

# Toward Peace: Foreign Arms and Indigenous Institutions in a Papua New Guinea Society

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# Historic Causes of Mae War

- War it served to
  - avenge insult, theft, or injury,
  - to display strength,
  - to reestablish balance of power, and
  - to acquire land
- Around 1850 major changes
  - Pigs and resources used to compensate allied clans was paid to enemy clans as a form of compensation for war

According to Weissner “Consequently, clans could and did fight, resolve conflicts, and stay put, reducing migration after warfare. Compensation cost precious pigs and valuables, providing a strong incentive to establish rules to contain warfare. When well-organized by skilled leaders, warfare and peace-making had economic motivations: to reestablish ties, balance of power, and respect between clans so that wealth for the many forms of ceremonial exchange called *Tee* could continue to flow freely . Warfare and exchange thus became entwined.”

A clan of the Enga people performs a traditional mock attack upon arrival to receive compensation for the deaths of their warriors.



Compensation: pigs and other goods laid out between giving and receiving clans



# Colonian History

- Australian patrols entered in the 1950s and 1960s suppressing warfare
- Consequently many traditions connected to war waned, including
  - bachelors' cults,
  - ancestral cults,
  - and separate men's and women's houses.
  - Ceremonially, the last great *Tee* cycle of enchained exchange was held in 1978 to 1979 ending one close link between warfare and exchange.

# Increase in war

- Upsurge in war among the 400,000 to 500,000 Mae Enga during the 1990s after a period of less war
- In part a consequence of
  - New technology: M16's and shotguns
  - The youth bulge (18-28) was contributory
    - Control by elders was curtailed
  - Leading to an increase in interclan (300-1,000 in each clan)
    - Killing
    - Resource destruction
    - Refugees
  - In response people called on elders to reinstitute traditional means of dispute settlement

# The Administrative Problem

- Guns in the hands of the colonial administration brought peace and Mae Enga turned to “fighting in court”.
  - A few years before independence warfare resurged as social inequalities grew.
- The western justice system had failed to **restore** relations by mediation and material compensation and ignored local politics and future relationships
- In the past, winners were often unable to hold and use land vacated, so they would request a moderate payment from the losers to recognize defeat and let them resettle.
  - In the past, such wars reestablished balance of power so that exchange could flow;
  - In the Australian system wars leave imbalance, widespread destruction, and thousands of refugees because of an absence of big men to make peace through compensation

# How did this happen?

- OMS (Operation Mekim Save) created by Australian organized local courts to deal with warfare
- However, their response was either slow or brutally favoring one side or the other (administrators were loyal to their clans), and emphasized **punitive** versus **restorative** justice
- Guns, formerly prohibited by clans, were acquired by hot headed youths aided by political leaders and the police or army
- Warring clans (outside of the control of clan leaders) employed mercenaries skilled in the use of semiautomatic weapons, called “Rambos” or “hiremen,” who fought largely for brotherhood and fame and to “carry out justice where government had failed”

# The turning point

- Simultaneously war-weary citizens began to withdraw support for warriors and to turn to OMS village courts to put an end to armed conflicts soon after they broke out. Consequently:
  - the number of deaths before wars were ended decreased (see Table 1). From 1991 to 1995, 23% of wars were ended after one to five deaths, whereas from 2006 to 2010, 74% of wars were ended after one to five deaths.
  - By 2010 citizens prevailed, and war was widely rejected as a solution to solve problems

# Historic Change in Mae War

**Table 1.** Number of wars, deaths per war, and deaths before war ended by five year interval from 1991 to 2010.

Deaths before war ended	1991–1995		1996–2000		2001–2005		2006–2010	
	<i>n</i> wars	% wars						
1–5	10	23%	34	40%	83	58%	168	74%
6–10	17	39%	24	28%	25	17%	32	14%
11–50	13	29%	20	23%	33	23%	25	11%
51–300	4	9%	8	9%	3	2%	1	1%
Total	44	100%	86	100%	144	100%	226	100%
Total number of deaths	836		1475		1363		1142	
Average number of deaths per war	19		17		10		5	

Points:

- Wars in pre-colonial times killed an average of 3.7 men
- A slight decline in total deaths in 2006-2010
- A major average number of deaths per war

# Historic Change in Mae War

**Table 2.** Number of wars and mean number of deaths per war from 2001 to 2011. The Porgera district has been omitted. District C had no wars in 2011.

	2001–2003		2004–2006		2007–2009		2010–2011	
	Total wars	Average no. deaths						
District A	13	13	27	5	59	5	3	6.7
District B	31	6	17	6	26	7.3	7	6.3
District C	18	10	19	6	18	3.6	13	5
District D	21	26	17	7	39	2.8	2	2
District E	17	7	14	2	7	2	3	3
Total	100	12	94	5	149	4.5	28	5.1

# Why did the change occur?

## 1. **Exhaustion and economic hardship**

- A. Exchanges and trade could not occur
- B. Young warriors matured and had assets to lose
- C. Education prioritized so young men have options to being Rambos

## 2. **Church influence**

- A. A significant number of people were attracted by the ideology of peace in churches
- B. Became a political force

## 3. **OMS changes**

- A. Better radio communications allowed them to respond more quickly to prevent fighting from escalating
- B. Adopted traditional means of compensation and reliance on local leaders
- C. A return to restorative justice through compensation (as opposed to simple punishment or fines that go to government)

# An old form of justice: district and village courts compared

**Table 3.** Outcomes of cases heard in district and village courts in 2011. Cases for both courts include a similar proportion of charges concerning murder, rape, assault and property (22).

Decision	District court		OMS village court	
	<i>n</i>	%	<i>n</i>	%
Fine or jail sentence	4	10%	1	2%
Struck out	18	43%	0	0%
Withdrawn	20	47%	0	0%
Compensation order	0	0%	17	40%
Compensation settlement mediated	0	0%	9	29%
Mediated agreement reached to settle out of court	0	0%	12	29%
Total	42	100%	39	100%

Ninety-eight percent of OMS cases reached or approached resolution via compensation as a means of restorative justice. Only 10% of district court cases concluded with a jail sentence; the rest were struck out when witnesses did not appear or the case was withdrawn by the plaintiff and taken to OMS. **Jail sentences do not satisfy as material reparations do.**

# Traditional Values

- What are the principles that quell emotions and resolve serious disputes? For 45 serious cases, magistrates gave one or more of the following justifications: 16 cases, lack of respect for the emotions of the complainant; 13 cases, breach of respect for property; 5 cases, untruths; 13 cases, failing to meet traditional obligations; and 12 cases, failure to exercise restraint under rage or intoxication.
- These norms and values are expressed in precontact maxims that guide village court decisions today. Kinship ties were called on to settle matters peacefully in 33% of the cases. In 26% of the cases, parties were encouraged to go home, “drink Coca-Cola,” and first try to resolve the dispute by themselves

# How it works

- In paying compensation, the offender accepts liability, acknowledges the pain of loss, and compensates materially. Kin outside the clan assist donor clans in assembling wealth; politicians and businessmen donate large sums to increase their popularity.
- When done well, compensation changes hearts so that people let go and proceed with productive relations; when poorly done, hostilities resume.
- The cost of paying compensation is mitigated by anticipated social and political gains for those who honor financial responsibilities, show respect, and refrain from violent retribution.
- Those who cost the clan repeated compensation or fail to contribute are marginalized as “rubbish men”

# Chechen Revenge

- Chechnya is Russia's only region where old customary tribal laws – the *adat* - have been preserved and are almost fully functional. The blood revenge is one of them. A homicide should entail the murder of the perpetrator or one of his kin.
- Chechen society consists of *teips* or clans. Every clan has its own elders or, at least, respected members. In case of a conflict, the rivals first talk to the elders and only then - to police. The government may resolve an issue using the Criminal Code while the elders would always do it equitably and faster.
- Blood revenge sounds [strongly] but a significant number of conflicts involving murders is resolved peacefully when the offended party forgives the wrongdoers. Such agreements are made by the elders whose say has an absolute weight in the Chechen society. When the respected men reach an agreement, the conflict may be considered resolved.