

Crime and corruption—does Papua New Guinea have the capacity to control it?¹

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Crime and corruption in Papua New Guinea are rampant and linked through networks of ethnicity and other allegiances. State crime control strategies are often politically influenced or prompted by fear of negative sanctions by allegiances or tied to international agencies' policy. Community capacity in relation to crime control is also influenced by aid agency input, state capacity, and the economic and social impact of corrupt practice.

There are strong links between leadership integrity, and resource equity and availability. Transparent, trustworthy and cooperative leadership that reaches consensus of vision with its citizens, keeps citizens informed and works with citizens to alleviate social and economic constraints is essential for successful crime control strategies in the PNG context. This rarely occurs. Instead, allegations of corruption against politicians and others in positions of trust are frequent and communities, as a consequence, become uninterested in, and detach themselves from crime control strategies.

Years of junketing, greed, sloth, sheer incompetence and outright corruption is sending Papua New Guinea into an economic tailspin, exacerbated by the accompanying increase in crime. The country is dependent on foreign grants and loans

without which it would be bankrupt. New foreign investors are deterred and companies with a presence are disinvesting.

To develop, the country needs more than 3 per cent of continuous economic growth each year. Papua New Guinea has an exploding population, growing at the rate of 3.1 per cent—the highest of any Pacific country. Greater political stability has been achieved in recent years, and Papua New Guinea has been freeing up its economy. Papua New Guinea now has a workforce with competitive wage levels, but improvements have yet to manifest in economic growth.

The national capital, Port Moresby, has one of the world's worst crime rates and one of world's highest unemployment rates. By 2015, the National Capital District (NCD) population is expected to increase by 2.7 times from its 1990 level, yet it has already outstripped the capacity of the city authority to provide reliable electricity and telecommunications. The Electricity Commission is in enormous debt and the national capital is subject to rolling electricity cuts. The National Capital City Commission (the city council), Post PNG Limited (the postal service) and Motor Vehicles Insurance Limited are all bankrupt. Businesses have difficulty surviving and new investors—and potential employers—do not want to waste

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their time and risk their money in an environment where their property and personal rights are not protected, they are compelled to pay bribes to corrupt officials to keep the telephones and electricity on, and are hampered from meeting continuous market demands due to poor infrastructure or frequent robberies and muggings. In 1995, the cost of crime to Papua New Guinea was estimated at K191 million—3 per cent of GDP. A survey of business costs by Duncan and Lawson (1997) discovered that 63 per cent of businesses considered security to be the most serious problem inhibiting daily operations and expansion. Food costs are exorbitant, educational opportunities and health care are inadequate, and housing is overcrowded—conditions ripe for deprivation, poverty, crime and corruption.

There is a common view amongst PNG citizens that many leaders are corrupt, that is, they accept goods for favours, steal public monies and property, appoint family and friends to jobs without due process and indulge in a range of other fraudulent practices. The Morauta Government is trying hard to redress the alleged corruption of some leaders. For example, it has taken several provincial governments to task, withdrawn their administrative powers, sent in fraud investigation teams and called on others to show cause as to why their powers should not be withdrawn. Commissions of Inquiry and other investigations into massive public fraud have been initiated, public sector structural reform has begun and the sale of some major state-owned institutions is pending.

However, while millions of kina has been stripped from public coffers and millions of kina has been spent on Commissions of Inquiry and other investigations to bring alleged offenders to justice, no arrests or prosecutions have yet occurred. For example, two Commissions of Inquiry, the Los and Andrew Commissions, were established to investigate allegations of corruption in relation to the Sandline affair. Both

Commissions recommended that authorities take certain action. Nothing has been done. In the case of the Cairns Conservatory case, investigations by the Attorney General and Ombudsman both pointed to serious irregularities that suggested large sums of money had been transferred illegally to individuals. The Ombudsman recommended that prosecutions be instituted.

Students at the University of Papua New Guinea responded to the MP's salary increases by calling upon the Salaries and Remuneration Commission to rescind its decision because the salaries were a slap in the face for the majority suffering in silence. Many believe payments and payouts of between K400,000 and K1 million a year are excessive for some senior officials—former prime minister, Sir Rabbie Namaliu, remarking that they are not worth a fraction of what they are paid.

Citizens feel marginalised by such excesses. They also lose respect for state laws and criminal justice agencies that administer them when political and other leaders, against whom strong allegations of criminality have been made, remain in office. In an effort to gain and maintain personal power and a greater share of resources, citizens mimic their leaders' behaviour. This makes the control of crime difficult because the level of control by both the state and communities is a manifestation of shared values, opinions and pressures, often politically influenced, and biased.

State capacity dictates community capacity and community capacity is governed by leadership integrity, resource equity and availability. If the capacity of the state is weak, the capacity of communities is weak—communities being limited by the same problems that inhibit state initiatives to control crime. These ingrained problems may relate to obligations resulting from political and clan alliances, exacerbated by corruption, and lead directly to the inequitable distribution of goods and services.

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Papua New Guinea is a constitutional democracy. It has a free press and, in theory, free speech. Citizens are informed through the print and electronic media and are encouraged by the media to give their opinions. Letters to the editors of local newspapers are often passionate about issues relating to criminality and the corrupt practice of persons in positions of trust. Such expressions through the media are relatively safe for ordinary citizens and encouraging for readers. However, there is a fear of retribution if one is too direct about such issues as the amassed wealth and Australian real estate and expensive vehicles of politicians, and the Australian boarding school and university education of their children.

There is also a tendency to externalise problems and blame foreigners for the country's troubles even though development initiatives are donor dependent. The usual scapegoats are the World Bank and the International Monetary Fund whose agenda is to rescue the economy through instilling financial discipline. The June 2001 protests and riots led by university students against these agencies and the government's supposed registration of land and privatisation agenda are indications that many PNG citizens do not fully realise the social and economic implications should land registration and privatisation of certain government and semi-government institutions not occur. The students actions are not, however, the result of considered opinion but a result of perverse and ignorant influence by corrupt leaders who wanted to bring the government down (*PNG Post-Courier*, June 20, 2001:1; June 22, 2001:1).

Fundamentalist and egocentric politicians sway citizens into a false sense of security that they can 'go back to the land' and that they 'don't need foreigners'. This attitude will ultimately result in greater social and economic upheaval caused by further deprivation of basic needs, like water, food, shelter, health, education and economic opportunity.

Undeniably, Australian colonial legacies to Papua New Guinea at Independence on 16 September 1975 were weak administrative systems, foreign laws often at odds with customary laws and an élite PNG minority representing only 1 per cent of citizens. This tiny élite was tasked with creating nationhood from over seven hundred culturally and politically diverse language groups in a post-Independence environment of rapid urban migration, population explosions, a stagnant economy, growing unemployment and increasingly frequent and vicious crime.

Since then, as resources diminished and desperation increased, corruption has flourished. Criminal gang leaders exploited government instability utilising reciprocity networks in the guise of 'traditional exchange' to maximise illicit benefits. Politicians and public servants caught up in this chain reaction exercised selective rather than effective crime control, keeping major players on side and maximising political and material benefits. Reported crime rose steadily from the early 1970s when the PNG economy began to stagnate, fewer jobs became available and opportunities to go to school or continue in school after grade six diminished.

Efforts to contain crime have been many and varied, ranging from raiding and burning by police to the pursuit of bridging mechanisms between the state and communities such as village courts, community policing and law and order committees. In 2001 most continue to flounder. Initiatives are often devoid of leaders' support at national and local levels—manifested in a lack of adequate and consistent resource input to provide for and inform citizens, allay fears, ignorance and jealousy and prosecute and punish defrauders of the public purse. While efforts are being made to instil greater accountability and back-pay public servants, development initiatives and service delivery are often hampered severely by inefficient and corrupt

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administrative regimes. Levantis (2000:132) refers to an international victimisation survey conducted by the United Nations Interregional Crime and Justice Research Institute (UNICRI) that compared law and order in PNG urban centres and other surveyed cities in developing countries of Latin America, Africa and Asia. The survey revealed that PNG urban centres fared worst, especially in relation to serious crime. Levantis rightly summarises the causes as the failure of the state to enforce personal rights and property rights adequately.

Creating incentives for youth to learn practical skills and earn legitimate income is an ideal way of depleting the pool of unemployed youth from which gang leaders draw criminal lackeys. However, communities deprived of education and health services, with no access to capital and markets, and who receive no support from government extension services have no means of sustaining incentives. The hardline taken in relation to the informal sector resulted in the aggressive dispersal of street vendors in centres like Port Moresby, simply destroyed legitimate income-earning opportunities for unskilled youth who are otherwise drawn into crime (Levantis 2000:141). Community leaders express their sadness, helplessness and anger as their bored, uneducated youth migrate to cities, join criminal gangs, go to jail or get killed. They become passively resistant when they are told they must assist police to apprehend criminals who are their sons, brothers, nephews and cousins. Protecting their aberrant youth and capitalising on the desires of vote-driven politicians is more materially advantageous for leaders than helping police catch their relatives or waiting for government services blocked by corrupt practice and poor management.

In this environment both morally deficient politicians and criminal leaders thrive. Harris (1988:2) showed that the opportunity costs of committing crimes were low for most criminals as there was little

chance of arrest or prosecution. Criminal gang leaders—confident of community protection—orchestrate increasingly sophisticated and vicious crime, drawing from the pool of unemployed, uneducated youth for front-line work. While some communities realise short-term material benefits, others miss out, and overall repercussions from crime manifest in fear and disincentive.

The PNG media and various criminal justice agency spokespersons believe crime is becoming more random and more vicious. Levantis (1997) estimated that crime had risen twenty-fold over the past twenty years. Moreover, serious crime statistics for the second half of the 1990s indicated that such crimes were 65 per cent higher than 10 years before, averaging 11,500 a year. Crime costs PNG taxpayers more than 4.6 per cent of GDP in direct costs each year. Total direct costs of larceny have been estimated at 61 million kina for the private sector and 29 million kina for the public sector. There are also substantial external costs as fear and anxiety increase and community mobility is confined to avoid attacks (Levantis and Chand 1997; World Bank 1999). Corrupt politicians who manipulate resource distribution effectively block development initiatives that can facilitate some potentially worthwhile community crime control strategies.

Papua New Guinea has a Westminster legal system that the state administers. It seeks to control crime and protect the community by apprehending offenders and prosecuting, punishing and rehabilitating them through its criminal justice agencies. These agencies are the Department of Justice (magistrates, district, and supreme courts, called the National Courts), the Royal Papua New Guinea Constabulary (RPNGC), PNG Correctional Service (PNGCS), Department of the Attorney-General (AGD) and Department of Home Affairs (DHA). The agencies are badly under-resourced, poorly administered or inappropriately managed and cannot cope with increasing crime—yet

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even in the 1970s and early 1980s concerns were raised regarding the increase in crime and the inability of criminal justice agencies to control it. In response, the then Prime Minister, Sir Michael Somare, commissioned what became known as the Clifford Report to review crime control strategies and make recommendations. A major recommendation of the report was the utilisation of customary social and economic structures and value systems to control crime. This recommendation was made for two reasons. First, the authors believed that Papua New Guinea has a strong sense of community that could be powerful if harnessed. Second, they believed state crime control agencies were highly politicised, corrupt and in constant conflict with one another, manifesting in poor relations between the state and its citizens. While criminal justice agencies are benefiting from long-term financial, advisory and training support from AusAID, minimal resource provision from the PNG government has little capacity to respond to rising crime.

Though constantly undermined by meagre resource and leadership support, PNG citizens make considerable effort to maintain order in their communities and organisations. While efforts vary, village court arbitration appears to be the most common and most popular way to resolve community-based disputes. This is because disputes are resolved in the public arena of the community according to shared values and opinions. Arbitration by an elder, group of elders, church leader or other prominent persons outside a court is also popular. However certain decisions by village courts or other community arbitrators are not state sanctioned. In attempts to prevent fraud or encourage social and economic advancement to control crime, government agencies develop and implement systems of accountability and non-government agencies and community organisations form self-help groups.

Some communities form vigilante groups or employ security companies to keep the

peace. This relieves under-resourced, state crime control agencies. Others use 'traditional' methods to control crime. Some 'traditional' controls however are crimes against the state. They may include tribal fighting and revenge attacks ('payback')² which can manifest in burglaries, car thefts, muggings, killings or sorcery. When the state arbitrates such cases in court, it often hands down sentences which may be a combination of state administered penalties like imprisonment, in combination with traditional controls like compensation and other dispute resolution strategies. Police, provincial or local level governments and village courts often work together to implement strategies with a view to avoiding further violence.

These strategies are not consistent however. Many initiatives are short lived and dispute resolution may not always be appropriate. PNG communities, sick of the empty promises of the state, provide for their *lains* (descent groups) by whatever means they can. Some rural communities sanction highway robberies and some politicians are said to be involved in highway-looting networks, reaping illicit material benefits that they use to garner votes.

Meanwhile the state, floundering in its capacity to control crime, often reacts brutally. When this happens, communities become closed, withdraw support from state law and order agencies and mirror state sanctioned violence. State agencies, overwhelmed by pillage and burn rampages of angry individuals, communities and gangs and under pressure 'to do something', resort to short-term, brutal bandaid strategies. These actions again reinforce community violence, one manifestation being frequent sexual and other aggressive attacks on women and children. An international victimisation survey by the UNICRI discovered that Papua New Guinea had the highest incidence of sexual assault with nearly 12 per cent of women 16 years and over victim to sexual assault at least once

in the preceding year, and more than 32 per cent in the preceding five years (Levantis 2000:132). Sexual and other aggressive attacks on women and children are frequent, vicious and violent in Papua New Guinea. Sexually exploited women and children are often blamed and punished for the shame they bring on their families and some sexual attacks are not considered crimes and victim trauma is downplayed. Compensation, retribution against the victim for encouraging the attack, or revenge attacks on the perpetrator or his family are often the only perceived, acceptable and honourable outcomes. These 'customary' methods often confound state law that protects the rights of women and children. This is because western-oriented state courts focus on victim pain and suffering, alien to expectations of allaying shame of the victim's family and group expectations of recompense. Because of customary attitudes, many cases of sexual attack are not reported to the police and do not reach national courts. The most popular way to deal with such cases is through village courts. However, the victim's relatives often prevent the victim from testifying against the perpetrator in a national court of law to ensure the desired compensation is secured. Many victims do not object, as the outcome for them may be a beating, murder or banishment from the family.

Factionalism, formed along ethnic and training group sub-cultural lines is ingrained in law and order agencies. It impacts on senior officer appointments, distorts promotions board and discipline committee decisions and discriminates severely against women. Criminal justice agency officers with bad disciplinary and performance records are promoted to senior positions and nepotism is rife. While there are a few short-lived protests by staff and unions, most opt for a 'do nothing' approach that avoids conflict and violent retribution.

While AusAID-funded experts are working with police, the probation and parole service and prisons to enhance the

quality of human resource management and administration, prosecution, community-based supervision, custodial rehabilitation and building maintenance regimes, prosecutions often fail, courts rarely use community-based sentencing options and prisoners often live in appalling conditions with few rehabilitative opportunities. In 1999, half the prisoners in major PNG jails were on remand awaiting court hearings. In 2001 the situation remains unchanged. Escapes are frequent and prisoner food rations scarce.

Village courts appear to be the obvious option to centralised institutions. However, village court officials are untrained and usually unpaid. They arbitrate a wide range of matters—some of which are outside their jurisdiction—order little or no community work, recommend prison sentences to higher courts for minor offences and non-payment of fines, and fail to pursue the prosecution of perpetrators of serious crime. Instead, many bend to community demands for compensation and discriminate severely against women and children.

While aggrieved parties have recourse through national courts of law, retribution by aggrieved parties can occur in other ways. These may include sorcery, payback killings, muggings, rape or property damage—some in the guise of tribal fighting. Some citizens participate in or condone such retribution while believing that community order and social advancement will occur through economic development. It is not appreciated that the two are negatively linked.

Another dilemma of controlling crime in Papua New Guinea is that what may be a crime according to state law may not be a crime according to local law and what may be considered a minor crime by the state is a serious crime under local law. For example, adultery is a criminal offence in Papua New Guinea punishable by up to twelve months' imprisonment. In many rural communities it is considered to be more serious than murder. On the other hand, sodomy,

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bestiality, homosexual dealing and bigamy are not regarded as serious offences (Clifford et al. 1984:I:11–12).

While the system of government and its laws may be flawed, good governance is also undermined by the choice of people in senior posts and by political involvement in public sector administration. Amendments to the Constitution that limit parliamentary members holding executive positions, introducing a Code of Ethics which binds all government delegates, changing the first-past-the-post voting system to optional preferential voting and setting up an independent Anti-corruption Commission may well address some of these issues (Donigi 1999:120–21). More applied anti-corruption initiatives and more frequent prosecution and punishment of offenders may well avoid massive scandals involving state-owned corporations and institutions that have cost the country over K500 million over the past five years and for which it is again emphasised no one has yet been prosecuted.

Community crime controls would appear to be more effective than state controls in the long term. In addition to approximately 11,500 crimes reported annually, up to 70 per cent of crimes perpetrated are not reported to police but resolved through 'traditional' methods of compensation and gift giving according to the perceived wealth and status of patrons and perpetrators.

However the relationship of politics, leadership, accountability, corruption and capacity within and between state agencies and local communities often stymies both state and community crime control initiatives by not providing for citizens and not involving them in decision-making or keeping them informed, rendering crime control and other initiatives impotent.

The Sandline crisis is a good example of well-planned crime and a good example of

the avarice of some politicians and public servants. It had an enormous, single impact on undermining community confidence in state integrity, especially when those who were found—by two commissions of inquiry—to have fraudulently appropriated millions of kina from the public purse were not prosecuted and retained their power and their wealth. By this gross inaction the value of rorting was reinforced. Despite this, aid agencies continue to pour millions of kina into the stricken PNG economy. The view of Papua New Guinea's biggest donor, AusAID, is that if it persists for long enough governance will improve through structural reform, informed decision-making, greater accountability and attitudinal and behavioural change at senior levels. However, no amount of aid or expert support can do the work and fix the problems. This is the responsibility of the Government.

Crime control strategies have more chance of working in Papua New Guinea when the public sector is diligent in basic administrative practice and is supported by politicians in their efforts. This includes keeping filing systems, consistently reporting and recording statistics and consistently monitoring and auditing expenditure. Crime control strategies have more chance of working when citizens demand the prosecution of offenders against the public purse, including politicians and demand consistent resource support to implement policy and procedure to prevent fraud, and demand involvement in decision-making. It is argued that in such a transparent environment, resources would be transferred to sustainable crime control strategies and citizens would become enthusiastic practitioners of such strategies that both respect shared values and beliefs and link with state-driven initiatives to preserve human rights.

Note

This article is taken from *Crime Corruption and Capacity in Papua New Guinea* to be published by Asia Pacific Press.

¹ 'Payback' is a violent revengeful act that pays back a person or his or her family for a grievance.

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