed.** Expectations that Village Courts would not work in urban areas have been overtaken by actual experience, which mirrors the success of komitis as arrangements able to combine different kinds of ethnic custom and authority. As a result of the 2012 Alotau Accord pact of the government of Prime Minister Peter O’Neill and revenue from PNG’s long resource boom, Village Courts have received increased funding, including for magistrates’ stipends and an increase in the number of courts, especially in Lae Urban LLG. The number of magistrates was increased to seven, one of whom was necessarily a woman. The selection of Village Court magistrates in Lae seems to have gone well; quality komitis were selected and, in many cases, formally gazetted and placed on the payroll.

**4.4.4 But Village Court expansion into settlement areas that are dominated by komiti and lida arrangements has been slow and uneven.** In part, this may be due to the collapse and ongoing volatility in global commodity prices, which resulted in budget cuts to the second round of expansion. This meant that Village Courts in areas including 4 Mile were not officially gazetted, nor were the additional magistrates that were appointed, including most of the women magistrates, or they were gazetted but then unpaid and ungazetted. Many of these persons are still active in local law and justice activities, and some claim Village Court magistrate standing in the interactions with komiti colleagues. Hopes that the province would use some of its law and justice function grant to fund the second phase of expansion on Village Court salaries have so far not been realized.

**4.4.5 In many settlements and neighborhoods, hybrid law and justice arrangements are emerging that involve Village Courts and komitis working side by side, cooperatively or competitively.** The boom in Village Court investment happened after years of neglect, when the urban boundaries on which court jurisdictions are based had been vastly expanded. Of Lae’s two LLG areas, the urban zone with its six wards received all seven of the new Village Courts. Lae Ahi, which has the anomalous distinction of having seven of its 17 wards outside Lae District, received no increase to its four Village Courts. But local law and justice will not wait for formal appointments, and all of Lae Ahi’s wards have active law and justice chairmen and komitis, working at ward, zone, section, area, and blok levels and holding regular mediation cots at all of them.

**4.4.6 Although there is some competition between komitis and Village Courts for mediation work, in general, the presence of both is advantageous.** Komitis are a proving ground for aspiring Village Court magistrates. This collaborative competition often gives complainants a choice and limits opportunities for rent seeking from Village Court magistrates. Cooperation with the Village Court adds authority and a mandate to issue orders. Being able to morph instantly into mediation means that Village Court magistrates can hear all sorts of cases as soon as they arise, beyond the formal limits of the Village Court mandate, especially in relation to statutory compensation limits. As needed, they can fall back on the full bench, as the Village Court offers a point of appeal or a higher court when komiti mediation fails.

**Box 21. Cooperation with Village Courts and a Dual Role for Village Court Magistrates as Komitis**

*The full [Village] court. That is the rule of law. What we do down in mediation is different: it's to assist them to come up with a decision. We allow them to talk, and when they get stuck, you give them some ideas. They get tied up into a situation where they can't get out; as mediators, we offer ideas, solutions to the problem, and they decide whether to buy [the solutions]. If it can't be solved there, we take it to the full bench. **Village Court magistrate***

**4.4.7 Komitis and lidas have a crucial role in representing the blok and mediating relations with corporates and developers.**

Urban settlements along major infrastructure routes face significant challenges in safety and security as well as law and justice. Informal settlements, mixed into dense residential "arrival" neighborhoods, spring up alongside these routes, only to face problems as young populations lack opportunities, property values rise, evictions and related conflicts start, or the sites are bypassed or marginalized by route upgrades. Communities, and especially their youth, frequently become identified with and stigmatized by their relationship with the road ("He's a 4 Mile boy"). Petty crime at bus stops and street markets, as well as (literally) highway robbery, attracts extra attention from media, police, citizen, and corporate interests. At the same time, infrastructure development and corporate business activities in these localities can provide gainful employment for local youths (see the case in box 22 below).

**Box 22. A Corporate and Lae Miles Youth Leaders Try to Engage Komitis to Regulate the Highway**

4 Mile on the Lae section of the Highlands Highway has long had a reputation for youth crime, especially armed holdups on the highway. The recent expansion of the highway to four lanes represented an opportunity for change, but design elements meant that level crossings for pedestrians could be used to stop and hold up traffic.

Following the very public armed holdup of a corporate vehicle at 4 Mile, a group of youth were sponsored by the corporation to try to improve safety and security at the notorious hotspot. Youth were employed on casual community work and with the business sought to engage law and justice leaders and komitis. The engagement was a kind of regulatory challenge for the komitis: could they and the youths work with the company and others to create diversion and employment for youth and safety and security on the highway?

Komiti leaders were recognized as the only viable form of local leadership, and they dominated elections to the new Lae Miles Community Safety Network. The leaders and komitis had achieved some success in getting compensation from the Chinese road company for drainage issues. As a community safety pact involving a diversity of recognized local authority, the network held some initial promise. But despite some high-profile awareness raising success, the network was subject to very uneven engagement from komitis.

Komiti capabilities, roles, and routines were aligned to set up mediation processes around grievances and not to organize a network that could reach out to marginalized youth. As a result, youth were disillusioned and sidelined from decision making by leaders and komitis, who rarely showed up to meetings. The company's contribution focused on informal employment for the youth; leaders and komitis were not compensated for their time commitments, even in token ways (e.g., a phone card, for example).

The youth leaders themselves struggled to engage beyond highlander kin networks, especially into 4 Mile Stage 1, where most of the holdups were committed by youths unconnected to family and highlander kin groups. Getting commitment and coordination along the highway proved especially difficult for youths, whose local leaders lacked both horizontal links as well as links to vertical authority, and levels of mistrust between the different Miles youth groupings were high.

A Lae youth training organization offered special courses for Miles youth, but funding secured from a donor law and justice partner for expanding the network and its training was not expended, as youth struggled with community group formalization and with maintaining connections to the training agencies, the donor program, and the Miles senior komitis.

The outcomes point to a number of factors working against the ability of komiti and youth organizations to cooperate and coordinate. Komiti functions and capability were very much related to the dispute case, and komiti members granted little time or even communication resources (such as phone credits) to the community development leadership (they rarely even attended monthly network meetings). Neither youth nor corporate and nongovernmental organizations (NGOs) involved with the network were able to secure serious komiti commitment or cooperation.

In the end, a komiti leader leveraged his position on the Miles Community Safety Network to create a wider employment network involving a different company under his own control. He lost the youths' confidence, especially when he appointed only his local youth to the employment positions available. He was evicted from his position on the network.

The two employment programs carried on, with the original still relating to the original corporate, which has gone on to employ several youth leaders on a full-time basis. The leader who started the alternative program lost status in the komiti network; his involvement with politics, as well as questions about his handling of grants from the ward for seasonal neighborhood security, left him sidelined for a time.

Meanwhile, expanding the highway to four lanes led to an increase in vehicle speed (and many fewer holdups) along the route. Locals, however, counted 16 fatalities in the three months after the road's opening, as level crossings painted onto the highway were rubbed out because they enabled youth to hold up slowing vehicles. Komiti protests have not changed the situation.

# 5. Power asymmetries, outcomes, and the limits of local regulatory reach

## 5.1 THE LIMITS TO KOMITI'S AUTHORITY

Section 4 described four broad functions of local regulatory mechanisms: 1. Regulating settlement and tenure, 2. Resolving disputes, 3. Regulating local markets, and 4. Representing the settlement itself to the wider authorities. It showed how komiti and lidas clasp together different kinds of local authority and illustrated the kinds of regulatory capability this creates. Section 5 considers the ways local regulation interacts with the very unequal power relations that exist within and around settlements to produce uneven security and capital outcomes for different groups. These include power asymmetries between: women and men, ethnic groups (for example, highlanders and coastals), age groups (including youth), and social and economic classes.

**5.1.1 To regulate settlements, komitis and lidas need to be able to pact, commit, and coordinate. Part of this involves coming to consensus, though consensus is not some kind of state of natural equilibrium. Rather, very real power asymmetries are produced and reproduced within the process of regulating local settlements.** Coordination is fragile, effective commitments are constrained, and outcomes from these processes often reflect fragmented, exclusive, or captured power relations. But even in the best circumstances, where consensus is achieved and shared commitment is generated, the situation cannot be separated from the power or hegemony of particular groups. Creating order demands some kind of authority and credible commitment or enforcement, and this itself derives in part from hierarchies of leadership and respect for education or mediating skills. But it also derives from patriarchy, ethnic hegemony, gerontocracy, title holding, and recognition from the state.

**5.1.2 This has serious implications for legitimacy and effectiveness, and also for the outcomes that produce asymmetries by ethnicity, age, and gender.** Ethnic—in these cases, highlander—hegemony can be inclusive, but it can also marginalize people and leave them vulnerable. For youth, komiti structures'

domination by older men offers few openings. Arguably the most salient area of power asymmetries related to komitis is gender, however, a significance made more acute by the prevalence of gender-based violence and the importance of the komiti as a site for women to seek redress and security. Here, the persistence of patriarchy means that komitis are exclusionary and implicitly one-sided; women's trust in the komiti system is therefore greatly reduced, and outcomes, in terms of the absence of protection against prevalent family violence, can be fatal.

**5.1.3 As a consequence, men who were interviewed often expressed more confidence in local regulation and, as in many similar places across the globe, felt safer in neighborhoods and settlements than women and youth.** These asymmetrical capabilities mean that komitis put at risk the various forms of urban capital—social, economic, political/legal, and so on—of all residents, but especially the most vulnerable. Failures in legal and political representation, for example, can leave everyone exposed to the loss of rights and potential violence, as well as to trust-denying collusion and corruption.

## 5.2 ETHNIC ASYMMETRY IN SETTLEMENT REGULATION: HIGHLANDER HEGEMONY

**5.2.1 Komiti procedures are not simply about collaboration and consensus building along PNG's familiar words, *bung wantaim*, *wok wantaim* [meet together, work together]. Some traditions come to dominate and others are excluded.** And in practice and effect, this domination in itself becomes part of the institution's power to forge local commitment and resolve disputes.

**5.2.2 It is common for PNG's central highlanders to emphasize their distinctive leadership role and influence in practice on komitis.** As described in box 23 below, they stress the relevance of traditional Highlands male modes of dispute resolution, win-win justice, and mutual compensation payments. But other groups also recognize (and some resent)

the ways that both traditional dispute-resolution approaches brought from the Highlands and Highlanders' own raw power in community disputes have provided an important basis for mediation, the komiti system, and, as outlined below, the emergence of wider lidaman roles.

**5.2.3 At Lae's Pita Blok, the situation is, in many minds, an unexpectedly positive example of highlander arrival and even dominance.** As in chain migration patterns elsewhere, Pita Blok has become a preferred arrival destination for young people and families from a particular part of Enga province. In urban areas, the reputation of Engans is generally unfavorable; they are seen as among the most assertive and aggressive settlers, who "fight first and talk later." But the strong and stable leadership exerted by the Engan komiti chair—and the traditional landowner's high trust in him—has led other ethnic groups to feel confident that they will be treated fairly in disputes and settlement questions, and in access to local markets. Thus, the Pita Blok komiti in effect coopts the ethnic power of a dominant highlander group but also constrains it by bringing it into a komiti-based policy arena where it produces peace and good order locally.<sup>87</sup>

### Box 23. Highlander Hegemony in Settlements and the End of *Raskol* Rule

*Before the highlanders came in 80s, 90s, things were worse, much worse. They came and changed this community. Before, the policemen, servicemen tried to control this area, but there were armed gangs, the gangs could march into your house and do anything: car theft, robberies. They came armed into the community, they were known to us but we couldn't stop them. The highlanders tried to fight against those raskols, to stop them from doing that. They would go straight to the raskols' house, show the police the suspects, and then burn the house. Nowadays, these are not the raskols from the past: they are new ones, more into steam and marijuana. They just young people, not organized gangs. The highlanders cleared the real raskols out. They drove them out, and there's no raskols from the highlands here. Papuan church pastor, Horse Camp, Port Moresby*



Lae law and Justice leader James Kinjin at a mediation event, Nawaeb Blok.

Photo: David Craig/Worldbank

<sup>87</sup> See World Bank (2017b), 120.

## Box 24. Comparing Highlands and Coastal Dispute Resolution: Popular Discourse

**A Highlands view:** *In my view the Coastal [people, i.e., Morobeans, including upland Morobeans] are not very good in solving problems, because in their village, they are scattered all over the place and don't sleep like a community. You will find two or three families living near its other [ethnic group] members. Whereas in the Highlands we have this hausman [male-exclusive meeting house]; when we have a problem we go to the hausman and we sit down and listen to the leaders talking and come to an understanding. So we solve problems. But in Coastal areas you don't see this sort of practice or gathering. The communication and understanding between the different leaders are not there.*

*That's why you see people are having more problems, you know, like the [Morobe uplands] Kabwums and the Nawaabs. They had a big fight last month, they got their own leader but he could not solve the problem because he does not have a good relationship with the [wider] community. So they had to get leaders from outside to solve the problem.* **Lae settlement dweller**

**A Morobe/ Coastal view:** *In the highland areas you have all these men wanting to become leaders... they will talk, that's how they get on top of each other and gain respect. Whereas in the Coastal areas, only one person talks, and that is the chief. And people respect that decision from him, he has the final say in everything. That's why in every blok, highlanders all want to become the leader, they want everyone to listen to them and acknowledge their superior views. But no Coastal person wants to become [one of] the settlement leaders. We are used to just one leader, the chief. Why should we talk? We have a leader there everyone respects, and he's the only one.* **Lae settlement dweller**

**5.2.4 Thus, Highlands' style of dispute resolution has become hegemonic in both the practice of mediation and the wider komiti structure and process.** In doing so, highlanders have created possibilities for other Highland elites and ethnic group members, bringing them into a process of local problem solving. At best, highlander dominance can locate disputes within an extended, carefully managed and staged time frame.

**5.2.5 But non-highlander settlers, known in Morobe province as Coastals, get left out in a range of different ways.** They are less likely to become komitis and to adopt Highlands dispute modalities in the first place. Coastals notoriously resent the exorbitant compensation payments highlanders tend to impose. Enforcing decisions can be problematic for them, especially where their sorcery practices are rumored to be brought into play as a covert, spoiling tactic not easily covered by mediation. Adaptation is progressing, though, as the roles of mediation and komitis deepen. Skilled leaders, Highlands or Coastal, learn and will try to incorporate all kinds of ways to frame agreements within mediation approaches.

## 5.3 THE EXCLUSION OF YOUTH

**Major asymmetries in settlement regulation persist, including with regard to class, age, and especially gender.** But there are other major asymmetries that pose challenges for komitis and lidas. Understanding how well the komitis function and what their limitations are also depends very much on who you ask, and how those groups have been affected by the asymmetric power relations komitis work from. Komitis themselves have narratives of their own success, albeit tempered by fears for their own personal safety and a lack of recognition, especially from police and civic leaders, but also increasing strains as settler numbers increase. However, interviews with middle-class residents (known as working class, or formally employed), youth, and especially women produced a much less positive view about the komitis: a great deal of mistrust and narratives of ineffectiveness, low capability, overstepping their mandate, and collusion with the perpetrator.

### Box 25. Middle [“Working”] Class Views of Komitis

*The other thing is that most of the Komitis are not working; they are unemployed and the fees they collect is how they make their living to buy food. They get money from the victim’s husband so they won’t take the case to court, won’t take it too seriously.*

*Mediators are not skilled properly to mediate, really—what background to they have? Who has really trained them? They just look at the surface results of family violence and not the root causes. And the root cause is males dominating females. So they smooth it over on the surface side. So people, women draw back. You are unprotected, not recognized. If you think you can you can take it on and refer it to the police.*

*Different groups of people take it on themselves to enforce the law or deal with trouble. Here at the market or at home with neighbors, working class [formal sector employed] people are offended by the drinking and what it leads to. They take it on themselves to enforce good behavior: “If you drink, you behave!” Well, the illiterates, if they are confronted, they will make an issue out of it too. They accuse the working class people, and take it to mediation. The working [middle] class, though, they will just chase or belt the illiterates. **Moresby mediator***

#### 5.3.1 Are komitis and youth subordinating a threat to public order?

The decline of urban youth gangs and their failure to become institutionalized were described in Part 1 of this report. A number of factors were involved: the emergence of multi-generational household structures, the lack of a major illicit economy and a high-security prison, and the development of other institutions (church, schools, sports) and, in particular, highlander hegemony. Komitis now say that they are not dealing so much with gang or organized crime and robbery/burglary threats as with “rats and mice” issues, involving (mainly male) youth getting in fights when drunk (especially under the influence of homebrew and marijuana). Male youths are also involved in violence within families, particularly fighting with mothers over money.



Women including leaders from the notorious 4 Mile settlement.

Photo: David Craig/Worldbank

### Box 26. Lae Mothers Talk about their Children and Other Youth

*There are lots of problems with youth and children, sitting around at the blok. They get drugs and make homebrew... lots of them have got grade 10 or 12, but they are still unemployed. They ask their families for money, and fight with their mothers for money when they are drunk. When they are involved with sports, or get a contract [from the papa graun] to clean up the cemetery, or if they can sell mobile phone cards at the local market, and they have some money, it’s OK.*

*The kids that are doing the holdups along the highway are us widow mothers’ kids. My teenage kid does not want to go to school; he is doing these things. But I am a good friend of the community, and I tell him ‘you will not turn your frustration on the community. He doesn’t beat me, I usually beat him.*

*When they don’t eat they go and cause more trouble. So my teenage boy usually brings them over to our house and asks me to cook rice for them. I usually give them some money to go buy greens, kaukau, rice, tin fish to cook and eat. My teenage kid will not bash me because I control him; if does not listen I belt him too.*



Kumkumung Leader Chris Waimo with a group of local youths.

Photo: David Craig/Worldbank

**5.3.2 The settlement youth problem is a matter of wider disadvantage and stigma that komitis cannot realistically deal with.** A young man will be a youth well into his 40s, especially if he lacks either formal employment or still lives with extended family, even if he is married. Young women, on the other hand, do not seem to be categorized as youth at all; they are even more ensconced (and often invisible to outsiders) in domestic economies and petty trading, craft manufacture, or some other contribution to subsistence. A young settlement man is much more likely to be underemployed and working to support the family in petty or table marketing to boost the overall family income than to be involved in gang-related crimes. Those involved in the holdups at 4 Mile, a number of whom were met in the course of this study, were likely to be from broken families where, by their own frank admission, actual food shortages and the inability to coerce money from their mothers drove them to “stand up on the road.” Others’ “sitting ‘round” [*stap nating*] behavior is likely to involve everyday socialization related to selling or recreation: playing guitar, maybe selling cigarettes and/or marijuana, waiting for casual work. Much youth employment is informal or short term and contractual. They might have access to a leader who, as a local patron, organizes or provides petty, perhaps security- or construction-related employment for them as “his boys.” Other leaders

might broker scarce formal-sector jobs or facilitate local trading. In Niu Rocks, “leaders here find work for us at the local canning factories, or contracting work, making fences or cutting grass. They opened the local market and let us trade there, and gave us work patrolling the bus stop. But the leaders closed the market—too much fighting between sellers.”

**5.3.3 Youths’ relation to komitis is therefore not simply oppositional or criminal. Yet, very few are actively involved in law and justice either, though many would like to be.** Nor do youth generally have ways (such as business links beyond kin businesses or other forms of thin or bridging social capital) to link with other youth beyond their local area, or (outside of sports and church) to establish relations with leaders at ward or other levels who might help them organize. Rather, interviews with youth revealed a mix of some respect for komitis and local leaders, with much distance and distrust. They also showed how asymmetric power relations affect not just access to resources or justice, but physical safety and vulnerability to violence. Here, as box 27 shows, the komitis candidly admitted to exercising control through hierarchies of simple violence, both within their patronage networks and in their wider work arena.

### Box 27. Lae Youth Talk about Trust in the Komitis

*Most of the community leaders in law and order are biased in their decision making, and a lot of them get bribe money to make decisions. So most of them are not trusted in decision making any more these days, and there's no trust either in what they are doing and where they would want to lead us. They are also greedy and creative in finding ways to use the youth's name to get money from the government or NGOs. But they are not so creative in finding ways to get the youth involved. They use youth's name, but don't include us; youth hear about it and are angry. A lot of youth would like to get involved in the law and justice; we have made a request for that, proposed that, but nothing. Also the community leaders along the Miles are not so strong when it comes to problems between different Miles communities. They can solve problems within communities, but if it's outside, you are better to go and try to get the police involved. If you can take a respected leader like x or y with you, and the police, something might happen. Youth leader, Lae Miles*

### Box 28. Leaders and Youth Regulating Settlements: Hierarchy and Violence in Lae

*The current youths listen to me when I give out instructions because I supply them with betelnuts and smokes, and so they respect me when I speak. My youths are crime stoppers; we disturb the other youths who try to do holdups on the highway. The youths only listen to the right lidaman who communicates, respects, and has time for these youths. I am a short-tempered guy but I have changed. But when I am being provoked by the youths, I lose my temper and beat them up and they realize that there is law and order in the community, and us komitis are here to implement it. Senior Komiti, Lae*

*We go around the community, and we know that kids like this usually make trouble. We stay close to the community, and we educate all. We talk to their parents, and we tell the kids, you see you only make trouble, you bring trouble home. Your parents are not like you, they are good law-abiding citizens staying in this community. You bring trouble to them. Do you feed [your parents]? No, you don't feed them, you don't bring a packet of rice to the table. All you do is to find trouble. Where is your money to pay your fee, penalty, or charge? So we go hard on them, we sometimes swore at them, too. Because they don't understand, they don't know where they are. Every time we see them drunk on the street, abusive language in the public. But when time comes and they run into trouble, we go into their houses and deal with them good and proper. Female Komiti, Lae*

**5.3.4 Thus the authority of dominant groups in settlements, as elsewhere, is backed by a credible threat of violence, and komitis are a part of that situation.** There is violence directed at perpetrators and violence reflecting basic class, age, gender, and other power differences. Regulation of settlements happens within these everyday relations of hierarchy that are expressed within families, between ethnic and class groups, and within institutionalized practices, including mediation. Functioning komitis might suppress violence, but there remains a kind of violence within komiti authority itself. The outcome is

that both youth—and, as described below, women—are much less likely to feel secure in settlements.

### 5.4 THE KOMITI'S GREATEST FAILING: PERPETUATING WOMEN'S INSECURITY

**The biggest challenge for komitis is clearly the asymmetric gender power and their failure to regulate family violence.** Arguably most important, however, is that for all the kinds of capability described above, women generally have little trust in komiti

structures, despite the fact that a large proportion of cases heard in mediation relate to family matters and that komiti structures are often the only accessible form of dispute resolution available to women.<sup>88</sup>

#### 5.4.1 Komitis everywhere are male dominated and traditionally patriarchal on several levels. Men's community networks may well involve much

better access to komitis, and this leads to the influencing of komiti processes—and strong distrust from women seeking justice. Even in cases where a komiti leader will extol the virtues of human rights and the new domestic law, there are still numerous features of komiti regulation of family issues that women find unsatisfactory.



Male Lae komitis hear a case involving a marriage dissolution.

Photo: David Craig/Worldbank

#### Box 29. Women, Komitis, and Family Cases, Including Gender-Based Violence: Lae Women

*We don't trust the man, especially the male komiti leader in the community, because they always go around the back of the woman. Man they don't keep it a secret, don't keep confidential information to themselves. They come back and inform their husband saying "Hey your wife came to us and told us this and that and she wanted to put you in court." And he goes back to the house and bashes her. That's the fear that woman have, so they are not opening up to go to the komitis. **GBV survivor***

*Man think they own the woman, they see us as their properties, and so when they are drunk they demand food or water, and if the woman talks back, that's when they start to beat the woman even in the middle of the night. So [in komiti hearings] it's always hard to get the woman's side because man has that mentality of thinking that they are always right and they are man. They mix traditional culture with governance: they believe in men. Women don't make decisions. That's the Highlands patrilineal way. But I'm a strong individual coming from a matrilineal society. So in my case when man does that—I mean the komitis and leaders—I don't have the second thought of bringing my case to the komitis. I bring it to the police station or courts. **Emerging female lida***

88 See Goddard (2005b), 247–67.

**5.4.2 Komiti processes of gender and legal representation lead to poor outcomes for women, especially in relation to referrals to higher forums and courts.** Gender power asymmetries are forcefully (and dangerously) reproduced in the ways that komitis manage cases, and this leads repeatedly to unsatisfactory outcomes, in particular to the entrapment of the victim in local structures that perpetuate the problem. Some women reported much better outcomes from going directly to the local or central police; others talked of the desirability of having komitis or Village Court magistrates from outside the community sitting in on mediations and hearings. Still others despaired over gender relations, especially the lesser educated among the younger generation. In theory in gender-based violence cases, as in all of PNG's local justice arrangements, there exists a hierarchy of resort (or jurisdiction) and referral, wherein women might go to the komiti first and then the police station, and/or the Village Court or the central police station's Family and Sexual Violence (FSV)

Unit. In practice, seeking justice can begin at any one of these points, and referrals (or at least referral upward in the imagined hierarchy) between them are rare, even when women komitis or Village Court magistrates are involved.<sup>89</sup> Police, however, do consistently refer cases, but they often refer back to the komiti or family, effectively meaning back to the perpetrator.<sup>90</sup> The low levels of resourcing and/or commitment of police FSV Units, along with the minimal trust and respect between law and justice leaders, translate into an environment where responsibility for serious crimes is passed back down to komitis (see part 4 below). Non-resolution, or perhaps temporary relief, is a very common outcome.

**5.4.3 The slow emergence of women komitis and lidameris [women leaders] is an uneven but promising development.** In response to komiti patriarchy, many women would like a better representation of women on komitis. But women leaders taking up roles within komiti or court structures face a consider-

### Box 30. Outcomes from Referral and Resort outside the Community

*There are cases where the komitis have helped solve problems, and many are referred by the komiti to the [local] police. And when women go to the police, they get the case "cooled down," no action, referred back to community, because men are friends with the police. Mostly if it's referred back to them they will say it's a family matter, go get a live chicken, some bananas and food, get the wider family together, cook, let's have a big feast, nothing more said. **Woman, Lae***

*How can you trust the komiti: they might be our own relatives or people who just reside here. It's all too close by, and there are too many connections. If the komiti make a decision, the man who lives locally might get drunk and fight the komiti... then they will delay. They don't solve it. If there's a domestic problem they should get outside komitis to come in [from other communities]. **Woman, Lae***

*The komitis will refer family cases to [the woman Village Court [VC] magistrate] and the VC. They refer via a complaint form, that they can fill in at my home at night. Then the VC peace officer (bailiff) gets the form and takes the form to the husband. Then the man will try to solve the problem; the males call in their mates, and try to solve it in their way. And the men on the VC don't work with us [women], they work alone. When she goes to the komiti she won't explain what has happened, she's scared to explain to a male komiti. And then the senior VC magistrate can use his discretion and relationship with the police to get the man let off... and then the man comes out and goes drinking with his mates, and they are all boys together, swearing at the komitis and at [the woman VC magistrate]. There must be female komitis... the men won't get all the problems straight. **Woman lida, Lae***

<sup>89</sup> Ibid.

<sup>90</sup> Medecins sans Frontieres (2015).

able set of challenges, not least from the expectations and ways of working their male colleagues have developed. Lidamen might achieve their status both on their own merits and with the privilege of freedom and resources to actively engage in civic action across a wide geographical and social terrain. Entry and early stages of involvement commonly require a patron, and very few existing lidameris means very few potential patrons. But churches, community organizations, and women’s business and other networks are providing komiti and lidameri development possibilities.

### Box 31. Being a Lidameri

*I would call myself a lidameri. The role is not so different; if you are a woman you still have to serve. Once you are labeled as a leader, you need to listen well and look in with people, you need to stand with them to help. Lidameris don’t really have law and justice roles, that’s the komiti system, though we are always involved with peace-making, with finding the solution, with sorting out worries. We have our lidameris who we follow, who look after us, but most of the support comes from underneath, and we support each other. But the men whisper behind our backs, “what sort of woman is that?”* **Emerging lida, Lae**

**5.4.4 Women komitis, lidameri, and Village Court magistrates are drawn immediately into difficult questions and conflict over local cot/court authority jurisdiction and the referral of cases.** They are also drawn into relations with their fellow court officials wherein they face pressure to publicly assuage doubts about the capability of the komiti or court. At the same time, women in these roles face pressures to try to regulate male magistrates and komitis and ensure that they are acting fairly and appropriately, both in court and in the backroom or after hours negotiations around a case, when bribes are often rumored to be paid. In practice, this leads to conflict with the male komitis and magistrates—and to a level of avoidance, wherein a woman komiti or magistrate can be sidelined, left out of mediations, and/or not informed of cases and hearings. Whether a female komiti or magistrate gets heard and consulted depends heavily on her ability to maintain



Lae Law and Justice/ Community Lidameris.

Photo: David Craig/Worldbank

difficult relationships, including with higher courts and the police. Referrals have to be done on a personalized basis or there is likely to be little response, and women magistrates and komitis are not always taken seriously. But failure to provide access to higher courts or the police can reinforce repeat offending or result in unevenly effective measures, such as repeated verbal warnings and escalating fines imposed on repeat perpetrators. If these processes drag out, it means a loss of confidence on all sides: victim, perpetrator, and magistrate/komiti.

**5.4.5 On the other hand, women komitis and magistrates tend to get much more closely involved with families and their struggles.** This is partly because they recognize that issues are embedded in family structures from which women cannot always escape, requiring them to be creative about seeking relief. Speaking of a Miles woman komiti, a neighbor related that “She deals with all these youths. I have witnessed. I come to her all the time, her children when they march around in the street, they always bring in kids who have no food to the house and she is always feeding them in her house.” Another woman Village Court magistrate runs choirs, marching groups, and writing workshops for gender-based violence survivors, in the course of which women might write down the story of their abuse and then have it turned into an affidavit used to procure a protection order. This woman also got two women elected (for the first time) to blok komiti roles where she lives.

### Box 32. A Woman Komiti Speaks about Community and Komiti Work

*I work with the community leaders; I am a komiti. The male komitis asked me three times and I rejected their request to become a komiti, but then I thought about it and I said "Oh, we widow mothers are trying to create this association to help stop law and order problem in 4 Mile in the ward four area." So here I am.*

*Those kids that create problems are the kids of widow mothers and single mothers. They are our kids so I think it's wise for me to work with the leaders so when our kids see me they will listen when I call them. If other leaders get on them, they will fight back at them, but when I get on them they listen to me, they will say, "Yes mum." And I am happy to work with the community.*

*The women, when their husband bashes them, up they come to me for help and I take them to the komitis to solve the problem. But if I see that the problem is too big I refer them to the police. I am from Sepik. All these criminals, I like them. I do not get cross to them like them and I treat them with respect. I give them food, when I have money I give them. I am doing that to try and help them to leave crime. When they don't eat they go and cause more trouble, so my teenage boy usually brings them over to our house and asks me to cook rice for them. I usually give them some money to go buy greens, kaukau, rice, tin fish to cook and eat.*

## 6. Local Regulation: komiti and lida relations with police and subnational authorities

**Urbanization everywhere intensifies contests over the creation and control of resources, including the economic, social, and other types of capital referred to in the introduction.** The arrangements described in this report are distinctively Papua New Guinean, but they are also recognizable elsewhere as urban versions of the sort of institutions that arise in all areas of limited statehood. Thus in urban PNG, as elsewhere,<sup>91</sup> komitis and lidas intersect, overlap, align, and compete with other edge-of-state institutions that also assert regulatory authority, most importantly the police and local government councils (although as described in box 22, corporate interests also play a role in these territories). The nature of these other edge-of-state institutions, and how these relationships with komitis play out, is crucial to how local mechanisms perform in the four functional domains outlined in Section 4.

### 6.1 WEAK VERTICAL LINKAGES

**6.1.1 Komitis are typically able to include and combine forms of authority horizontally, for instance, across different ethnic groups, and adapt their membership and procedures to include almost everyone. But as Section 5 shows, there are limits and asymmetries in komitis' institutional reach, especially up vertical hierarchies of official power, such as the police.** Komitis typically reflect the interests of one ethnic, gender, or age group more strongly than others. The extent to which some interests prevail, however, is not simply a product of the horizontal balance of powerful local players or traditions. In some regulatory contests, it is vertical linkages with state governance (in particular, the police and local government) that determine the capability of komitis. Although it was not the purpose of this research to appraise the nature and performance of these agencies, through the lens of the komiti and lidas, it is important to unpack some

crucial features of these forms of local state authority and how they impact the outcomes of regulation in urban settlements.

### 6.2 KOMITIS' DIFFICULT RELATIONS WITH POLICE: MUTUAL ACCUSATIONS OF DISRESPECT, AS WELL AS PRACTICAL DYSFUNCTION AND DANGER

**6.2.1 Komitis often feel that they perform the bulk of frontline law and order, especially in situations requiring quick response policing to avoid escalation and serious violence. For this, komitis long for respect, recognition, and resourcing.** "We are putting our own lives at risk daily, but the state doesn't recognize or reward us." The police, it is often noted, are frequently absent. Komitis feel neglected and maligned by official law and order/law and justice agencies and also that their claims for material resources and symbolic recognition are too easily dismissed as entrepreneurial rent seeking.



4 militia leaders holding home made weapons captured by local police.

Photo: David Craig/Worldbank

<sup>91</sup> Korf et al. (2018), 171.

**6.2.2 Certainly it is true that komitis' unmet demands for official recognition reflect a perverse division of labor.** Local komitis and lidas, and the people they represent, are able to pact together to protect and secure their settlements and capital, but they produce order and security that is of equal benefit to economic and political elites and to middle classes and urban businesses. But lidas and their people can impose the costs of doing this work only on themselves. Except for around the Christmas period, they are unable to form stable, remunerated pacts with the incumbents of formal state offices, the police, or local governments. There are several reasons for this, including the obvious point that the latter are competitors with komitis for authority and resources and are much better oriented to the vertical lines of power through which budget and patronage is channeled. As will be further developed

in Section 6, in crucial ways, komiti and state institutions are fundamentally different in character. In consequence, although komiti and lida crave fiscal and symbolic attention, as this section will show, they are particularly vulnerable to disruption and disarray when such wishes are granted.

**6.2.3 Resourcing issues are an important aspect of the problem—and a potential source of improvement in komiti-police relations.** Under the O'Neill government's 2012 Alotau Accord political pact, police and law, and justice agencies have received significant reinvestment. No published review is available of the effects of these funds, however. Despite regular media reports that even new police are still regularly involved in excessive violence, positive new alignments between komitis and police are possible and can certainly add to komitis' authority.



Lae Miles police and law and justice leaders.

Photo: David Craig/Worldbank

**6.2.4 But for komitis, both collaboration and competition with police can be ruinous, bringing coercion into mediation and raising costs and fees to participants.** In part, this is due to the fact that the police in urban settlements, no less than other government agencies, are operating where the state's presence is most brittle, underfunded, and poorly connected to central accountability and discipline. Here, as state representatives, the police do not act in relation to komitis as unitary authorities subject to hierarchical sanction; rather, local residents perceive them to be untethered, reaching into their lives

opportunistically. Komitis and local residents protest that different police commands compete with each other and with private security or ad hoc auxiliary police to forage and provide for themselves.

**6.2.5 Having the police and their independent vertical authority involved in komiti mediation can be literally fatal, where susceptibility to corruption skews procedures in the interests of the party who is most able to bribe or otherwise influence whomever is involved** (see box 33).

### Box 33. Local Perceptions of What the Police Can Do to Komiti Work

*We do not involve the police, they are the last resort. If we go to the police, they will send us back and tell us to sort it out within our community. We only go to the police when someone has been killed or if it is a very serious matter such as rape. ... The police come around here and they muck it up; they play around with the law. .... I can say in all honesty, you can't rely on the police. The moment you are in trouble, if you want the police involved, whether it's to mediate or for safety in the mediation or whatever, you need a whole bundle of money. Every time. Always. They will detain you, charge you or the other guy, depending on who gets to them first. Even if it's just a small thing. If they have got you, just get out of there, get out of the police station whatever it takes.* **Moresby Village Court official**

*There's a motto in law and justice: "Community and Police working together to reduce crime." But this motto isn't making way; the police come and butt heads against the komitis and community leaders. Some of you are victims of police brutality. You are the volunteer people, the hard-working people, they are hard-working people from the ground but never recognized.* **Lae District law and justice leader, talking to 350 Lae komitis at the election of officers**

**6.2.6 Typically, relationships with the police are highly idiosyncratic and dependent on good personal connections between komitis and senior police officers.** There are exceptional places in both Port Moresby and Lae where official PNG police presence is being re-established according to the community policing model. At Sabama in Port Moresby, police from the community policing-oriented Badili Police Station were temporarily relocated to Sabama during the rehabilitation of their station. More than 18 months later, they remained heavily involved in local mediation, using the police outpost built beside the market and mediating alongside community leaders who are mostly happy to have the added authority of a uniform present.

**community regulation by komitis have helped the police to feel safe enough to do this.** At 3 Mile Police Station, the community-oriented station commander allows all of the hybrid (un-gazetted) Village Court/komiti hearings to be held on the police station site. The fence and police presence provide security and an official backup if issues get heated. On the other hand, the police do not usually participate in mediations (though a previous police station commander [PSC] would often cherry pick cases to hear). The current PSC believes that this separation of powers between police and courts/komitis is important to maintain. He, like many of PNG's police officers, also believes in sending disputants back to the komiti to be dealt with.

**6.2.7 In Lae, at the invitation of the papa graun and his chairman, Pita Blok has recently had regular afternoon RPNGC foot patrols because active**

**6.2.8 The komiti-police axis can be a major obstacle in cases of serious family and sexual violence, however.** Komiti, Village Court, and police arrange-

ments frequently reproduce and reinforce gender dominance, confirming women's subordination within the family unit and within local law and justice institutions. In dispute mediation, protocols for referral and prosecution of serious gender-related cases (rape, sexual abuse) are routinely set aside. Families (and often male family leaders) determine the future of using approaches that they can collectively live with, which are usually under the authority of traditional leaders and gender roles, bride-price *kastom*, and notions of "win-win" or restorative justice.<sup>92</sup> These often insist that both victim and perpetrator pay com-

ensation to each other and publicly share responsibility for acts that were highly one-sided. Conflict and fighting involve two sides, and sexual violence gets a similar treatment, with the rights of the perpetrator and his family emphasized as a way to get beyond individual shame and to communal reconciliation. Once the case has been heard in a *kastom* setting and an arrangement agreed to, recourse to formal and criminal courts is rare; in practice, what mediators claim are complementary systems become in fact alternative systems.

#### Box 34. Police Referring Cases Back to Community and Family: Lae Settlement Dwellers

*Rape and murder get referred to the police; we can't [legally] deal with that. But even serious cases get pushed back to the komiti. Maybe the complainants themselves or the [victims' and in-laws'] family ask to have it taken back to the community. And there it stays. Families are linked together, connected through marriage, their customs are bound together. That means disputes or violence is only taken to a certain level outside, a level that still involves the family. The family have to think, if this goes on then this will affect all the family ties, they might be cut off, and we need to consider them. So the brothers will speak for the family, for the woman, and if there is no male in the family, the older sisters will speak. Senior settlement woman, Lae*

*Really the komitis are only there to mediate, to deal with things in the customary way, to mediate right down with the people, and make peace and normalcy as the bottom line. So how do they come up with a solution? They join up and with the family they make the woman the focus of the situation, they and the family try to put them into a solution. But some of them are her in-laws, and they are often the ones backing up the violence against her. Woman, Back Road*

*They say they will be fair, "Our decision must be 50/50," so they give equal weight to both sides. If we want to bring evidence to tip the balance, well, they are always right and they are men. They won't have a second thought about it. So that's why in the end, even in the city, the woman can't speak, and then she's rather go back to the police. Woman, Nawae Blok*

*Another case regarding another young woman occurred in which the komitis took the case up to the police station. The police on duty at the duty counter told them to go and see the FSV [Family and Sexual Violence] unit at the central police station. The FSV unit sent them back to the general duty counter, then they were told to come back to Serious Offences in the morning. Always excuses, too busy, no vehicle to investigate, so they came back to the settlement. So they decided to solve the case in the settlement with the komitis. I told them this is a rape case and it shouldn't be dealt with at the community level, it should be dealt with by Serious Offences. But it was heard in the settlement, and the komiti charged k500.00 fine to the accuser! Emerging woman leader, Lae*

*The komitis are always trying to get the cases referred back to them. And they are getting the cases like rape referred back to them, and they entertain them illegally for just one reason: money. One case, the komitis offered the mother of a daughter who had been abused k1,000 in settlement money if they could hear the case. But she refused. They are looking for business. They prolong the case even if they are not wanted. Woman, Lae*

92 Papua New Guinea (1999).

**6.2.9 Thus, with regard to gender relations and violence, the proud claim that “we people know how to look after our own business and not put our heads into others, we solve disputes down here” can be an obstacle to women’s ability to obtain more effective help than is available locally**—or even a trap in which resolution is denied by komitis seeking rents. But resort to komitis is also shaped heavily by day-to-day failings in the wider pathways of FSV resort and referral. In these circumstances, even for serious criminal offenses, komitis become places of resort for family matters—preferred, accessible, affordable, and timely resort, but also highly unsatisfactory and even dangerous.

### **6.3 EMERGING DISTRICT AND CITY AUTHORITY: NEW OPPORTUNITY FOR LOCAL GOVERNMENT LINKAGES?**

**6.3.1 The problems inherent in komiti regulation (uneven outcomes, subordination and entrapment of the vulnerable) are often magnified by their relations with local governments.** At face value, the advent of the District Development Authority, along with the prodigious funding reputedly available under the highly discretionary District Services Improvement Program (DSIP) (10 percent of k10 million per year nominally earmarked for district-wide law and justice activities) would appear positive. The reality, however, is that in urban settlements, local governments are subject to volatile, unreliable funding under current arrangements. The effect is the reproduction of local political and patronage relationships and the creation of incentives for leaders to divert available discretionary funding into low-quality, one-off, and low-transparency investments. Indeed, the instances identified during this research in which local government monies were channeled into local law and justice activities proved to be more disruptive than enabling.

**6.3.2 District funding sources that are not well aligned with local komiti or Village Court law and justice needs and development can have perversely negative impacts.** In Lae District, an elected district law and justice committee received DSIP money to fund training for roughly 300 of Lae’s komitis. A nongovernmental organization (NGO) with no law and justice experience was contracted to carry this out, drawing on some preexisting training material to teach participants how to write proposals for

funding. This resulted in a large wish-list of proposals sent to the district administrator, but for which no funds were available. The 300 graduates of the course were issued with identity badges and T-shirts, however, confirming their authority and that of the magistrates and komitis. Returning to their settlements, newly trained komitis set up alternative komiti networks, some in active competition with established Village Courts and komitis.

A further round of DSIP funding was the subject of dispute and irregularity, sending the elected committee chairman into hiding for a time. Another incident involving the misappropriation of funds from the district and LLG led to the disciplinary side-lining of a senior Miles law and justice chairman by his peers. In all these cases, formal rules and procedures around the Lae District law and justice structure were either not in place or were able to be manipulated to grant funds to people lacking a local mandate or expenditure control. The irregular arrival of significant amounts of money led to a culture of rapid and bulk dissemination within the District Development Authority.



Port Moresby coordinator of city wide mediation Micah Yosman with Sammy Temiel, Law and Justice Chair, Ward 17, Lae.

Photo: David Craig/Worldbank

Ensuing disputes, infighting, and further allegations of mishandling funds between Lae’s senior law and justice komitis led to a petition and threats of a lawsuit against the district by the newly and duly elected district law and justice chairman and his deputy. Demands from these leaders for access to funds became heated, and the chairman and deputy, whose

election was overseen by 350 of their peers and the Electoral Commission (the election was financed by the district from DSIP money), were told that they had no formal or statutory standing and could not receive further funding.

#### **6.3.4 Nonetheless, the potential promise of urban authorities in relation to komitis is considerable.**

Beyond the District Development Authority and the DSIP, the growing national political significance of urban areas is leading to new legislation that elevates the governance status of PNG's cities. These reforms excise the cities' jurisdictions from the existing districts and province and reconciles fragmented urban areas under new urban authorities somewhat akin to Port Moresby's National Capital Development District. In Lae, this manifests in the Lae City Authority Act enacted in 2015. Lae's current city council boundaries and governing arrangements are an anachronism since they do not reflect the growth that has occurred since the late 1980s, and this deprives large areas of the city of access to municipal services. Much of the Lae Ahi Rural LLG area is dependent on neighboring Nawaeb District for support, but Nawaeb DSIP money is spent on the mainly rural electorate. Ahi settlement dwellers see themselves as "kicked around like a football between local governments." "We have boundary problem, so Nawaeb thinks that we are in Lae Open, Lae Open thinks that we are in Nawaeb. This confusion deprives us of rights, so we get none of the development nor services others do. This boundary system breaks us up and we are in the middle, confused."

**6.3.5 Potentially, the City Authority Act, enacted also for Kokopo and Mount Hagen, gives city authorities remarkable scope and autonomy as service delivery agents able to contract or set up their own executive and commercial entities at will as determined by their board and member of parliament.<sup>93</sup>** The ability of urban authorities to bring together different agencies is unproven, but in view of the powers granted by the board and the minister, they will likely have a broad but poorly defined mandate to address crosscutting policy issues, including gender-based violence and community safety. Port Moresby's experience suggests that possible activities include the re-establishment of suburban com-

munity policing, renovation of secondary markets, and improvement of services (or perhaps negotiated security) to settlers on custom land. In addition to the complex issues involved in achieving a satisfactory political arrangement with the Morobe provincial government—which has the technical and administrative capacity needed by the city authority—the experience of Port Moresby, PNG's largest and most functional city authority,<sup>94</sup> shows that the Lae City Authority's ability to capture sufficient tax revenue from goods and services and, for capital spending, to be included in the national Public Investment Program will be crucial to its ability to function.

#### **6.3.6 With these statutory, fiscal, and political provisos, it may be anticipated that city authorities could act to formalize and fund their own law and justice committee arrangements.**

The Service Delivery Partnership Agreements envisaged by the Department of Provincial and Local Government Affairs between city authorities and other levels of government may provide umbrella arrangements to support this, but it remains to be seen whether this will be able to superintend the advantages flowing to ward-level procedures where relationships with komiti and lida would be needed in practice.



Lae Law and Justice leaders congratulate James Kinjin on his election to District law and Justice Chairman.

Photo: David Craig/Worldbank

93 See Papua New Guinea (2015).

94 Port Moresby's National Capital District Commission is a city commission, with greater powers than a city authority.

# 7. What is the significance and potential of komiti and lida regulation of settlements? Conclusions and implications

## 7.1 SUMMARY CONCLUSIONS

**7.1.1 Cities are key to reducing poverty, promoting shared prosperity, and improving governance in PNG.** Urban growth will help to encourage economic diversification, to expand wealth in human resources, services, and public and private assets, and to reduce economic reliance on subsistence production and extractive industries. A shift from governance via resource rent patronage toward a politics that responds to demands for population-wide services—and for institutions to deliver them—may well accompany an increase in urban voter electoral power.

**7.1.2 Realizing the potential economic, social, and political dividends of urbanization hinges on the quality of urban regulation.** Yet it remains one of the least understood areas of governance in PNG. Currently, the reach of formal authorities into settlements is uneven and fractious, and there is a sizable gap between formal policy commitments and outcomes. Recently, however, the profile of urban areas such as Port Moresby and Lae has increased, partly as a result of the emergence of new styles of political leadership and partly due to the growing significance of urban areas as locations for investment by the public sector and by the beneficiaries of national energy projects. Assuming that the current national fiscal challenges are addressed, the growing political significance of urban areas will prompt demands for, and may lead to improvements in, regulation. Budget outlays may increase for law and justice agencies, including for community policing and Village Courts; jurisdictional conflicts between city, district, and provincial authorities that hamper service delivery and accountability may be resolved; funding could become reliable and matched with responsibilities; and increased political engagement may lead to more positive forms of supervision of the conduct of police and local governments.

**7.1.3 Improvements in urban regulation will need to overcome the formidable legacy of fragmentation and disorderly practices, unrealized**

**reform ambitions, and brutality by law and justice agencies.** For many urban residents, these conditions will continue to cast an unfavorable and threatening shadow on their ability to securely create and accumulate capital. These conditions will also mean that komitis and associated forms of leadership will continue to play core regulatory functions, including in mediating everyday disputes, securing tenure and shelter, regulating market and business activity, and representing the rights and interests of settlement dwellers. There is no reason to suggest that they will not continue to do this flexibly, in real time, and sustainably, adapting, co-opting, and refashioning ethnic and place identity, *kastom*, and social relations beyond kin preference and thereby enabling local reciprocal altruism.

**7.1.4 Komitis and lidas will continue to play a crucial role, but the forms of regulation they provide will inevitably reflect and reproduce local patterns of power and opportunity.** Urban settings are, by definition, intensely competitive zones where the reach of state regulatory agencies—chiefly the police, courts, and local governments—is limited, fragmented, and only incidentally aligned with the interests of everyday citizens. Regulation by komiti and lida can be deeply intertwined with state administrative as well as law and justice agencies, but this will not reliably protect the tenure security of long-term holders of customary leases, for instance, or enable recently arrived settlers to access municipal services or the police. Local regulation by a komiti and lida will remain vulnerable to elite capture (by older males), exclusion (of women and youths), and corruption and clientelism.

**7.1.5 Local settlement regulation therefore will continue to be both an indispensable and troublesome feature of PNG's urban governance.** In reproducing power asymmetries based on gender, age, ethnicity, or class, decisions by komitis and lidas can seriously harm the realization of rights and due process in law. Although women continue to access komitis, and most things komitis deal with



Lae women's network.

Photo: David Craig/Worldbank

have important family implications affecting women, women's interests are not represented at all reliably. The result is that gender-based violence victims are diverted from formal justice structures and women are denied meaningful access to local justice and basic security.

## 7.2 PRACTICAL IMPLICATIONS FOR URBAN ENGAGEMENTS: "DO NO HARM"

**7.2.1 It can be difficult to draw practical implications and policy actions from these conclusions, but there are two audiences for whom the findings are crucial.** This report's findings have implications for what may be termed "urban developers," which here includes public officials responsible for urban infrastructure and public facilities—for example, the creation or redevelopment of markets, water and sanitation, lighting, roads, and buildings. Urban developers are also the private sector actors who undertake these works or the commercial development of areas or specific sites, including for commercial retail, housing, factories, and warehousing operations. A second audience includes officials (donors, government) who engage in urban settlements with the aim of improving justice and governance outcomes in the various ways explored in this report relating to the functions of the komiti and lida, that

is, dispute mediation as it pertains to social order, shelter and security of tenure, market and business activity, and political representation. Each audience is addressed below.

**7.2.2 It would be ill-advised to recommend that the role of komitis and lidas be elevated and expanded, formalized, or adjusted.** Clearly, it makes no sense to stigmatize or disparage local mechanisms as merely "transitional arrangements" to be tolerated while formal state agencies catch up to reduce the distance between their statutory obligations and their actual performance. Komitis and lidas are not simply transitional; they play crucial roles in urban regulation that, if anything is predicted, are likely to increase in scale and scope. But much less straightforward is the need to devise practical implications or recommendations for either of the above two audiences. However, before proceeding, there are three caveats on the scope and limitations of this research, the inherent nature of komiti and lida as forms of regulation, and their relations with formal state agencies.

*First*, recommendations require a comparative knowledge of the alternatives to the kinds of urban regulation provided by the komiti and lida. Most immediately, they need to be understood and compared to the actual local work and reach of statutory local gov-

ernments, the police, courts, prosecution and referral agencies, and their higher echelons: what they are, the kinds of disputes and issues they are mandated to handle, and how do they do this and with what distributional consequences, both intended and unintended. These data could enable a comparative review of the opportunity costs—the likely returns to and risks of public sector and/or donor investment in the available range of options, including the institutions examined in this report.

*Second*, even if there are merits to giving further recognition, stature, credentials, funding, or capacity building to the komiti and lida, the burden of conveying such support would most likely be handled by the host of agencies with which there is at best an uncertain relationship and limited flexibility—and at worst, competitive hostility: the police, the formal justice sector, and land and other urban authorities. As shown in this report, regulation in Lae and Port Moresby in fact occurs through shifting, contradictory, fragmented, and overlapping systems in which the state, *kastom*, and private sector governance act in parallel and independently, and variously compete, collide, and collude. Komitis need to be able to flexibly adapt to such contexts.

*Third*, efforts to alter the credentials, ways of operating, or outcomes of regulation by komitis and lidas will inevitably involve some formalization, which will risk destroying their current capabilities. Formal business or state actors value stability and continuity over flexibility and iterative change. But komitis need to be respected as urban *kastom* constructions that must deliberately mix and bridge between two very different forms of public authority, that is, elements of formal state authority on the one hand, and diverse customary and localized forms of authority on the other. To a degree much greater than public sector institutions, local regulatory mechanisms enact and bring together rules, roles, and resources in ways that combine and blur formality and informality, as well as different social mores and politico-legal ways of ordering life. They seldom create the kinds of durable, accountable relationships sought after and valued, even if rarely achieved, in public sector ways of doing business. Their local arrangements must always be plural, flexible, personalized, and dependent on who is there now.

**7.2.3 “Do No Harm” should be the guiding principle of all engagement.** The komiti and associated forms of leadership are not the only regulatory authorities at work in settlements, since komitis do nothing that is not also the formally mandated responsibility of local governments and so-called law and justice sector agencies. In practice, however, no one else can or will do what they do in providing local regulation, as they are crucial to, and currently perhaps the backbone of, urban safety and security. Contained in the principle of “Do No Harm” are three points.

*First*, experience shows that local mechanisms are easily undermined and disrupted by engagements with external agencies, with the effect that these forms of local regulation can lose their intelligibility and legitimacy. They can themselves become the focus of grievance, causing existing conflicts to reignite or new cleavages to emerge within *kastom* or komiti leadership while at the same time reinforcing the marginality of already excluded women, ethnic groups, and youth.

*Second*, urban developers—governments or private sector investors—create the greatest potential for harm when they are driven by narrow interests and short time frames and lack clarity and consistency. Grievances will be disruptive if some legitimate factions within *kastom* arrangements perceive that they have been excluded. Undoubtedly, some urban developers will perceive advantage in “gaming the system” and knowingly act in ways that are divisive and disruptive. Others will know that their interests are not well served if they engage with local mechanisms only sporadically and opportunistically, that is, with the “fly in-fly out” fickleness typical of project-based commitments.

*Third*, the potential for positive engagements is increased where realism prevails, namely, where it is recognized that anything to do with money, land and pecuniary opportunity, or honorific entitlements will become subject to contest and rival claims by *kastom* leaders. By coupling a positive outlook with realism, urban developers would shift from a conventional outlook, “How do I avoid disputes and grievances?” to another that asks “How can I preempt disputes and grievances from escalating, turning to conflict, and resulting in unacceptable costs?”—regardless of whether these are borne by the urban developer or

the “communities of interest” represented by komiti, lidas, and kindred other local mechanisms.<sup>95</sup>

### 7.3 OBSERVATIONS AND ADVICE FOR URBAN DEVELOPERS: CARRYING “DO NO HARM” INTO PROJECT PRACTICE

While emphasizing the overarching concern that “Do No Harm” should be at the heart of any engagement that impinges on komitis and local lidas, there are a range of caveats and issues related to safeguarding urban development activities, especially around the instrumentalization of komitis in project contexts and around grievance. These are included here because of their potential to “go with the grain” of effective komiti arrangements.

**7.3.1. Anticipate that your activities will trigger disputes and that engaging with local komitis and leadership will not be optional.** State, donor, or commercial engagements to upgrade water, lighting, or roads, renovate markets, or establish commercial centers will always trigger disputes and grievances about who benefits from, or bears the adverse impacts of, these activities and who has the authority to make such decisions. Grievances will almost always be articulated by groups and individuals close in character and capability to the komitis and lidas discussed in this report. Engaging with settlement

komitis and lidas will be unavoidable, but it is unlikely to occur on terms defined by the urban developer.

**7.3.2 Do not assume that it will be possible to instrumentalize or draw on the authority of the local komiti or to scale up or re-engineer its activities for project purposes.** As box 35 indicates, despite their apparent local authority and efficiency, komitis and lidas will not provide the kind of authority that is universally applicable beyond the individuals involved, durable over time, representative of all groups (including women and ethnic groups evenly), and enforceable according to formal rules of accountability. Urban developers are unlikely to find that komitis’ authority in resolving disputes can be applied, for instance, to managing temporary labor contracts or community in-kind contributions for infrastructure projects. Neither is it likely that a komiti will successfully handle a contract to manage security around a major asset or provide a stable and gender- or age-equitable platform to impartially represent community interests during an assessment of damages and a determination of compensation to people impacted by the urban developer’s activity. Nor is the kind of authority enacted by a komiti at a particular time or place readily able to be scaled up or taken from one part of the city to another, such as when a developer needs a “community interface” or a “focal point.”

#### Box 35. Komiti and Lidas are Not Easily Able to Give State, Commercial, and Development Projects the Kinds of Stable Certainty of Relationship They Want and Need

The corporate player involved in the Miles road project (Section 2) worked hard to include multiethnic leaders, youths, men, and women, but secured highlanders and males at the cost of women and Morobe *sortimobs* [juvenile groups]. The latter actively opposed the project and its work, including by reputedly targeting a corporate vehicle and discouraging Morobe youth from participating in educational outreach. As often occurs elsewhere, the komitis and leaders in this case were approached as if they held some kind of comprehensive authority in their bloks. But their actual reach into youth groups, gangs and their remnants, and local patronage proved frail. Disappointment in leaders followed, along with the unraveling of the pact between them, the corporation, and the youth leadership.

<sup>95</sup> In terms of the safeguards and grievance management arrangements typical of donor agencies, including the World Bank, current Grievance Redress Mechanisms could be reframed as Grievance Pre-emption and Management Mechanisms. A short, accessible “Kastom Guide” to dealing with local *kastom* mechanisms and leadership is proposed to guide these decisions.

**7.3.3. Practical, rewarding, and safer engagements with local lida and komiti members are more likely where urban developers adopt the following principles:**

- 1. Proactively consider ways in which komitis and lidas can be engaged** in the proposed activities, and ensure that they are consistently informed about them. This principle should apply especially to activities involving land and shelter security, employment and contracts, and the assignment of responsibilities for management and oversight to officials from LLGs, districts, and provincial administrations.
- 2. Consider who is likely to benefit and be excluded.** Consider how contracts and regulatory requirements created around the project may, or may be perceived to, exacerbate existing local cleavages or even create new ones, or could be more gender, age, and ethnicity inclusive.
- 3. Actively “triangulate,”** that is, verify through multiple sources who local leaders are and their competing interests and sources of respect and legitimacy, and how their fields of capability, such as disputes relating to land, housing, youth, and so on, are locally perceived.
- 4. Ensure representation in agreements.** Ensure that project agreements make it possible to engage a range of different forms of authority. Project agreements must not simply rest on the putative power of the bearers of formal government office; they should also ensure that agreements with local komitis and lidas are constructed and endorsed in a public way in relation to the project.
- 5. Frequently revisit agreements.** Anticipate that agreements will be renegotiated and require roles and responsibilities, and the distribution of costs and benefits, to be adjusted, and again witnessed through public rituals.
- 6. Anticipate that as disputes and contests are activated, all local agencies and actors, whether variously described as formal, official, *kastom*, or otherwise, will seek to capitalize** on the opportunities presented through such contests.
- 7. Assume that the formal administrative or coer-**

**cive authority will not be able to predictably discipline its involvement,** and that it will be difficult to reliably instrumentalize its actions through agreements or the exchange of favors, sinecures, or material benefits.

**7.4 IMPLICATIONS FOR THOSE WHO WANT TO STRENGTHEN KOMITI AND LIDA CAPABILITIES AND PERFORMANCE**

**7.4.1 Given the considerable vulnerability of komiti and lida structures to change and intervention, “Do No Harm” applies equally to interventions designed to recognize and strengthen local regulation, starting from initial contact.** “Do No Harm” remains the bottom line in any engagement with komitis and lidas, including those seeking to develop their own regulatory capability. This principal needs to be applied at each point, especially where there is the likelihood that engagement will bring komitis into increased recognition and contact with other regulatory agencies, from the police to city authorities. Again, suggestions are included here because of their potential to “go with the grain” of effective komiti arrangements.

**7.4.2 Recognize and support komitis and leaders with care.** Locals are certainly keen to receive recognition and resourcing by state agencies. Ideally, recognition needs to be provided clearly and consistently by stable and legitimate forms of local government (including in PNG, Village Courts, LLGs, and urban authorities) or by those holding formal land title, including *papa grauns*. Training, for instance, is one way to give headline recognition to komitis and lidas while at the same time enhancing komiti mediation skills and knowledge of formal procedures where disputes involve state agencies, and also reminding them of their jurisdictional limits over such matters as serious sexual assault.

**7.4.3 If enrolling PNG’s police, justice, and local government agencies in delivering support to komiti and lidas, be aware of the competition, stigma, and antagonism in these relationships.** The experiences examined during this research show that local regulatory mechanisms are often undermined when they interact with ward or district governments or with the police; indeed, the authors encountered instances in which state officials reached into komiti activities in abusive ways to extract rents, exploit

authority, or grab resources. This is because these agencies are competitors in the local regulatory (for example, mediation) market. But it is also because when the formal machinery of the state recognizes other institutions, along with this will come efforts to “freeze” local komitis and networks into singular—and subordinate—roles and relationships. This is partly why the normal arsenal of “capacity building,” such as providing training, formalizing pathways of response with the police, courts, or special purpose crisis response agencies, or introducing codes of conduct and other measures of credentializing local mechanisms and leaders, can easily disrupt the flexibility and mixing of norms, rules, and forms of authority and legitimacy that keep these local arrangements working. Even where intentions are positive, the kinds of financial and human resources that the PNG government is able to provide to back these relationships are typically uncertain, unpredictable, and so closely tied to personalized patronage arrangements that they will usually disrupt local mechanisms and forms of leadership.

**7.4.4 If harm is to be avoided, the following general principles should guide any such engagement,** whether the aim is to strengthen or to merely work effectively with local regulation.

- 1. Do not attempt the heavy regulation of komitis, leaders, and mediation.** Ensure that the flexible and adaptable qualities of komitis are protected, but work to address the egregious gender biases in both procedures and outcomes. This is most likely to be supported indirectly by improving gender representation in settlement and komiti governance and in wider community law and justice. At the settlement level, work with women’s, church, youth, and business groups to identify emerging women leaders and potential komitis and mediators. Create local expertise among these groups and leaders around gender-based violence issues and provide settlement-level training in mediation, basic human rights, and the legal procedures associated with gender-based violence to women, men, youths, komitis, magistrates, and ward officials. Work down from the city authority to raise expectations and advocate urban bylaws with provisions about the representation of women in ward or zone law and justice komitis.
- 2. Create a policy dialogue with emerging district and city authorities about how they can realisti-**

**cally commit to and cooperate around urban settlement regulation.** Dialogue should include the ways that local law and justice issues are included in the mandate of the district, LLG, and/or city authority and how these functions are resourced either as part of—or supplementary to—the DSIP on a predictable function and formula basis. This kind of closer assignment of function and funding is currently being piloted by the Department of Provincial and Local Government Affairs in some of PNG’s provinces and districts, though not specifically in urban or law and justice settings.

- 3. Formalize the district (or city authority) law and justice committee, enable it to function to solve larger disputes across the territory, and bring wider women’s network-based lidameri into family cases.** Provided city and/or district authorities receive a clear legal mandate with respect to law and justice issues (as advocated above), city authority or district leadership could then be supported to identify areas and places within the city that could bolster komiti development. This may include formalizing district or city authority law and justice leadership, elected, as is current practice in Lae, by the wider body of komitis and Village Court magistrates practicing in various bloks, zones, and sections. District law and justice komitis could become the sites from which to test the efficacy of networks of komitis (male and female) who could hear family cases across the city, rather than having them heard within close communities and by local leaders. As in Port Moresby, a citywide mediation capability or team could be established and, with due care and attention to the unintended consequences, be supported with a budget and dedicated vehicle and logistic support. Overall, this seems likely to bolster, and not undermine, local komiti capabilities.
- 4. Expand and extend urban Village Courts into kastom land tenure settlements.** Priorities are of course contingent on the fiscal means but could include establishing at least one Village Court per ward or on a consistent locality and population basis; enacting and funding provisions in Village Court legislation requiring the appointment of women magistrates; and subjecting the courts to the regular performance reviews that the Village Court act provides for to avoid capture, promote female magistracy, and ensure turnover and the access of emerging local law and justice

leaders to Village Court positions. Village Courts are arguably the agency most compatible with komiti regulation and least likely to damage it.

5. **Find ways to address the worst abuses of FSV case handling related to mediation, komitis, and policing.** Work with the Constitution and Law Reform Commission and Family and the Sexual Violence Action Committee to identify ways to stop the police and families from referring cases back to komitis, and ways to penalize komitis, mediators, and rogue police officers involved in circumscribing FSV survivors' access to formal justice. Review legislation based on close ethnographic research to clarify the wider roles of komiti, *kastom*, and formal law in relation to FSV. Find enforceable regulatory solutions where patterns of regular dysfunction related to customary uses or patterns of case referral are clear.
6. **Support the re-emergence of community policing<sup>96</sup> at suburban stations by re-establishing community policing posts and developing career paths and a community of practice within the RPNGC.** District law and justice leadership could complement this RPNGC initiative by establishing a program of regular interaction with citywide community policing, including attendance at mediation, training, elections, and other events.

## 7.5 A FUTURE RESEARCH AGENDA

This study has brought programmatic research back into PNG's urban settlements for the first time in the country's urban history. And yet, as noted above, its practical applications are quite particular and necessarily cautious, as these are contexts in which harm can easily be done, including by further research. Nevertheless, a number of possible areas for further investigation present themselves:

**7.5.1 There should be a close study of the family-related and gender-based violence cases as they are currently handled by komitis and Village Courts.** For all their distrust of male-dominated komi-

tis, women commonly present their family-related cases in komiti settings. Serious cases continue to be heard in inappropriate and illegal venues. The consequences of this practice for the women affected are not at all understood and the remedies still less so, as well as the ways komiti processes could be improved to make them more equitable forums in which women could seek and administer justice.

1. **A needs and costing assessment of local Village Courts and the capability of existing komitis to evolve** into full-fledged Village Courts, with sufficient resourcing to expand across large areas of urban settlements (such as Lae's Ward 17, which has some 30,000 people) that are currently almost entirely serviced by komitis. A lack of confidence that the Village Court system could translate into urban contexts has hindered this development up to this point.
2. **A study of how young and emerging (individual) komitis are trained and developed** through the patronage of older members. This would shed light on possible ways to increase the number of youth and women entering komiti work.
3. **A study of best practices for police and other agencies that engage with komitis.** Police can certainly disrupt komiti mediation and other work, but there are strong cases where police station commanders and others work very well with komitis to resolve conflicts and build a system of local justice that is better respected and trusted by locals. More could be understood about successes here, and their replicability.
4. **A study of relations between komitis and local government,** especially in the new urban city authorities, showing existing good practice and looking for windows of opportunity for constructive engagement between komitis and the most local branches of government (ward, LLG, and district). This study could investigate ways that komitis can receive some of the recognition they crave without disrupting the flexible and inclusive aspects of komiti function.

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<sup>96</sup> Although there is fair agreement in Western democracies about the basic elements of community policing, it should be noted that comparative developing country research makes clear that there is no single uniform model. Successful community policing depends crucially on how models are adapted to the local context and history (see Davis, Hendersen, and Merrick 2003), and efforts to export Western models can be fraught with unintended and perverse consequences (see Fruhling 2007).

# Annex 1:

## Different Komiti Structures in Lae Settlements

### Box 36. Variety in Komiti Systems in Five Lae Settlements

**4 Mile Settlement, Ward 4, Lae Urban local-level government (LLG):** Settled in the early 1980s, this settlement is led by the elected president of the 4 Mile subward area, who is also chairman of the overall 4 Mile/Ward 4 Law and Order Komiti and the 4 Mile Haicoss Village Court (11 officially selected officials, as yet ungazetted and unremunerated). There are three zones: two on low-covenant self-help settlements, and one informal one on state land. Each zone has five komitis (individuals) “appointed by the community” for life (though with guidance from the chairman). Appointments are based on community respect and performance and not ethnic allegiance, but almost all are highlanders. There are two practicing woman komitis. Mediations and *cots* are held regularly across 4 Mile at different sites, especially at the 3 Mile Police Station, presided over by a mix of Village Court magistrates in waiting, komitis, and other local leaders who attend in the hope of becoming komitis.

**Nawaeb Blok, Ward 1, Lae Urban LLG.** Settled in early 1980s by mixed Morobe, Nawaeb, and Chimbu settlers, it is one of seven zones in Ward 1. It has an elected blok president, but no blok law and order chairman (the local Village Court chair fills that role). The zone includes both alienated state land and over 30 years of settlement on what was previously state land (but now returned to the landowner) on a river floodplain. The blok is divided into nine ethnically mixed and numbered sections (with Sepik, Chimbu, or Nawaeb dominant in some sections, reflected in komiti appointments). Each section is represented by one–three komitis, chosen by section residents along local authority lines according to both ethnicity and competence. There have been two women komitis in the past, but currently there are none. There is turnover of komitis, with two of the nine “thrown out” in the recent past. Market fees are collected by the blok chairman and his market komiti. A local police outpost was removed in 2013, but there is the occasional liaison with the Central Lae Community Policing Unit over homebrew.

**Pita Blok, Kamkumung, Ward 16, Lae rural (Ahi) LLG.** Pita Blok has two different, overlapping komiti systems, each with its own chairman: one appointed by the *papa graun* and one claiming the authorization of Ward 16. The *papa graun*'s chairman is a member of the dominant Engan ethnicity, who has a memorandum of understanding with the *papa graun* underpinning his long-term tenure. His komiti is divided into two halves: land management and law and order, both working across the two zones of Pita Blok, with 10 administrative/land (blok) and 10 law and order komitis in each zone. All are selected by the chairman who looks for ability and representation for “all 21 of PNG’s provinces.” The other ward-related komiti structure is chaired by a Sepik man, whose komitis are appointed by residents to represent their ethnic groups. The *papa graun* land management or blok komiti collect rents and actively manages the settlement, evicting unsociable people. It permits and collects a tax on rent houses. The *papa graun* komiti has four “business reps” who impose a local tax on commercial activity, including rent houses, and cooperate with local *papa grauns* to regulate local markets. The *papa graun*'s komiti chair is also a peace officer or bailiff at the Kamkumung Village Court. There are no women komitis.

**Niu Rocks. One of nine zones within Ward 14, Lae Rural (Ahi) LLG.** Traditional landowning, residential. The *papa graun* has appointed four komitis, led by a long-term resident who is a Morobe Highlands male to oversee the mixed settlement (which has just five Highland families). This komiti

allocates lots and collects rents on land, physically separating housing bloks allocated to different ethnic groups, and also adjudicates disputes. The *papa graun* maintains strong links with the local police. Tenants are regularly expelled from the blok for their or their children's malfeasance, sometimes including the burning of houses and entire properties. Recent moves by the *papa graun* to create street-level komitis resulted in the appointment of two women.

**Abong: one of nine zones within Ward 14, Lae Rural (Ahi) LLG.** Traditional landowning, residential. The *papa graun* is not active in law and justice. Abong Zone has several komitis that are recognized by and supported in different parts of the blok, often competing. One faction of the zone komiti is seen as aligned to a specific ethnic group. The community did elect a woman komiti, "but they left her behind" when hearing cases.

# Annex 1:

## Research Methods

This exploratory and formative piece of research used primary ethnographic and qualitative methods to examine neighborhood mediation practices: observation, participation, case studies, and group and individual interviews. Building on prior work in Port Moresby, and over the course of a six-month period in Lae, this research developed and validated initial findings through triangulation and qualitative sampling strategies, including snowball sampling and sampling for difference and redundancy. At the same time, it applied theoretical and analytic approaches (drawn largely from international/comparative political science, urban political economy, and historical institutional analysis) to predict and explore patterns of institutional development and capability.

These investigations enabled a wealth of empirical materials to be assembled. Only the most illustrative of these, however, could be used in the body of the report itself.

- Given the almost complete absence of studies in this area within Papua New Guinea (PNG), mainly due to access and safety issues but also stigma, as well as the access and safety issues for this study itself, it was crucial that formative work, framing analyses, and empirical exploration be conducted flexibly. Researchers needed to be able to secure access and at the same time respond to new, presenting perspectives where these came to light. They needed to make clear that they were not looking in the first instance to criticize or stigmatize local mediation processes, nor to enable others to discipline them from formal law and justice positions.
- Research began with an extended series of conversations with local people in public spaces (markets, churches, shops, bus stops) and private homes, and moved from these contexts into a series of more structured individual and group interviews and the development of case studies in public sites, homes, workplaces, and businesses. It continued with discussions with komitis and lidas and those around them, and with observations at komiti-run mediation, election planning, meetings with officials, and community events, at which discussions were had with the main actors and various participants who were present. Triangulation to validate emerging findings was actively pursued.
- Access to settlements was facilitated through discussions with various local leaders (men and women) and, in a few situations, with the police. Referrals and introductions from networks of mediators, lidas, women, and youth offered a further extension of the research into different settlements.
- Relevant international literature and works from PNG were consulted, and the researchers' considerable experience of community-level organization in relation to law and justice drawn on. But descriptive and analytic framings were also approached flexibly and developed through well-known exploratory and formative investigative techniques.
- These techniques included both triangulation and snowball-, difference-, and redundancy-based sampling, as well as ongoing dialogue and iterative analysis conducted by the team. Snowball sampling, where a member of one group with whom rapport and a level of communication and trust has been established is asked to introduce researchers to others who might inform the research, has the advantage for researchers entering the field for the first time of being able to draw on the trust established with one group or interviewee in order to engage others. It works particularly well in intense social contexts such as markets and settlements in PNG, providing researchers with the basic safety of being known and under the care of known local actors. Short of entering under full armed official escort (which would impose constraints of its own on research reliability), there is simply no alternative to this kind of relational approach during entry and to some extent ongoing research in and around settlements.

- For obvious reasons, snowball sampling needs to be complemented by other sampling techniques, including, in this case: i) applying triangulation (a technique that validates data by deliberately seeking different perspectives from multiple sources to cross verify, with the differences based on accepted social science parameters), ii) using multiple points of entry and research team mixes (not becoming dependent on or captured by one person, group, or site), iii) sampling for difference (ensuring that the qualitative sample includes the full range of points of view), and iv) sampling to redundancy (pursuing these techniques until little or no new material and perspectives come to light). In urban PNG's mixed settlements, differences that matter include, at a minimum, ethnicity, gender, class, age, and duration of residence, and this research actively sampled for these differences at every point. To some extent, sampling and questions were based on analytic framings found to be significant elsewhere.
- Common issues in this kind of research include the predominance of perspectives from (older, male, educated, dominant ethnic) leaders and the difficulties in accessing those most vulnerable or peripheral to power. This research indeed focused on understanding in the first instance the institutional mechanisms themselves and focused its attention on those intimately involved in komiti work: mediators, komiti members, local leaders, and Village Court officials, as well as those participating as parties to mediation events. Around these parameters, which certainly favored older males, initial triangulation and sampling for ethnic, gender, age, and class difference as described above occurred, with interviews and focus groups at and around each site deliberately involving only women, youth, or ethnic minorities. As there was more limited participation in this initial research from those not immediately involved in (but often powerfully affected by) mediation processes, the need for further research, especially involving those vulnerable and peripheral to mediation processes, is strongly stressed.
- Single interviews with strangers in these kinds of contexts produce results with very low reliability. Within both neighborhoods and the research team, this research was informed by ongoing iterative practices of reflecting together on emerging findings (in groups, individually, in review of writing and conversation). Clarifications were often sought and different perspectives explored, and time for reflection enabled all sides to sharpen their sense of what was happening and what needed further, wider investigation. Following these protocols respectfully within local settlement contexts meant that interviews needed to be flexible in terms of attendees, since family members would want to be in the conversation and some would want to dominate. Multiple and iterative conversations involving different individuals and groups, and careful use of group and researcher splitting to enable different kinds of voices to emerge, were used throughout.
- Findings were discussed and validated during a series of presentations to different groups, including mediators, komitis, and law and justice sector and urban safety program staff, both indigenous and expatriate.
- Altogether, more than 150 separate individual conversations, as well as semi-structured individual and group interviews, of this kind were performed in Lae, building on a previous series of 200 similar interviews in the earlier Port Moresby work. Conversations occurred in the familiar mix of Tok Pisin and English, within which much of this "local public" business is pursued. Although the research leader developed a certain facility in at least hearing Tok Pisin, translation was locally and immediately available on both sides. Overall, researchers were pleasantly surprised and impressed by both the eagerness of locals to talk and the ways their discourse reflected the obvious local development of critical perspectives and widely shared understanding of what is happening in neighborhood processes. Various or even randomly encountered people at very diverse sites would use highly similar language to describe what local leaders are doing.

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