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THE ESTABLISHMENT OF COMMUNITY JUSTICE CENTRES
IN PAPUA NEW GUINEA

A Collaborative Strategy for Action

by

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and
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Albert Ayius and Matthew Nelson
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<td>Correctional Institutional Service</td>
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<td>NGO</td>
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Focus

Community justice centres aim to develop and promote integration and coordination, as well as increase ownership of, participation in, and promote a more effective use of resources for law and justice services at the community level. This report focuses on the establishment of community justice centres in Papua New Guinea. It assesses the use of traditional, social control mechanisms, through community-based punishments that are imposed by the courts, in order to reduce the cost of incarceration and create a sense of ownership at the community level. This, in turn, will assist to improve the present justice system and develop practical alternatives to imprisonment at the community level.

The Wau/Bulolo District in Morobe Province was selected as the pilot project site for the establishment of a community justice centre. The Department of Justice and Attorney General commissioned the National Research Institute (NRI) to undertake a baseline survey in Wau/Bulolo District, with the Intersectoral Agencies Working Group. This is in line with the National Law and Justice Policy Plan of Action towards Restorative Justice, which calls for the establishment of community justice centres.

Findings

In order to establish community justice centres, our findings from the Wau/Bulolo District study show that an appropriate strategy, which has great potential, is the coordination and empowering of the operating capacity of all the agencies and people at that particular level.

This will improve the present system and develop practical alternatives to imprisonment at the community level. The establishment of community justice centres is a collaborative strategy and, therefore, must be seen as an avenue through which people can participate, and find responsive and proactive solutions to sentencing options at the respective community levels in the country. The Government must, from the Papua New Guinean context, define the parameters of the role that each integrated infrastructural establishment of the community justice centres will play at all levels of that development process.

Our ideal model for the establishment of a community justice centre in the Wau/Bulolo District could set the direction for promoting an appropriate community justice strategy. An articulated and integrated legal policy framework should set the parameters for the effective planning and implementation of community justice centres in Papua New Guinea. The categories of people identified in Figure 5.1 will play a major role in the establishment of community justice centres.

However, we need to know how they can contribute to the development and reconstruction of the present system, and develop practical alternatives to imprisonment and sentencing at the community level.
The use of traditional social control mechanisms, through community-based punishments imposed by the courts, and a high level of community participation are two important policy initiatives that promote the reconstruction and development of practical alternatives to imprisonment and sentencing. It is understood that the establishment of community justice centres is a collaborative strategy for action that links and coordinates all these policy initiatives.

In order to devise practical alternatives to imprisonment and sentencing at the community level, it is important to carefully define and devise an appropriate legal framework which will avoid doubts by, and inconvenience for, the people. They must be made fully aware of the likely outcomes of that development process. This will produce clear parameters as to the coordination and delegation of roles and responsibilities associated with the reconstruction and development of practical alternatives to imprisonment and sentencing at the community level in Papua New Guinea.

The establishment of community justice centres is a collaborative strategy for action and must be implemented in accordance with the National Justice Plan of Action. This, in turn, will make way for the use of traditional social control mechanisms through community-based punishments imposed by the courts. It will also create a sense of community ownership and empowerment, which will develop the present system and improve practical alternatives to incarceration in the country. Therefore, the establishment of community justice centres in Papua New Guinea can influence the type of development and reconstruction of practical alternatives to imprisonment and sentencing at the community level.

Conclusion

The establishment of community justice centres in Papua New Guinea provides a collaborative strategy for action in response to serious deficiencies that exist in the current criminal justice system.

It is an alternative strategy that can be used to maintain law, order, and justice at the community level, while providing an efficient system of deterrence for those people who threaten, or are tempted to threaten, the community. These policy initiatives promote the establishment of community justice centres as focal points which link the community through responsibility, accountability, and the skills to manage their respective crimes at the community level.

The proposed model establishes the network linkages between the various categories of people, as partners in that development project. Also, it must be a planned process, if Papua New Guinea is to create a safe and secure social environment that will restore justice at the community level. This is an ideal model which needs a realistic and appropriate legal framework that will make way for the establishment of community justice centres throughout Papua New Guinea. The establishment of such centres is a collaborative strategy for action, which will improve the present system and develop practical alternatives to imprisonment at the community level. This strategy is a development process, which represents the integration of appropriate features of the
prevailing traditional alternatives with modern ones, where the value of the traditional system is best utilised to restore law and order at the community level.

These proposed policy initiatives must be incorporated, as an acceptable ‘culture’, into our integrated community justice strategy that will restore law and justice at the community level in Papua New Guinea. The establishment of community justice centres empowers the local population to actively participate in the planning and development of practical alternatives to imprisonment at the community level.

**Recommendations**

The following recommendations will enable the appropriate authorities in the Government to prepare a practical and legal policy framework to kick-start the project over the next few years: It is recommended that:

- the Department of Justice and Attorney General fully endorses the community justice model, and where necessary, suggests any changes;
- any form of community development project, such as community justice centres, must involve people at all levels of the development and planning process;
- the Department of Justice and Attorney General fully supports the establishment of community justice centres, as a collaborative strategy for action, in order to improve the present system and develop practical alternatives to imprisonment and sentencing at the community level;
- community justice centres must develop a culture of strong professionalism in court, have expert advice available to strengthen the reputation of the centre, and improve the confidence of community-based sentencing at the community level. This will discourage the people from committing crimes against their friends, family members, and colleagues;
- the Department of Justice and Attorney General notes the findings of this report and seeks government or donor funding for the establishment of community justice centres in Papua New Guinea, from 2002 and onwards;
- the drafting of an appropriate legal policy framework is significant, to ensure that the proper coordination and adequate structural framework for the proposed policy initiatives are fully implemented at the community level. A clear legal policy framework will differentiate the type of crimes committed, and determine whether they can be addressed by the community justice centres at the district or community levels;
- because of the country's diversity, it is important to provide a detailed report to ensure that there is an integrated and unified approach to any form of conflict or crime, which will determine the timing, allocation, and needs to be addressed at that particular level.
- training of professional staff in the key organisations is vital so that they will then train the local groups and community members as trainers of trainers (TOTs), on the functions and importance of the community justice centres;
- the Department of Justice and Attorney General reconsiders its decision, and establishes a community justice centre in Wau because of its historical
significance in Papua New Guinea. It should evaluate the project after a trial period of at least six months, before continuing onto the next centre;

- data storage facilities are made available at the community justice centres in order to document all the appropriate information for future use and record purposes;

- the establishment of community justice centres should utilise the existing reform structures throughout Papua New Guinea;

- in the absence of Grade 5 or Grade 4 residential magistrates in some subdistricts, Grades 1 to 3 magisterial powers and responsibilities be conferred and delegated to trained leaders, such as kiaps, patrol officers, or district managers, so that they can impose sentencing at the community level;

- two research officers, an information officer, and a secretary be recruited, before the project commences in the Wau/Bulolo District, or in other centres throughout Papua New Guinea; and

- if the project expands to the outlying subdistricts and there is no coordinator, that church leaders or pastors be assigned the roles and responsibilities of promoting peace and supervising sentencing options at the community level.
CHAPTER 1: THE BACKGROUND TO THE STUDY

Introduction

This study assesses the cultural, legal, and politico-socioeconomic aspects of the Wau/Bulolo District, in conjunction with the National Law and Justice Policy and Plan of Action towards Restorative Justice. The community justice pilot project was funded through the Department of Justice and Attorney General, as per its 2002-2003 Works Program activities. This is in line with the conduct and establishment of the initial baseline survey, which will, in turn, demonstrate a suitable model for the continuing collection, reporting, planning, and usage of data for the long-term future of the law and justice sector in Papua New Guinea.

The funding of the Works Program activities was scheduled to begin in 2001. However, unknown circumstances caused the project to be rescheduled towards the last months of 2001, when it was carried out by the National Research Institute (NRI).

The project comprised two field trips — the preliminary baseline survey, and the comprehensive baseline survey. The preliminary baseline survey was conducted in August, for one week, while the comprehensive baseline survey was carried out over 31 days, during November-December 2001. The comprehensive baseline survey documented the sets of clear directives on the application of the methodology, sampling, organisation, problems, and solutions that the researchers needed to know, before setting out a thorough comprehensive baseline survey. The preliminary and comprehensive baseline field surveys have been utilised here for sampling purposes, so that there is a fair representation of the population interviewed within the Wau/Bulolo district.

NRI was commissioned by the Department of Justice and Attorney General to prepare a comprehensive report on the feasibility of establishing a community justice pilot project in Wau/Bulolo District. Also, it is anticipated that this study will assist the funding department to facilitate its community justice concept, as per its 2001-2003 Justice Action Plan. The two baseline surveys formed the design basis and subsequent collecting of appropriate information from various groups of people within the identified sample areas of study. The main aim of the study is to identify the relevant information that will assist in developing a suitable model for future collection, reporting, planning, and usage in other research at the provincial and community levels. The outcomes of the study will also be used as the basis on which community justice centres will be established throughout Papua New Guinea, by 2002 and onwards.

Significance of the Research

This study focuses on the establishment of community justice centres in Papua New Guinea (PNG), as a collaborative strategy for action that will improve the present system and develop practical alternatives to imprisonment and sentencing at the community level. The study presents theoretical and practical implications of some operational aspects of development and community justice concepts in PNG. Also, it explores how PNG can devise a suitable model for establishing community justice centres (CJCs) that are more responsive and proactive at the community level.
The basic assumption is that the establishment of community justice in Papua New Guinea must increase the use of traditional social control mechanisms through community-based punishments which are imposed by the courts, reduce the cost of incarceration, and increase the level of community participation at the community level. Further, it must attempt to incorporate some of the traditional social control mechanisms into the existing justice system, as well as contribute to the day-to-day improvement of law and order problems, and reduction of incidence of criminal activities in the country.

This study explores the relevant theoretical and practical implications of the development of community justice centres in Papua New Guinea, as a collaborative strategy for action. It focuses on the interaction between the impact of development on community-based punishments imposed by the courts, the cost of imprisonment, and community participation at the community level. Its ultimate aim is to devise an appropriate community justice model, and implement appropriate traditional social control mechanisms in order to contribute to the development of the present system, and devise operational alternatives to incarceration and sentencing in the country.

Development is a complex phenomenon, and its definitions and interpretations remain elusive. Community justice is also a complex phenomenon, which interacts with development, as do many other applied concepts. The use of traditional social control through community-based punishments that are imposed by the courts, and high levels of community participation are two aspects of the community justice concept which reduce the cost of incarceration. It is operationally defined as reinstating the integration and devolution of powers of the appropriate community justice strategy for action at the community level.

In Papua New Guinea, there is insufficient documentation and availability of data. Our ideal model requires the inclusion and proper coordination of information and network linkages with categories of people at the community level (see Figure 5.1). Therefore, it is important that the Government of Papua New Guinea makes financial allocations, whereby the establishment of community justice centres is seen as an essential strategy for action in the country's development process.

Our ideal model suggests that the Government must plan a type of community justice development project that is consistent with the prevailing realities. Also, it should determine how the respective traditional social control mechanisms, through community-based punishments that are imposed by the courts, and high level of community participation, must be directed as a means of reducing the cost of incarceration in the country. This is because traditional social control mechanisms and community sense of ownership are seen, in historical and contemporary approaches, as two of the essential means of restoring justice or 'bel-kol pasin'; that is, by way of restoring peace and good order at the community level. On the basis of discussion, this study proposes a desirable community justice strategy that is consistent with the community justice centre development model. It must be appropriate and realistic in relation to the enhancement of the present system, and the development of practical alternatives to imprisonment and sentencing at the community level.
Applied Research Methodology

The quantitative research methods involved obtaining primary and secondary data from key informants—the stakeholders, people or community leaders who have some contact with, or responsibility for, specific justice programs, projects, and related activities in the particular wards and communities, and who have some relevant knowledge of the subject matter.

This study is an investigative one, which is based on a ‘triangulation research method’ (Rose 1982:309), because it was a combination of primary and secondary data, personal observations, and community participatory social actions from which the relevant information was collected. It allows for ‘explorative designs’ (Grinnell et al. 1985: 225), as it was created along confirmatory lines, which enable the research consultants to offer hypothetical, but practical propositions on the importance of development and the establishment of community justice centres, as a collaborative strategy for action. First, community justice centres will lead to an increase in the use of traditional social control mechanisms through community-based punishments imposed by the courts. Second, CJCIs will reduce the cost of imprisonment. Finally, CJCIs will increase the level of community participation, by providing a sense of ownership of the outcomes.

These practical propositions suggest that the establishment of CJCIs, once fully implemented, will play an important role in the development and reconstruction of the community justice system in Papua New Guinea. Clearly, CJCIs will continue to have a variety of impacts, with specified consequences, on the future development of community-based punishments that are imposed by the courts, the cost of incarceration, and the high level of participation at the community level.

A key question is, “What are the appropriate processes of integration, community orientation, and devolution of community justice at the community level?” This prompted the creation of an ideal model within which the established community justice project in Wau/Bulolo could be directed and set the phase in the enhancement of an appropriate strategy. The community justice strategy must be perceived by the respective communities, as adequate for them to participate and find responsive and proactive solutions to their problems, in line with the well-defined legal framework.

The Focus of the Study

Chapter One introduces the study, and discusses the introduction of the concept of community justice into the Papua New Guinean perspective. It focuses on the purpose and study parameters, significance of the research carried out, and the number of applied methods employed in establishing and developing the theme of the study. Chapter Two examines relevant aspects of the concepts of development and community justice in the light of Indonesian and Japanese models, and their interactions in the development process. Chapter Three discusses the applied methodology that was used in the two baseline field surveys in Wau/Bulolo District. Chapter Four presents the study results, and Chapter Five presents an ideal model for the establishment of community justice centres in Papua New Guinea. Chapter Six discusses the key policy initiatives and ways to improve it.
Conclusion

Development and community justice are important and complex practical concepts in terms of their interaction in the development process. This discussion paper examines the importance of development and community justice concepts in the light of Papua New Guinea’s experience. In PNG, there are some 860 different cultures, and each one of them characterises some similarities and slight differences in maintaining orderliness, security, and propriety in the community.

In considering their importance and prevailing realities, this model proposes a coordinated legal framework which will be able to set role parameters and responsibilities of the management of crime and conflict at the community level, in accordance with the National Law and Justice Policy Plan of Action towards Restorative Justice. At the same time, it will continue to provide established network linkages (see Chapter 5).
CHAPTER 2: AN OVERVIEW OF COMMUNITY JUSTICE AND DEVELOPMENT

Introduction

The aim of the study is to develop an appreciation and understanding of the establishment of community justice centres as a collaborative strategy for action. It also identifies and defines the concepts of development and community justice, through two case studies and the interaction between these two concepts. This analysis will assist in understanding the relationship between the two terms and the influence they have on each other.

What Is Development?

There are many important, practical, legal, politico-socioeconomic, and cultural implications that are associated with development. Papua New Guineans must understand the generalities of development before planning for the type of development which they perceive as adequate at their particular level.

Population, migration, income distribution, poverty, conflict, law and order problems, peace, and environmental issues which influence the development process (Cox 1992) are some of the common legal, politico-socioeconomic, and cultural factors that contribute to development. Each one has a specific impact and consequence on the nature of the development process, which is often complex and beyond human capacity to control. These have resulted in many definitions and interpretations of the term development. However, none are universally accepted (RISD Report 1980; Brandt Report 1980).

There are three major schools of thought, which have different definitions and versions of development. The traditional modernisation school, through the influence of theorists such as McEwan, Rostow, and many other policy makers and practitioners during the post-independence period, has tried to define and address issues concerning development. In many of their conclusions, development was defined as the capacity of a national economy to generate and sustain an annual increase in its Gross National Product (Todaro 1989:88). However, new theorists of modernisation have defined development as a multi-dimensional process that involves major socioeconomic changes within the national and global system (ibid.).

Traditional dependency theorists, such as Santos and Frank (1992:458-465), in Hendricks present a contrary view and argue that development is a colonial relationship in which the underdeveloped world was forced to enter into economic development in order to become more productive. New dependency studies have redefined development in terms of improving the living standards for all people in the periphery (So 1990:105). The world system school presents a triangular understanding of the world, with core, semi-peripheral, and peripheral areas. The intention of that definition is to show that development should affect the lives of different people in the three types of situations (Wallenstein 1979).
Each respective school of thought is trying to find the development approach that will contribute to the improvement of the people’s living standards. Furthermore, each version has made a significant contribution to people’s understanding of development. The most recent studies appear to show a significant degree of convergence of the emphases of all of the three different schools. This reflects a noticeable change in the restoration of justice, which restores different justice mechanisms at the local level in improving the justice system — in the name of that development process. For example, the establishment of community justice centres in Papua New Guinea is one of the collaborative strategies for action; that is, it is assumed to have great potential for coordinating and integrating the appropriate aspects of the development process at the community level.

The Government must plan and create an appropriate strategy for a type of development that will challenge and invite all Papua New Guineans to actively participate at all levels of the development and planning processes. This calls for the Government to focus on proactive and responsive measures to rectify recurring mistakes, which will ensure that the people must directly participate in the planning and establishment of community justice centres in Papua New Guinea.

Community Justice

There are many important, practical, legal, politico-socioeconomic, and cultural implications that are associated with the adoption of community justice.

Papua New Guineans must understand the types of concepts that are used before they can plan for the type of system, which they perceived as adequate, at their respective levels. Community justice sheds new light in empowering the community with a sense of community ownership which has the sole responsibility and accountability to manage crime and restore justice at the community level. As a result, the Government, through the Law and Justice Sector Working Group (1999) has planned and created the National Law and Justice Policy and Plan of Action towards Restorative Justice that will challenge and invite all Papua New Guineans to devise a collaborative strategy for action in that development process. This is to counteract the escalating law and order problems over the past two decades, which created adversarial consequences for the nation’s development, and the well-being of its people (UNDP Human Development Report 1999:136).

Papua New Guinea’s criminal justice reform is becoming a major issue, and international experience also confirms that there are serious deficiencies with the conventional model of criminal justice (The Law and Justice Sector Working Group 1999). The same experience offers many valuable ideas about the types of imprisonment, through deterrence or rehabilitation. This means that we must devise an efficient system of deterrence against those who threaten, or might be tempted to threaten, this environment. Therefore, Papua New Guinea must devise meaningful laws that can be amended and administered in an acceptable and fair legal system, so that the community is empowered with the sole responsibility and accountability of managing crime and restoring justice at the respective levels.
The law and the legal system are important means of maintaining adequate social stability for the required legal, cultural and politico-socioeconomic changes. To a lesser extent, the law can also be used to stimulate change. However, in these circumstances, we need to review each crime in its totality, and note the specific circumstances in which the crime was committed in order to shift that responsibility of commitment to the community level.

The use of traditional social control mechanisms through community-based punishment which is imposed by the courts, at the community level, is an affirmative approach to crime and conflict in Papua New Guinea. There are many traditional techniques for settling disputes and imposing community-based punishments. The implementation of the decisions of the village courts, alternative dispute resolution, paroles, community policing, and other schemes that involve the community in the rehabilitative processes must integrate the appropriate structures of each community. Noyoo (2000) defines such processes as community empowerment — the democratisation of the development process. This means building a sense of belonging through increased participation in community forms of punishment and conflict resolutions at the respective levels. The integration of an appropriate community justice strategy for action will complement the core rationale for the long-term future of the law and justice sector to bring about social change in the country.

The use of community social control mechanisms through community-based punishment that is imposed by the courts will have a significant impact on the establishment of community justice centres in Papua New Guinea. Restorative justice is not new in Papua New Guinea. Many of our traditions and customs provide a rich foundation for the development of a proactive and responsive justice system for Papua New Guinea. Newell (1999) provided alternatives to the existing types of imprisonment in his address to the Law and Order Summit, and offered resolutions to some of the problems that are encountered in the present system. For example:

- acquittal;
- a fine;
- a fine plus a period of probation;
- impose a sentence;
- suspend and put on probation;
- part sentence of imprisonment and probation;
- impose sentence and defer part/whole on payment of fine and/or restitution by a certain date;
- caution and discharge;
- discharge on good behaviour bond being entered;
- discharge on the rising of the court, after taking into account the period spent on remand;
- court ordered good behaviour bonds under probation supervision;
- court ordered sentences to juvenile institutions under probation supervision;
- community work;
- orders as a condition of probation;
- community work orders;
• repatriation;
• exclusion from visiting certain places;
• compensation and restitution;
• restraining orders;
• attendance orders;
• home imprisonment;
• imprisonment plus a period of probation following release;
• parole following imprisonment;
• remission for good behaviour while imprisoned;
• decriminalisation of some lesser offences;
• compulsory education for young people at a boarding school in another province, away from the scene of the crime, and at the expense of the State;
• use of such halfway houses such as the City Mission and similar church run bodies; and
• placed in the care of a church leader.

The implementation of community-based punishment with regard to minor offenders, non-violent offenders, and first time offenders is a significant step towards reducing the cost of imprisonment. Reduction in the cost of incarceration is a development and reconstruction process, which shifts that responsibility to the community by devising proactive and responsive sentencing options of punishment. This shows that there is a need to thoroughly reassess the viability of community justice and its sentencing options. Also, there is the need to devise an appropriate strategy that will provide suitable resolutions to many of the current problems, and which will develop the overall rationale for reforming the present justice system at the community level.

An Empirical Indonesian Model

West Java is a province in Indonesia which has a population of approximately 30 million people. Jakarta, which is the capital of the Republic of Indonesia, is a major city on Java.

Like many other provinces throughout the Indonesian Archipelago, the crime rate in this particular province is very high because of the increasing population, urbanisation, and unemployment, as well as socioeconomic conditions and multi-cultural implications. Also, law-enforcement agencies are unable to carry out their tasks successfully, which has contributed to the increasing law and order problems and increasing prevalence of criminal activities in the province. The seriousness of the matter prompted the President’s Commission on Law Enforcement Administration of Justice (1967) in West Java to establish and maintain a defence strategy towards criminal activities.

The Javanese crime prevention strategy began as a community initiative, which was adopted by the West Java Regional Government. Its objective was to form a partnership with the respective communities in trying to create orderliness, safety, and propriety in each community. Eventually, the concept was adopted by the regional government, which, at that time, was building its social defence force mainly to
counteract criminal activities such as robbery and environmental destruction. The objective was to create and mobilise an integrated power group, involving members of the Government, and the law-enforcement agencies in the particular regions. The members should come from their respective communities, and have a sense of maintaining security and environmental safety at the community level. This was also supported through the utilisation of law and legislative processes, including empowering the communities with regional rules to overcome non-conventional crimes, such as environmental and corporate crimes, tax evasion, and so on (Foster 1990: 22-29).

The endeavour to achieve integrated social orderliness derives from the defence strategy which aims at maintaining security and propriety, by emphasising an environmental defence aspect in the respective regions, through community members themselves. The defence strategy against criminal disorderliness, through an indirect approach, is different from crime prevention strategies and actions, such as police patrols, round watchpersons, criminal pursuits, and raids, which directly target crimes and criminals. The indirect approach addresses the control of any resistance force within the social environment and their respective communities in the metropolitan area, as well as the outlying areas of the province.

According to Broad (1988:226-229), the resistance power is to maintain and foster a sense of responsibility within the community in order to safeguard its home environment and properties. This is achieved by using persuasive and educational approaches with community members, through well-planned, guided communication and well-informed information linkages. The resistance or counteracting strategy has been integrated as a form of a group culture, which indirectly provides a defence strategy against crime at the community level; that is, the defence strategy targets the growth of a sub-group culture in order to maintain orderliness, safety, and propriety. On the other hand, it has provided the Government and its security agencies with a community sense of ownership to fight violence, corruption, and other destructive subcultural groups, which could pose serious threats to the state's sovereignty and national security. Figure 2.1 shows the established ideal model for an indirect defence strategy in West Java Province, Indonesia.

The respective agencies or services, as well as the department within the regional government, must implement the administration process. However, it is controlled by the special secretary in the regency/city, who maintains and manages the data on the defence strategic performances against the indirect crime. In the first class province, a secretary also collects data from the second class regions (regency/city). The processed data are reported and distributed to the agencies and law enforcers, who subsequently determine the subsequent steps to be taken.

The central management command is in the hands of the Government, which gives directions to the government apparatus, either vertically or horizontally. To the other members of the Regional Leaders Assembly (Muspida), the coordination aspect is maintained by mutual input to achieve the same mission, which is to promote orderliness, security, and propriety for the community of West Java.
With this model, the Governor is the head of the government administration and has to protect the community. This includes the implementation of a social defence strategy which conducts and maintains orderliness, security, and propriety in the West Java region. The Governor is responsible for the actions of all of the subordinate leaders in West Java, apart from the regents and mayors. The coordinated Regional Leaders Assembly is known as Muspida and involves the police, the military, and other law enforcers. Similarly, other governmental bodies, such as public service departments and institutions, including the Departments of Information and Religion, Education and Culture, and Social Affairs and Manpower, are active participants in maintaining orderliness and securities measures.

The Governor also provides special funds to assist with the provision of law-enforcement and security services by the regional police and military, through regional development planning bodies such as research institutes. The field work is usually conducted by the regent/mayor, in coordination with the Regional Leaders Assembly. Their tasks are to prepare and empower themselves with an indirect defence strategy, so that the regent/mayor, regional military units, and law enforcers maintain orderliness, security, and propriety in the community.

The creation of a sense of security in the community is achieved through persuasive and educational methods known as regional security systems. These systems place greater emphasis on each community as a major force. As a result, the rural areas have improved significantly in maintaining orderliness through the implementation of the environmental security system at the community level. The regent/mayor works closely in establishing coordination with the police and other security units, and predicts security disturbances, including patterns of crime.

In West Java, there are big cities, suburbs, small towns, and rural villages, each with different patterns of crime. Foster (1990:223-227) indicates that the defence operations should be developed in such a way that will overcome disturbances in the problem areas. The regent/mayor also uses defence efforts to overcome crime by providing education awareness, sports recreation, and other youth activities, in order to stop the influences of destructive subculture groups, such as criminal gangs.

Furthermore, he or she assists in reforming various regional rules and regulations aimed at community security, environmental crimes, corruption, and computer crimes. The purpose of this strategy is to ensure that each community in the region has an obligation to realise that, crime is a 'community problem', rather than the responsibility of the law enforcers alone.
Figure 2.1: Model Used in West Java, Indonesia, for Indirect Defence Strategy

- **Governor**
- **Regent/Mayor**
- **Military**

**Coordination Body**
- The building of social defences for the growth of sense of security and create ability to counteract crime and various disturbances.
- Coordination of law enforcement and people’s awareness

**Law enforcers**

Orderliness, security, and propriety in the community
An indirectly operational defence strategy is aimed at the practical level in order to counteract various security disturbances in West Java. One of these strategies is to conduct investigative research in order to identify appropriate crime indicators, and observe the behaviour of criminals and potential victims. The data from the study are used to assist the community to determine the steps to be followed in carrying out the next strategy. For example, each region performs and maintains orderliness, security, and propriety in their particular communities, through efforts motivated by the sense of security in the individual members and law enforcers. This is achieved by developing a community sense of ownership through empowering the particular community defence strategy and enabling each community to devise a proactive culture to counteract various forms of disturbances.

Community defence is built on persuasive and educational approaches of utilising community leaders, such as religions, scholars, social organisations, and other scholars, to be actively involved in that development process. If crimes do occur, a community must be given the necessary responsibilities to implement the appropriate defence strategy to overcome such crimes.

This defence strategy was used against prevalent criminal disturbances, as an indirect approach to preventing the crimes from escalating at the community level, especially when the law-enforcement agencies and security units are relatively few, and have inadequate facilities and resources. As a result, each community within the province was empowered accordingly, as a resistance source, to develop and support orderliness, security, and propriety at the respective community levels. Through the Fourth National Development Plan, 1983-1988, the Central Government, and individuals acknowledged the anticipated, significant outcomes in the successful implementation of that development project in the province.

Therefore, it is important that this defence strategy against crime is reviewed accordingly. Hopefully, we can incorporate some of those lessons into the establishment of community justice centres in terms of community sense of ownership, through empowerment, and capacity building at the community level.

An Empirical Japanese Model

Japan is a densely populated island nation, with rugged terrain and limited natural resources. Those circumstances and features, have generated habits of diligence in the Japanese people in all their endeavours, as well as a culture with a highly disciplined mentality, and anti-social activities. This has perhaps had a significant impact on Japanese living standards, and respect for others at the community level.

According to Habusho (1989), the informal control is asserted within the family, the local community, work groups, and other forms of private associations. These controls have played a vital role in promoting and maintaining peace and good order within the Japanese society. Also, they have demonstrated a harmonising and well-balanced combination of formal and informal social control characteristics of Japanese communities in response to crime prevention.

Values such as personal dignity, morality in personal relationships, and self-effacement are part of the personal growth and development of each individual in every
Japanese community. These characteristics of Japanese social and cultural conditions make a significant contribution to a sound and secure social environment against crime, which attributes to their public attitude towards respect, fairness, and community justice.

The spread of education, and improvement in socioeconomic conditions, respectively, have favourably impacted on the social adaptability of Japanese people to the prevention of crimes. Also, rapid economic development has brought certain changes in the societal structures, and community's justice in a peaceful Japanese society. For example, cities have changed, towns have developed, and communities and nuclear families have replaced extended families. Nevertheless, there are always strong bonds and favourable relationships amongst family members within the Japanese community.

Habusno (ibid.: 3-35) reports that Japanese people are more family oriented towards work groups and other forms of private associations, as well as their surroundings, and community justice to which they belong. Such associations and organisations have played a vital role in integrating and consolidating community members through those administrative and community justice processes, and friendships.

Japanese communities often treat their subordinates like family members, even in large offices, in terms of interdependent relationships among the individuals and groups in each respective community. Such a consciousness of affiliation with the community has made a significant contribution to the people's general attitude of observing community rules and community justice processes.

These aspects of human relations and moral consciousness are still present in modern Japanese society, and can be considered as informal social and community controls to enhance the law-abiding spirit amongst citizens in general, as well as between individuals. For example, a general opinion poll on social order was conducted in Japan, in 1984, by the Economic Planning Agency (1984:88), as a law-abiding aspect rather than individual rights. The latter finding shows that special attention was given to the maintenance of community justice and social order.

This case study explicitly exemplifies a common way of thinking among ordinary Japanese citizens whereby any misconduct or deviant attitude and behaviour is a shame for the person involved, as well as for the community or association to which they are affiliated. If Papua New Guinea can incorporate and instil such a culture into people at the community level, we can become a model country in the Asia-Pacific region.

Interaction of Community Justice and Development

The concepts that have been covered examine relevant literature on the interaction between the types of development that have contributed towards a proactive and responsive community justice strategy in Papua New Guinea.

Restoration of community justice is a community development concept which facilitates a proactive and responsive community justice strategy for action in the country. Each of the community justice strategies for action, if properly planned, can
influence the development process, which, in turn, has considerable impact on the improvement of the present system and development of realistic alternatives to incarceration and sentencing at the community level.

The search for solutions to the current increasing law and order problems and the increasing prevalence of criminal activities have serious implications for our sovereignty and national security. These have negative, disruptive, and marginalising effects on the type of development, which is perceived by Papua New Guinea as adequate. The concept of restoring community justice consolidates the existing policy initiatives and encourages further changes and integration of a community justice strategy towards shared goals that will promote peace and good order at the community level.

The National Law and Justice Policy and Plan of Action towards Restorative Justice presented a core rationale concept for the long-term future of the law and justice sector in the country, to bring about social change. On the practical level, it empowers a community with a sense of ownership, to actively participate in the integration and implementation of all coherent programs for offender rehabilitation, which will promote a coordinated flow of information within the existing justice mechanisms, at the community level. The establishment of community justice centres in Papua New Guinea must engage the people themselves in the type of development that will improve cooperation amongst law and justice agencies at the provincial and community levels.

Although ‘development’ is a complex phenomenon, the main purpose in all planning processes is to improve people’s standard of living, particularly where it is perceived as inadequate (Ayius 1997). The living standard refers to any changes that are sustainable and realistic in enhancing people’s well-being. Therefore, it is very important that the type of development — whether it is a community justice project or a landowner resource development project — must be presented to the people in such a way that they are fully aware of the likely outcomes.

However, if people are confused or are being misled as to the nature of the establishment of the community justice project, this will only create further problems. The politicians, as well as their advisers, research consultants, practitioners, policymakers, and other professionals must acknowledge the importance of the planning process.

Whether planners are research consultants, policy makers, practitioners, or other professionals, they must live, eat, and sleep with the people in order to plan for what is most appropriate for them. Even though a person may be from a particular local area, how can someone who has lived in Port Moresby for most of his or her life devise a resource development package for those rural people? "Outsiders" who live in Port Moresby have the comparative advantages, manipulative expertise, and resources to manoeuvre and influence the silent outlying majority on any development project.

Such practices by outsiders are serious, and are conventionally being used by some Papua New Guineans to easily attract or trap others in urban ‘cores’, and generate and communicate their own sort of knowledge, while rural ‘peripheries’ are isolated and neglected (Chambers 1983).
These situations have contributed to many legal, politico-socioeconomic, and cultural problems, and have fuelled the increasing law and order problems and prevalence of criminal activities throughout the country. We must devise a proactive and responsive community justice model that will use traditional social control mechanisms through community-based punishments which are imposed by the courts, and have a high level of community participation. This model will reduce the cost of imprisonment that traditionally has cost the Papua New Guinean Government millions of kina.

Having stated that, it is important for the appropriate authorities in the Government to integrate the relevant proactive and responsive strategies, as highlighted in the Indonesian and Japanese models, in order to develop an ideal model for Papua New Guinea. The local population must be actively involved in the planning and development processes concerning the establishment of the community justice project. This will ensure that community justice centres are seen as a collaborative strategy for action, which will increase the use of social control on the types of punishments imposed by the courts, and lead to a high level of community participation, in order to reduce the cost of imprisonment at the community level. However, the success of that strategy will affect the development of an appropriate policy framework and largely depend upon the training of the appropriate manpower.

Conclusion

Development is complex and interacts with any applied plan or project. It has to be adequately defined and presented to the people, so that they become fully aware of the likely outcomes.

This will avoid any misconceptions about a community justice project, and allow the planning of appropriate and realistic development policies that link project development with the people. However, development processes do have positive, innovative, dynamic aspects, as well as negative, disruptive, and marginalising features (UNDP Human Development Report 1999). Therefore, we must use our wisdom and knowledge to prepare appropriate and adequate plans for our people in their particular communities. Also, it is important to participate fully, and develop an appropriate model that will promote peace and harmony in our respective communities.

The establishment of community justice centres in Papua New Guinea is an important community development project, which calls for a proactive and responsive strategy in which the operational terms are carefully set down. This will assist in identifying particular problem areas for which policy initiatives have to be formulated, while keeping people at the heart of the development planning processes.

Restoring justice has been accompanied by a significant drive to reform the law and justice sector at the community level. The people must be at the heart of that development process, as it is exemplified in the Japanese and Indonesian models. The hypothetical propositions and policy initiatives were formulated, in order to determine whether the establishment of community justice centers in Papua New Guinea will:

- increase the use of appropriate traditional social control mechanisms through community-based punishment that is imposed through the courts;
• reduce the cost of imprisonment; and
• increase the level of people’s participation at the community level.
CHAPTER 3: THE DESIGN OF THE STUDY

Introduction

The operational methodology that was used in the baseline survey to collect relevant data — as a pilot project — demonstrates a suitable model for future collection, reporting, planning, and usage in other research purposes at the provincial and community levels in all proposed community justice centres in Papua New Guinea. This chapter presents the Terms of Reference, judgmental sampling, applied research methodology, and specific guidelines and classification categories of investigation.

Terms of Reference and Study Objectives

The Terms of Reference (TOR) and objectives were used in the two field baseline surveys. The specific objectives of the study were to:

- assess the coverage of law and justice agencies located within the sample areas;
- assess the type of offences or disputes encountered by the people, and determine who is actually affected;
- assess the non-government agencies’ involvement with the people, or those which have the potential to assist and help the people at the community level;
- assess the resource inputs for the law and justice agencies at the community level;
- assess the types of cultural, legal, and politico-socioeconomic activities of the particular locality in accordance with the sample;
- assess how an appropriate information centre can be incorporated, as part of the proposed justice model at the community level; and
- develop an ideal community justice model which will facilitate the collection and reporting of data, as well as the planning and usage for other research purposes that will be incorporated in proposed community justice centres in Papua New Guinea.

Each of these categories has specific parameters, and this study has enabled an analysis of changes that have taken place.

The respective formal and informal institutes and groups within the sample areas were interviewed through group and individual discussions and observations, and participation in a range of activities at the community level. The framework for collecting and reporting these data will be used as a community justice model for restoring appropriate information and expanding into other centres throughout Papua New Guinea.

Judgmental Sampling

Although a number of samples were considered, a judgmental or purposive sample was selected because it contains the most common characteristics, and relevant information concerning the population (Baker 1994).
It has provided a satisfactory, consistent record of primary and secondary data on the development and application of the community justice concept at the community level. Rose (1982:50) defines judgmental sampling as an 'approximate representation' of the total population of people, who are residing in the rural and urban settings of the Wau/Bulolo District, and which provides an adequate idea of the impacts and consequences of existing justice mechanisms. Perhaps, the sample may be seen as biased, but it 'is particularly important in Papua New Guinea because of the peculiarities of transport and local conditions' (ibid.). Because of the local conditions, the sample was used in the baseline surveys to establish appropriate contacts with the stakeholders, and other groups of people. Also, it identified different informal and formal institutions and ward councillors, committee leaders, youth leaders from various council wards, and community groupings that were able to provide appropriate information. However, the local conditions applied to the geographical distance required money for extensive travel. This travel also consumed considerable time.

There were five groupings of people from the Wau and Bulolo urban and rural settings that were selected within each specified council ward. The spontaneous questions based on guidelines and classifications were systematically used throughout the field survey, with precaution (see Appendix A). Each of the ward councils was divided into the following categories:

- elder groups;
- women's groups;
- youth groups;
- church groups; and
- project-oriented groups.

The informants represented urban and rural people in the Wau/Bulolo District, as well as two villages of Mumeng and Watut Local-Level Government Councils (see Map). The Wau Local-Level Government Council includes Wau urban settings; that is, Wards 9 and 10, Wards 11 and 12, and Wards 13 and 14. The Wau rural settings include Wandumi Village and Mrs. Booth Village. The Bulolo Local-Level Government Councils include Bulolo urban setting; that is, Wards 1 and 2, Wards 3 and 4, and Wards 6 and 7. The Bulolo rural setting cover Sambio Village in Mumeng Local-Level Government, and Manki Village in Watut Local-Level Government.

The ward councillors, community leaders, and respective local community leaders within Wau and Bulolo rural and urban settings were informed of the proposed survey.

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There are no villages in Bulolo Local-Level Government because it is a transitional, commercial, urban centre. However, it was agreed in our meeting, with appropriate stakeholders and ward councillors in our preliminary baseline survey, that Sambio and Manki Villages from Mumeng and Watut Local-Level Governments should be included in the study, as part of the Bulolo rural setting, because there are no rural villages within the vicinity of Bulolo. Also, it was established as a commercial township, which was surrounded by settlers migrating from all over Papua New Guinea.
dates, and the purpose of the study, through each district manager. The interviewees and informants were selected in a form of group discussion and individual case studies.

**Applied Methodology**

Applied methodology refers to the triangulation research method, which was used consistently in the baseline field surveys. The aim was to collect relevant information concerning the establishment of community justice centres, as a collaborative strategy for action in Papua New Guinea. According to Rose (1982:309), this research method was appropriate because the process involved the combination of two different data gathering techniques in studying the same phenomenon. The application of this methodology was justifiable because it addressed the timing, financial constraints, and geographical conditions of the project area.

The primary and secondary data were consistently used within the sample areas of Wau/Bulolo urban and rural settings. The data were collected from previous case studies, additional interviews, reports, written tasks, group and individual discussions, observations, and community participatory actions. These techniques were very useful in assessing the different changes within the formal and informal institutes, the stakeholders, and individual people within their various groupings. For example, the unstructured research questions stem from the respective stakeholders, as well as the community and gang leaders who were used spontaneously in accordance with the specific guidelines and classifications of categories of investigation.

Each of these data gathering techniques was consistently used to assess the impacts and consequences of the establishment of community justice centres, as a collaborative strategy for action in Papua New Guinea. For example, to what extent or degree are the:

... different levels of law and order; social problems; disputes; resolutions; existing law and justice services in the respective communities; demographic data; and the existing types of services provided by NGOs and different levels of existing economic activities in the particular area.

The quantitative research methods involved both the primary and secondary data from the key informants — the stakeholders — people and community leaders with some contact or responsibility for specific justice programs, projects, and related activities in the particular wards and communities, and others in the community who had some relevant knowledge. Most of these informants had some contact with, or responsibility within, the specified project areas, while others in the community had relevant knowledge about the types of justice mechanisms, projects, and related activities within their respective communities. The participatory, community-based approach was used to understand the community’s perception of the community justice centre concept at their community level.

There were no proper systems of reporting or recording appropriate information in the particular communities. In these circumstances, it was necessary to observe similar types of situations within the respective communities, the people and their relationships, behaviour, actions and activities, histories, and physical objects in their respective day-
to-day interactions. These data were predominantly used to assist in recording appropriate information, using the specified data gathering techniques.

Specific Guidelines and Classification of Categories of Investigation

Each group discussion in the judgmental sampling is classified as a unit of specific guidelines and classifications of categories of investigation or basic element of analysis. The group discussions were spontaneously held in line with the Terms of Reference, and the given hypothetical propositions. Rose (1982:54) defines unit of investigation in this circumstance as ‘... group discussions ...’ between the rural and urban settings of Wau/Bulolo District.

Each unit of investigation formed the framework for the study that was undertaken during August, November, and December 2001. The following specific units of guidelines and classifications of categories of investigation, which are referred to as group discussions:

- provide the description of groupings of people in each ward council;
- provide a description of the lifestyle of particular groups’ local knowledge of the community justice centre concept towards the use of traditional social control mechanisms through community-based punishment imposed by the courts;
- determine to what extent or degree it affects the community’s reactions towards the existing justice mechanisms, patterns of communication, leadership, decision making, social control, community’s gender reactions, and the roles displayed at the community level;
- provide descriptions of the community’s response to existing justice mechanisms, the community’s involvement, the community’s understanding in relation to their role, and their reaction and vision of the community justice centres as to what extent they reduce the cost of imprisonment at the community level;
- provide a description of the type of existing community justice mechanisms, support, and approaches within the particular area, whereby it increases community participation with a sense of community ownership of the outcomes;
- describe the process as to how the centres will integrate, mobilise strategies, and use appropriate techniques to train for and conduct meetings, and group discussions that are able to disseminate information towards the realisation of maintaining law and justice at the community level; and
- develop a general assessment of the establishment of community justice centres, as a collaborative strategy for action.

Each of these categories of investigation is useful in the study because each one addresses specific issues concerning the type of community groupings, type of community social control punishments imposed by the courts, and alternatives to community sentencing, which reduce the cost of imprisonment and increase community participation and empowerment at the community level.
Conclusion

The four sections provide an overview design of the study. The first discussed the specific Terms of Reference of the study, while the second discussed the judgmental sampling of certain areas of Wau/Bulolo urban and rural settings that were selected within the district. The third discussed the applied methodology, which was consistently used in providing the desired information for the report. The fourth further discussed the specific units of classifications and guidelines of categories of investigation responding to group discussion on impacts and consequences of the establishment of community justice centres, as a collaborative strategy for action in Papua New Guinea at the community level.
CHAPTER 4: PRESENTATION OF THE RESULTS

Introduction

This chapter presents the key variables that were used in analysing the data that were collected in the sample areas. The results are presented in accordance with the sample size, use of traditional social control mechanisms, cost of incarceration, and high level of participation at the community level.

Sample Size

The Wau/Bulolo urban and rural settings were judgmentally selected ahead of other districts in Morobe Province and other areas in Papua New Guinea. Each selected council ward comprised an estimated population of 500 people. Within each selected ward council in Wau/Bulolo District, people were identified and divided into the categories of elderly, women, youth, churches, and project-oriented groups for discussion purposes, using the triangulation research techniques.

Table 4.1: The Estimated Number of People in Each Group Interviewed in Wau/Bulolo Urban and Rural Settings

<table>
<thead>
<tr>
<th>Selected Council Wards in Wau/Bulolo District</th>
<th>Elderly</th>
<th>Women</th>
<th>Youth</th>
<th>Churches</th>
<th>Project-oriented</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wandumi (Wau - Rural)</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>5</td>
<td>90</td>
</tr>
<tr>
<td>Mrs. Booth (Wau - Rural)</td>
<td>10</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>5</td>
<td>65</td>
</tr>
<tr>
<td>Wards 9&amp;10 (Wau - Urban)</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>10</td>
<td>5</td>
<td>55</td>
</tr>
<tr>
<td>Wards 11&amp;12 (Wau-Urban)</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>10</td>
<td>5</td>
<td>55</td>
</tr>
<tr>
<td>Wards 13&amp;14 (Wau-Urban)</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>10</td>
<td>5</td>
<td>55</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>70</strong></td>
<td><strong>70</strong></td>
<td><strong>100</strong></td>
<td><strong>55</strong></td>
<td><strong>25</strong></td>
<td><strong>320</strong></td>
</tr>
<tr>
<td>Sembio (Bulolo - Rural)</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>15</td>
<td>5</td>
<td>70</td>
</tr>
<tr>
<td>Manki (Bulolo - Rural)</td>
<td>20</td>
<td>10</td>
<td>15</td>
<td>10</td>
<td>5</td>
<td>60</td>
</tr>
<tr>
<td>Wards 1&amp;2 (Bulolo - Urban)</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>30</td>
</tr>
<tr>
<td>Wards 3&amp;4 (Bulolo - Urban)</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Wards 6&amp;7 (Bulolo - Urban)</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>49</strong></td>
<td><strong>33</strong></td>
<td><strong>45</strong></td>
<td><strong>35</strong></td>
<td><strong>18</strong></td>
<td><strong>180</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>119</strong></td>
<td><strong>103</strong></td>
<td><strong>145</strong></td>
<td><strong>98</strong></td>
<td><strong>43</strong></td>
<td><strong>500</strong></td>
</tr>
</tbody>
</table>

The interviewees represented people from the urban and rural settings of Wau and Bulolo Districts, including the villages of Mumeng and Watut Local-Level Councils (see Map and Footnote 1). Figure 4.1 presents an overview of responses in accordance with the specific units of guidelines and classifications of categories of investigation through specific group discussions, observations, and community participatory research techniques. Each of the classifications of categories of elderly, women, youth, church, and project-oriented groups represents 0.23 percent of the population that was interviewed in November and December 2001.
Figure 4.1: The Number of People in Each Group Interviewed in Wau Urban and Rural Settings

Figure 4.1 shows that a total of 320 people were interviewed from Wandumi, and Mrs. Booth Villages, and Wards 9-14 of both rural and urban settings of Wau subdistrict. Of these, 70 people were interviewed from each of the elderly and women’s groups, 100 from youth groups, 55 from church groups, and 25 from project-oriented groups. The elderly had 30 people interviewed from Wandumi, and ten each from Mrs. Booth, Wards 9-10, 11-12, and 13-14. The women’s groups had 20 each interviewed from Wandumi and Mrs. Booth Villages, and ten each from the six Wards. The youth groups maintained consistency throughout the interviews with 20 people interviewed from each of the six wards of Wau urban and rural settings. The church groups had 15 people interviewed from Wandumi Village, and ten each from Mrs. Booth Village and the six Wards. Finally, the project-oriented groups had the least people interviewed, with only five people from each of the ward councils in the subdistrict.
Figure 4.2: The Estimated Number of People in Each Group Interviewed in Bulolo Urban and Rural Settings

![Bar chart showing the estimated number of people interviewed in different wards.]

Figure 4.2 shows that a total of 180 people were interviewed from Sembio and Manki Villages, and urban Wards 1-6 in the Bulolo District. Of these, 49 were interviewed from elderly groups, 33 from women’s groups, 45 from youth groups, 35 from church groups, and 18 from project-oriented groups. The elderly had 20 people each interviewed from Sembio and Manki Villages, five people from Wards 1 and 2, and two people each from Wards 3 and 4 and 5 and 6. The women’s groups had ten each interviewed from Sembio and Manki Villages, and Wards 1 and 2. Wards 3 and 4 had two interviewed, and Wards 5 and 6 had only one woman interviewed. The youth groups had 20 interviewed in Sembio Village, 15 in Manki Village, five from Wards 1 and 2, two from Wards 3 and 4, and three from Wards 5 and 6, respectively. The church groups had 15 people interviewed from Sembio Village, ten from Manki Village, five from Wards 1 and 2, two from Wards 3 and 4, and three from Wards 5 and 6. The project-oriented groups had the smallest number of people interviewed with five each from Sembio and Manki Villages, and Wards 1 and 2, and Wards 3 and 4, and only one from Wards 5 and 6.

These data show that only 0.23 percent of the total population of 212,912 in the selected sample areas of Wau/Bulolo urban and rural settings were interviewed (National Statistical Office 2001:23). Although the sample size may be biased, it enables the assessment of a certain portion of the population in order to determine the hypothetical and practical discussions on the use of traditional social control mechanisms, cost of incarceration, and high level of participation at the community level. This demonstrates the significance of using appropriate samples to ensure that relevant information is collected for establishing community justice centres, as a collaborative strategy for action in the country.

Use of Traditional Social Control Mechanisms

In the quantitative investigations, each group of people indicated that there are many traditional social control mechanisms. However, there should be proper legal structures established in order to provide supervisory and administrative roles for managing crime and conflict at the community level.
Most people indicated that their survival depends on the repair and strengthening of identity and cultural foundations, to show that they want to live with dignity and confidence in the community. To deal with these new pressures and changes, they need to gain new skills and select new tools in order to rationalise the cultural skills that will carry them forward as a united people. This means that they need a vision that will assess the past and present, in order to align their hopes, show them where they are going, and gain the quality of life every human being deserves. For example, in the discussions, most people responded with the types of answers that a community needs to focus on; that is, appropriate answers that will give them a new sense of ownership, meaning, and purpose.

Developing and building their communities requires them to know who they can become, and to have a vision to direct their focus of choices to prevent crime in their respective communities. This calls for a vision of what their community would like to be without crime. In the light of implementing an appropriate use of traditional social control mechanisms through community-based punishment imposed by the courts, findings show that most people agreed 'in principle' that our present system needs a collaborative strategy that can provide supervisory roles to manage crime, while simultaneously setting the precedence for our magistrates and judges to sentence the minor and harmless offenders at the community level.

Reduction of Imprisonment Costs

In many countries, restorative justice has emerged in recent years as ‘retributive justice’, whose major objective is to punish offenders, by using correctional administration.

For example, the task of the police is in apprehending, charging, and prosecuting people under criminal law, the task of the courts is when a person is found guilty, and subsequent punishment is under the administration of the correctional institutions. This clearly demonstrates that most modern criminal justice systems in Papua New Guinea are contracted around retributive principles, which focus on apprehending and prosecuting suspects. In reality, such processes of maintaining law and justice have cost the State millions of kina. The whole justice process is offender-centred, and is conducted in the name of the State. There is virtually no role for the wider community or the victims of crimes to participate in restoring justice into the present system. The entire justice process is managed by criminal justice professionals, and there is no direct relationship with the offenders, victims, or the community in which any wrongdoing has occurred.

Reducing the cost of imprisonment at the community level calls for an holistic approach. This means shifting the responsibility and accountability for managing the crime and associated expenses involved, to a more sustainable system, at the community level.

Most groups that were interviewed responded positively to the initiative on shifting some of the responsibilities of the cost of incarceration at the community level, by adopting a much broader approach to the management of crime. This will empower the community, and those who have been directly affected by the offenders or disputes, to become involved in the restorative justice process. This means that there should be a
proper planning process to ensure that responsibility for such offences and offenders is shifted to the community level in order to restore a balance and harmony in the concerned communities. This will enable the people to heal relationships that were damaged by crime and conflict, allow offenders to make amends for their infractions, and thereafter, be reintegrated back into the community. The people are also aware that violence and crime cause serious damage to the fabric of a community. However, the important objective of restorative justice is to repair that fabric.

This study shows that the majority of people responded positively, and that a coordinated legal framework must be established to enable the courts to exercise wisdom, through their legal knowledge, in imposing appropriate sentencing options at the community level.

High Level of Community Participation

The high level of community participation empowers each community to manage conflicts and offences, and be an important force for community restoration, reconstruction, and development. This will effectively implement the use of traditional social and control punishment imposed by the courts, and reduce the cost of incarceration at the community level.

In the respective group discussions, everyone supported the initiative and agreed that not all crimes or infractions are suitable for restorative techniques. Restorative justice is not about importing an entirely new system that is based on unfamiliar principles. It is building on what already exists and is practised in some parts of Papua New Guinea, without proper structures and a recognised legal framework. The people are calling for a high level of community participation in the long-term, as a day-to-day culture that empowers the people, as focal points in that development process. A collaborative strategy that will fully engage the community must be developed (see Appendix B), so that it creates a sense of ownership at the community level.

The people also recognised that restorative justice is not a new concept, as it has already been practised in various forms in our traditional heterogeneous systems. For example, compensation, negotiation, and reconciliation — belkol or baem sem — have strong and deep-rooted foundation and social significance in Melanesian communities. This shows that Papua New Guinea has very distinct advantages in the establishment of community justice centres. Also, it is important for any community justice strategy to be integrated into the current justice system to ensure that there is proper coordination of the devolution of powers from the top down to the community level.

The sample population also responded positively in relation to the majority of minor offences and disputes that are susceptible to restorative solutions, and which are answerable to most of our traditional social control mechanisms. The local population, at their particular level, must actively be involved in that development process.

This community justice concept was strongly supported by the majority of the sample population, who wanted the project to be implemented. However, there is doubt as to the manner in which, in most cases, the people are often seen as non-participants in terms of governance, the decision-making process, and participation. This means that it is essential to develop an appropriate collaborative strategy, which is capable of meeting
the prevailing challenges in Papua New Guinea. The success of that strategy will contribute to the development of the necessary policy initiatives, and will largely depend upon the training of the necessary manpower.

Such initiatives must conform with the procedural rules under which such personnel must work harmoniously, in accordance with the National Law and Justice Policy and Plan of Action towards Restorative Justice. This requires the local population, community leaders, non-government organisations, business houses, and local bureaucrats in each locality to be actively involved in the planning in that development process. In turn, this will ensure that there is improvement of the functioning of the deterrence system, enhancement of sector-wide coordination, and encouragement in greater community participation in restoring peace and harmony at the community level.

Conclusion

The sample size may have been limited, but it significantly assisted in the collection of relevant information which will enhance the establishment of community justice centres in Papua New Guinea.

The policy initiatives associated with community justice centres require a collaborative strategy for action that will empower the community with the management of responsible and accountable sentencing at the community level. It is essential to incorporate these policy initiatives, as an acceptable 'culture', into any integrated community justice strategy in order to restore law and justice at the community level in Papua New Guinea. The local population must fully participate in the planning and development processes, which will improve the present system and develop alternatives to imprisonment and sentencing at the community level.

The majority of the population who were interviewed supported the policy initiatives. They called for appropriate government intervention to ensure that the establishment of community justice centres fulfils the objectives in the National Law and Justice Policy and Plan of Action towards Restorative Justice in Papua New Guinea. It is imperative that these results assist us to produce an ideal model for the establishment of community justice centres in Papua New Guinea.
CHAPTER 5: AN IDEAL MODEL FOR THE ESTABLISHMENT OF COMMUNITY JUSTICE CENTRES

Introduction

This chapter presents applied concepts that are relevant to the establishment of community justice centres in Papua New Guinea. The presentation of the model is in line with the National Law and Justice Policy and Plan of Action towards Restorative Justice, as well as a range of policy initiatives and their usefulness in particular contexts. Possible operational problems have also been identified.

The Community Justice Concept

According to the National Law and Justice Policy and Plan of Action, the community justice concept presents a basis for future directions in law and justice in relation to how policy directives can develop practical preventive and restorative strategies at the community level.

The Law and Justice Sectoral Working Group (1999) in their final report — the PNG Legal Institutions’ Pre-feasibility Study and Law and Justice Sector Review Report — defines the concept as a means of ‘restoring justice’ at the community level. The process of restoring justice adopts a much broader approach to the management of crime, by giving a pivotal role to the community and those who have been most directly affected by an offence or dispute. The proposed method of dealing with offences and offenders is to restore a balance, and harmony in the community concerned, and in turn, heal the relationships that were damaged by the crime or conflict, through the process of community empowerment.

Jeffries (2000) defines community empowerment as the promotion of local participation to manage conflict, as it is an important mechanism for the development for communities at the community level. The application of this concept demonstrates that the development and reinforcement of community justice mechanisms will promote restorative justice at the practical level. The empowering of the community justice concept at the community level restores justice, as a core rationale or hypothetical proposition for the long-term future of the law and justice sector in the country.

The Papua New Guinean Government and other donor agencies have to invest in the community justice project, as a practical strategy for restoring justice at the community level. This means that the training and education awareness programs must initially be directed, in a way that will build a type of integrated culture in each community, whereby the people will feel that they are part and parcel of the network linkages. In turn, that will build a sense of commitment and responsibility to ensure that there is:

- an increase in the use of traditional social control mechanisms, through community-based punishment that is imposed by the courts;
- a reduction in the cost of imprisonment; and
- a high level of participation by the people at the community level.
This demonstrates that the process of empowering people must be at the heart of the development process, which will subsequently restore justice at the community level in Papua New Guinea.

Figure 5.1: An Ideal Policy Model for the Establishment of Community Justice Centres in Papua New Guinea
Residential Magistrates

A judicial system plays a vital role in any society that is founded upon the rule of law. Papua New Guinea is founded on principles of individual rights, democracy, and the rule of law. The independence of the courts in Papua New Guinea finds its sources in Section 157 of the National Constitution.²

The duties of magistrates may only be directed by legislation, or through the lawful direction of their superiors within the judicial system, which is in accordance with Section 157. A magistrate is a person who is invested with the power of enforcing the law or executing powers under certain laws of the State. A residential magistrate executes certain powers within his or her particular jurisdiction or control. In Papua New Guinea, most of these residential magistrates are given Grade Four or Grade Five magisterial powers to maintain law and justice in their respective jurisdictions. Each residential magistrate exercises certain powers upon the needs, preferences, or direction of anyone else, apart from proper consideration relating to the parties before the court, by maintaining his or her position at all levels in the decision-making process.

According to the community justice concept, residential magistrates must work closely with the coordinators and the rest of the groups, as identified. This will ensure that the appropriate information on the subject matter is shared and disseminated, which will assist the community in devising proactive and responsive solutions to the problems. Also, there must be proper documentation of information, which is coordinated at the community justice centres, for further reference or record purposes. If there is no residential magistrate, someone (a patrol officer or kiap) must be given such powers to ensure that the flow of information will maintain law and justice at that particular level. This means that such persons must preserve and maintain the independence and fundamental requirements of natural justice. For example:

- any person who comes before the court must be treated equally, with care and concern;
- no-one is above or below the law, regardless of his or her status in society, gender, race, place of origin, or tribe;
- no threats, either expressed or implied, can influence the way a magistrate hears or decides;
- a magistrate is not amenable to any expression or implied benefit in return for any favour or interest;
- a magistrate does not allow any personal preference which favours someone or a group, or influences the way the case is heard or decided; and
- a magistrate does not allow any personal biases against a person or group to influence the way a case is heard or decided.

He or she must be a person with total integrity, who is capable of maintaining the independence of the judiciary upon which the community justice centre concept is

² Except to the extent that the National Constitution specifically provides otherwise, neither the Minister responsible for the National Justice Administration nor any other person(s) of authority (other than the Parliament through legislation) outside the national judicial system, has any power to give directions to any courts or to a member of any court within that system, in respect of the exercise of judicial powers or functions.
established. He or she must also avoid any appearance of impropriety, and impartially and diligently perform all duties of the judiciary in line with the policy initiatives of the community justice centre. Furthermore, he or she shall refrain from inappropriate political activities. Inter alia, he or she must perform extra-judicial activities to minimise the risk of conflict within judicial obligations; that is, he or she must possess the necessary administrative training skills in capacity building within the community justice centre concept in Papua New Guinea.

This calls for some minor amendments in the process of exercising judicial powers or functions of the residential magistrates to ensure that there is proper coordination and integration of restorative justice at the community level.

Community Justice Coordinators

The community justice centre concept requires a particular person who can coordinate and mobilise the capacity of agencies and people in a particular locality. That person — a project coordinator — acts as a person for all seasons, and has the capacity to coordinate and mobilise people in all aspects of life, in order to maintain law and justice at the community level.

Through the establishment of community justice centres, coordinators and their subordinates need to mobilise the people in order to restore justice within particular localities. Social mobilisation is the process of bringing together all feasible and practical intersectoral awareness to the people to ensure that there is the proper development of communication network linkages. For example, this could be assisting with the coordination and dissemination of information regarding land disputes to reach all of the concerned groups of people, and to devise an appropriate solution to the problem at the community level.

A coordinator is someone who facilitates greater consultation and social participation in local communities by empowering people in the decision-making processes concerning all matters that affect their lives. This means that he or she, along with the appropriate manpower, needs to link, mobilise, and advocate, as a catalyst of that development project, in order to establish the appropriate network of people (see Figure 5.1). The process is multi-sectoral, and depends entirely on a coordinator's capacity to build alliances between government agencies, community leaders, non-government organisations (churches), business houses, stakeholders, public servants, and the population of a particular locality.

The key approach which the coordinator and his or her subordinates must consider is the involvement of appropriate people — depending on the nature of the problem — to develop, practical and realistic solutions to particular problems, at that point in time. For example:

- committing key decision makers, depending on the types of problems that are affecting the community;
- motivating service providers to devise proactive and responsive measures to particular problems;
- empowering the communities to find their own solutions to their problems;
- modifying the behaviour of individuals through research, data collection, and information in order to adopt to appropriate practices and cultures that will promote peace and harmony at that particular level;
- coordinating intersectoral advocacy through social mobilisation and appropriate communication activities, whereby people's exposure will promote peace and harmony;
- identifying research needs to enhance social mobilisation and communications;
- identifying and establishing linkages amongst the existing social mobilisation networks;
- establishing plans, implementing appropriate strategies, and promoting activities relevant of the community justice centre program;
- ensuring that there is regular communication between all relevant social sector partners, at all levels;
- acting as an advisory body and support system for advocacy through social mobilisation and appropriate communication activities between the community justice centres and the Department of Justice and Attorney General;
- monitoring, evaluating, and devising follow-up activities relevant to the community justice centres, at all levels of coordination; and
- ensuring that those people who are involved in the community justice process must have some form of professional training in all aspects of establishing community justice centres in Papua New Guinea.

For other outlying subdistricts, it is more appropriate to identify each coordinator within the established structure of an institution. It is also important that each centre coordinator has two research officers, one information officer, and a secretary, respectively, to ensure that there is proper coordination and dissemination of information, at all levels. This requires a person with a vision to coordinate and mobilise all sectoral agencies and people to meet the ultimate objective of restoring law and justice at the community level.

Community Justice Centre Concept

The community justice centre concept focuses its strategies on empowering the operating capacity of community-based agencies to coordinate and deliver the flow of information and services with other law and justice agencies. Also, the concept develops processes and facilities which will enhance the integration and coordination of law and justice activities with other development initiatives undertaken by community policing and correctional rehabilitation programs. This will ensure that each established centre:

- facilitates the effective delivery of legal and justice services to the State and the people of Papua New Guinea;
- integrates the law and justice operations with the provincial reforms; and
- facilitates community and individual participation in the provision of law and justice services.

The establishment of community justice centres will empower the law and justice agencies to improve their respective services at the community level. For example, the general public will become direct consumers of their services, through which they will empower the community, in partnership with the law and justice agencies. This will be
used as the basis for developing future directions for the National Law and Justice Policy and Plan, which seeks to develop practical, preventive, and restorative strategies for achieving core law and justice strategies. Its ultimate purpose is to adopt a much broader approach to the management of crime, and in turn, give a central role to the community in restoring a balance and harmony at the community level.

Empowering communities at their particular level, and simultaneously building in them a practical and applied culture will enable them to manage their respective conflicts or problems. It will be an important mechanism for the establishment of community justice centres in Papua New Guinea. Therefore, it is important to develop and reinforce appropriate justice strategies that will promote the restoration of law and justice at the community level.

Stakeholders

The stakeholders are categorised as the employed government officers, within all the sectoral agencies. In Papua New Guinea, there are similar mechanisms in the respective sectoral agencies, such as Police, CIS, and Justice Departments. However, there is no proper coordination and collaboration of roles and responsibilities. The establishment of community justice centres will provide opportunities for all the sectoral agencies by coordinating and linking each of them in order to maintain law and order in each locality.

Community Leaders

Community leaders may be village magistrates, councillors, church leaders, sporting leaders, customary leaders, youth leaders, or women leaders, in each respective community. These are all important people in their own right when it comes to restoring justice at the community level. Therefore, they must fully participate as agents of change, through their respective roles and responsibilities, and within their structures. It is necessary to identify their needs and capacities, and to organise sufficient training programs to enhance their knowledge and skills in order to maintain law and justice at their respective levels.

Non-Governmental Organisations

Non-governmental organisations (NGOs) have always played a significant, pioneering role in providing and maintaining basic community services and in facilitating social and economic development in Papua New Guinea. According to the UNDP Human Development Report (1999), it is estimated that at least 150 NGOs are currently operating in Papua New Guinea. They are classified as national branches of international organisations, donor agencies, volunteer organisations, corporate bodies, community interest organisations, churches, church organisations, registered landowner groups, and small community-based groups. Some of these organisations, such as the churches, are operating in outlying areas, and must be utilised in order to promote peace and harmony at the community level.
Business Houses

Business houses have always sponsored sport and recreational activities in Papua New Guinea, and there are a number of companies that are engaged in annual fundraising events and sponsorships for community projects. These companies form the private sector, and are registered under the *Companies Act* to conduct different forms of business. Most involvement by the private sector is on a larger scale, which enhances development projects at the community level. These business houses are active participants in promoting the establishment of community justice centres in Papua New Guinea.

Public Servants

Public servants include all government officers working at that particular jurisdiction, from other than the stakeholders and the personnel in the community justice centres. These people are important because they have considerable influence over the local population, and should be consulted. Therefore, it is important that they must be engaged, in one way or another, in terms of coordinating and disseminating information to the community justice centres.

Local Population

The local population comprises permanent or temporary residents in a particular locality in which a community justice centre is established. They must be participants in that development process and also be informed about the outcomes of the local community justice centre. In turn, this will enable everyone to be active members in that development process.

Restoration of Justice at the Community Level

The Department of Justice and Attorney General incorporates a number of agencies. However, their operations are not properly coordinated under a single management structure at the provincial level. This complex administrative situation often leads to a duplication of resources to support each individual service. The usual result is an inefficient use of the department’s limited resources.

The establishment of community justice centres is a step towards developing practical mechanisms which will improve the existing interagency coordination of all people at the operational level. In light of the provincial reforms, it is also important that all parts of the sector are integrated successfully into the new structures, which have been established under these changes. It is envisaged that community justice centres will provide valuable information through network linkages (see Figure 5.1).

The Royal Papua New Guinea Constabulary and the Correctional Institutional Service are undertaking initiatives, which require similar network linkages for coordination with the community justice centres through appropriate people at the community level.
Reactivating justice at the community level requires the establishment of community justice centres, as a collaborative strategy for action in Papua New Guinea. It is important to incorporate appropriate law, home-grown and justice policy initiatives in order to fully implement the community justice concept throughout the country. It is also essential to improve the operating capacity of agencies at the provincial level, in order to deliver their respective services. This will enhance development coordination among people in other law and justice agencies, as well as through our traditional norms, customs, and structures.

It is necessary to develop processes and facilities at the district level, to enhance integration and coordination of law and justice with other development initiatives undertaken by the community policing and correctional rehabilitation programs, respectively.

Conclusion

Each of these categories of people, within their respective formal and informal institutions, is important in terms of the establishment of community justice centres, as a collaborative strategy for action at the community level. Papua New Guinea must incorporate each group into its strategy, in order to improve the present system, and develop practical alternatives to imprisonment and sentencing at the community level. The establishment of an ideal policy model will make way for the establishment of community justice centres throughout Papua New Guinea.
CHAPTER 6: KEY POLICY INITIATIVES AND WAYS TO IMPROVE THEM

Introduction

The following key policy initiatives are essential mechanisms for the establishment of community justice centres, as a collaborative strategy for action. The issues that have been selected have been discussed in previous sections, and will assist in the development and reconstruction of community justice centres in the country. All of these development processes are discussed in line with the National Law and Justice and Policy Plan of Action towards Restorative Justice at the community level.

Limitation of the Study

Wau/Bulolo District is on the northern side of the Owen Stanley Range, in Morobe Province. It is historically known for its rich gold deposits and forest products. In the early 1930s, it was the world's busiest airstrip, with more landings per day than any other aerodrome, and more cargo per year than all of the Australian airports combined. The district still maintains its influence of motivating adults and unemployed youths of working age to migrate between two or more points, on a more or less permanent basis, as a consequence of that development process. Inter alia, it is of considerable strategic importance in Papua New Guinea's development history, as it had attracted the adults of working ages "... to migrate to the development centres in search of living standards perceived by them as adequate" (Ayius 1997).

Mainly for these reasons, the district was selected ahead of others in Papua New Guinea, as the pilot project for the baseline community justice centre surveys. The judgmental sample size had advantages and disadvantages that were considered as acceptable for these surveys. However, there are always limitations, which affect what can be accomplished with any particular hypothetical sampling. Restraints, which are related to local conditions that require substantive amounts of money and time, often overshadow more substantive issues. The Wau/Bulolo District baseline surveys only covered the urban and rural settings of the district, which could have been an expensive exercise, if the outlying subdistricts such as Waria, Watut, and Mumeng were selected (see Map). The researchers did not have sufficient time or resources to survey the outlying areas to fully assess the potential for the establishment of community justice centres in rural and urban settings. As a result, a preliminary baseline survey was conducted, as a prerequisite, to determine the type of sampling to be used in the study. The latter survey was used in order to be consistent with the hypothetical propositions and Terms of Reference relevant to interviews with that representation of the population.

These observations were justifiable in such a situation, as the judgmental sampling was hypothetical, but operational in terms of its flexibility, especially when considering the prevailing local conditions, the time factor, and the financial resources.
Ideal Model for Papua New Guinea

The ideal model incorporates the importance of community empowerment and the need to promote the development process. In turn, this has great potential for creating a safe and secure social environment at the community level.

Fisher (1997) and Pigg (2000) addressed community networks as an instrument for creating a public sphere, which promotes democratic processes of dissemination and access of information, with reasonable dialogue. This public sphere is an arena in which general and specific civic affairs concerning appropriate options of sentencing at the community level are subjected to rational debate and discussion. Webster (1995:101) stated that, in opening up to inspection by citizens, which is used to form public opinion on the type of approach, one must take into account the reduction in the cost of imprisonment in Papua New Guinea.

Similarly, Boxx (1994:251) noted that the Government (the State) does not impose social order in a democracy. It is an emergent property of the citizens' actions based on 'the collective sense of the norms and values of the people, that are rooted in the interaction of beliefs and practices of everyday life'.

The high level of community participation is an important key policy initiative, which empowers each community to manage conflicts and various offences in that particular locality. The policy initiative must be given significant recognition, as to how it can be properly coordinated (see Appendix B). Also, it is necessary to devise relevant strategies to effectively implement the use of traditional social and control punishment, as imposed by the courts, by reducing the cost of incarceration at the community level.

In this study, the majority of the population in the Wau/Bulolo District significantly supported the initiative, but agreed that not all crime or infractions are suitable for restorative techniques. This indicates that some offenders are considered as harmless to the public, and as being genuine human beings who can be rehabilitated or reintegrated, using our traditional social control alternatives at the community level.

The sample population also responded that most of the minor offences and disputes are susceptible to restorative solutions, and are applicable to many of our social control mechanisms. Restorative justice is not a new concept, as it has been traditionally practiced in various forms in our heterogeneous social systems. Compensation, negotiation, and reconciliation — belkol or baem sem — have strong and deep-rooted significance in the social foundations of Melanesian communities. Papua New Guinea has a very distinctive advantage in the development of restorative justice, and can be a Melanesian model for the establishment of community justice centres. It is important that community justice policy initiatives are integrated into the current justice system to ensure that there is a proper coordinated and integrated devolution of powers at the community level, which is the heart of the development process.

The establishment of community justice centres increases the use of traditional social control mechanisms, through community-based punishment that is imposed by the courts. This requires a well-structured legal framework to establish role parameters,
and to delegate appropriate responsibilities for and management of crime, from the court systems down to the community level.

Selecting appropriate sentencing options is an important policy initiative. However, it is also essential to address the reduction in the cost of imprisonment in Papua New Guinea.

Restorative justice has emerged, in recent years in many countries, as retributive justice, whose rationale is the punishment of offenders at institutional prisons. For example, the task of the police is to carry out their responsibilities under the criminal law, while the task of the courts is to consider evidence and determine whether a person is guilty or not guilty. A guilty verdict will lead to punishment under the administration of the correctional institutions. This clearly demonstrates that most modern criminal justice systems in Papua New Guinea are constructed around retributive principles, and focus on apprehending individual suspects. In reality, such processes of maintaining law and justice have cost the State millions of kina. For example, in 1993, some 115 persons were found guilty of possession of illegal drugs and were all sentenced to imprisonment, in Bomana Gaol, for periods ranging from three months to two years. This incarceration cost taxpayers some K206 000.3

The question is, “Does this approach or penal system lead to a negative change of attitude, and build a new culture in a person’s behaviour in our correctional institutions? The answer is ‘yes’, because the period of imprisonment, in one way or another, enhances the prisoners’ skills and knowledge to be fully initiated into that criminal culture (see Hirsch 1995; Reed 2000). There is an established culture in all prisons, and the relevant authorities have to devise a counteracting strategy. The establishment of community justice centres will create a new focus for Papua New Guinea’s homegrown, community-based sentencing options.

The use of traditional social control mechanisms, through community-based punishments imposed by the courts, and a high level of community participation are two important policy initiatives that also promote the reconstruction and development of practical alternatives to imprisonment. The establishment of community justice centres is a collaborative strategy for action, which links and coordinates all of these policy initiatives. In order to devise practical alternatives to imprisonment and sentencing at the community level, it is important to prepare an appropriate legal framework which will make the people fully aware of the likely outcomes of that development process. This will produce clear parameters for the types of roles and responsibilities that will be coordinated and delegated during the reconstruction and development of practical alternatives to imprisonment and sentencing at the community level in Papua New Guinea.

If we can establish workable community justice centres in Papua New Guinea, we can influence the development of practical alternatives to imprisonment and sentencing at the community level. However, the establishment of community justice centres must be based on the National Law and Justice Policy and Plan of Action. This will facilitate

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3 The statistical records from the Boroko Court House and Bomana Gaol were used to make an economic assessment of some 115 persons, who were convicted for possession of illegal drugs. The survey was conducted by Matthew Nelson of the Narcotics Bureau, in 1993.
the use of traditional social control mechanisms through community-based punishments imposed by the courts, and a substantial sense of ownership at the community level.

Restorative Justice and Development

Most restoring justice initiatives at the community level are the result of the development process. The ultimate aim of development, as perceived in this report, is the ongoing improvement of community justice at the community level.

Development, and the degree to which it has achieved this aim, has influenced different justice strategies. One of these strategies is the establishment of community justice centres, which will increase the use of traditional social control mechanisms through community-based punishments imposed by the courts, reduce the cost of incarceration, and increase the level of community participation. Indirectly, development is one outcome of many legal, cultural, and a politico-socioeconomic forces, which have a great impact on the increasing law and order problems and increasing prevalence of associated day-to-day criminal activities in the country.

Development is neither a simple concept, nor one which offers common agreement. Academic disciplines, political parties and ideologies, and the public at large all have different interpretations of development, but a final definition remains elusive. From these observations, development is a complex phenomenon operating at several interactive levels, and which needs to accommodate the prevailing realities at each level. The main aim is to create proactive and responsive policy directives for development, which will help to improve the establishment of community justice centres, as a collaborative strategy for action in Papua New Guinea.

Although a firm definition of development remains elusive, it allows for an open discussion on issues, such as the establishment of community justice centres, as one aspect of a workable justice strategy at the community level.

National Law and Justice Policy Plan of Action

The future direction in the National Law and Justice Policy and Plan of Action requires the development of practical preventative and restorative strategies.

Restorative justice is a core objective for the long-term future of the law and justice sector, because it empowers the community with the sole responsibility to manage its crime and conflict at the community level. The principal rationale is to effectively restore a balance and harmony at the community level, by empowering the community with the appropriate policy initiatives. This will enable each community to manage its conflict, as an important strategy for development at their respective levels. Therefore, it is important for community justice centres to be developed, and to reinforce appropriate mechanisms that promote restorative justice at the community level.

In Papua New Guinea, the law and justice sector has not performed particularly well, and this has contributed to the deterioration of the law and order situation in most of our communities. One reason is the complex nature of the increasing range of law and order problems, and their associated day-to-day criminal prevalence. The Government has failed to address many of our legal, cultural, and politico-
socioeconomic issues. Many of them are symptoms of larger development problems, such as the lack of employment opportunities, a growing constituency of disenfranchised youth, the lack of urban planning, the prevalence of illegal firearms, an inadequate and inappropriate education system, and growing social, economic, and regional divisions. There is a need for a sustainable solution to these problems, through intervention and support from all sectors of government and the wider community to develop a collaborative strategy for action. The establishment of community justice centres offers great potential for developing coordinated and integrated network linkages that will improve the present system and lead to practical alternatives to imprisonment at the community level.

Furthermore, there is a need to develop formal and informal systems of justice in order to improve the law and order situation in the country. The National Constitution already recognises this need through adopting customary laws, as part of the underlying laws, as well as in its prescription that development takes place primarily through the use of Papua New Guinean forms of social and political organisation. The Clifford Report (1984) exemplifies that stand through a greater integration between an informal community-based justice system and the formal national system. One example is the development of a more appropriate system of justice for Papua New Guinea's distinct social environment, as an important long-term priority.

The formal system must break into the existing cycle where the absence of a clear vision and sense of direction is simultaneously a cause and effect of an unstable policy environment. For example, frequent changes of political leadership have influenced the success of existing justice programs and contributed to the increasing law and order problems and associated criminal activities which confront individuals, families, communities, and the nation as a whole. It is essential to address issues at the community level and establish community justice centres, as a collaborative strategy for action that will gradually improve the present system and develop practical alternatives to imprisonment and sentencing at the community level.

Primary Prevention

Primary prevention occurs when a community decides to do something about the problem that affects its well-being. It focuses on the affirmative approach towards the social and personal factors, which the community needs to address in order to prevent any form of abuse through drugs, alcohol, rape, and robbery using violence.

Primary prevention also promotes the development and maintenance of healthy lifestyles and programs, and must be integrated with other community initiatives. Development and improvement of law and order in the community must be enhanced alongside each other. The ownership of community problems and subsequent solutions are positive approaches towards the fundamental principles of primary prevention. The local people must identify their own problems and develop responsible solutions. This will enable the community to develop a culture and sense of ownership that can control any form of deviant behaviour or attitude towards the type of crime or conflict, as demonstrated by the Indonesian and Japanese case studies.

In order to be effective in the community, it is necessary to have a range of preventive tools at our disposal. First and foremost is the “ability to work as a team”.
Teamwork is a specific skill which needs to be developed and encouraged. It will enhance people's efforts to learn and appreciate the respective talents of other members in the community in order to become more involved in finding solutions to their problems. It will also improve the confidence and experience of the working group by strengthening the community-based approach and contributing to the personal growth of individuals.

A community can set up youth, adult, male, or female teams, or a mixture of all of these according to the kind of community justice strategy they wish to implement. Often, it starts with one group, but eventually expands and involves the whole community. Representatives from service agencies may also be invited as part and parcel of the community empowerment process (see Appendix B). The common goal of the working group is to unite team members on an equal basis, in the name of restoring justice at the community level.

Action planning is another tool which the community needs in order to develop plans for action. It is an important skill for successful community-oriented programs associated with the establishment of community justice centres in Papua New Guinea. It is essential to be proactive in accessing all of these issues before encompassing the appropriate vision for that community. People must stay focused and be vigilant in order to ensure community control over law and order issues in the community. This shows that primary prevention teaches people that there is a better way, and the community needs to work together as partners, with all its community members to find appropriate solutions.

Primary prevention helps people to find ways which will assist in preventing crimes, by promoting personal and social well-being within their respective communities. Integrating these skills into the establishment of community justice centres, as a collaborative strategy, will enable each community to develop an appropriate and accepted culture. Such an integrated culture must build, in each of the communities around Papua New Guinea, a change of attitude or behaviour through which the people of a particular locality are able to maintain and control law and order, as exemplified in the Indonesian and Japanese case studies.

Conclusion

Development and restorative justice interact in terms of their impacts and consequences. In order to have desirable aims in the establishment of community justice centres in Papua New Guinea, it is important to carefully define and present appropriate strategies which avoid doubts, and any inconvenience to the people, and make them fully aware of the likely outcomes of that process (see Appendix B). The establishment of community justice centres is one of the essential outcomes of the development, and is determined by legal, cultural, and politico-socioeconomic implications. Moreover, this calls for the proper implementation of primary preventative measures at the community level which will cater for systematic planning and coordination between all appropriate personnel (see Figure 5.1).

If we plan for development, we can influence the type of restorative justice that we perceive as adequate and appropriate at the community level. Then we can contribute to that development process. It is important that Papua New Guinea establishes
community justice centres, as a collaborative strategy for action, in order to improve the present system and develop practical alternatives to imprisonment at the community level.
APPENDIX A

Specific Guidelines and Classifications of Categories of Investigation

In the baseline survey, sample populations were selected within the urban and rural settings of Wau/ Bulolo District to assess the establishment of community justice centres in Papua New Guinea. Multiple sources of data were used in the study to acquire appropriate information for the study.

Appendix A presents the selected guidelines and classifications that were used in the study to record the relevant information, and which are consistent with the practical and hypothetical propositions, from which the Terms of Reference were derived.

1. Provide a description of the groups of people interviewed in each council ward in Wau/Bulolo District, Morobe Province.
   - elderly groups – people with some kind of a community recognition at their respective levels;
   - women's groups – females in each respective community;
   - youth groups – young people within the age of 20 or at the same time are married legally in one way or another. On the practical level, it would be a major problem in most cases. However, it was not our concern in this study;
   - church groups – respective church members of any Christian religious group in Papua New Guinea; and
   - project-oriented groups – respective business entrepreneurs or community development project members operating at the community level.

2. What are people's responses towards the establishment of community justice centres and the use of traditional social control mechanisms through community-based punishment that is imposed by the courts?
   - describe people's reactions towards the use of traditional social control mechanisms through community-based punishment that is imposed by the courts;
   - describe how each group reacts towards the existing justice programs and related activities in the area;
   - describe the patterns of communication, leadership, decision making, and social control within each group;
   - describe the gender relations and roles in each particular group;
   - describe how the lifestyles of the people are shaped and affected by the use of traditional social control mechanisms, when it comes to the type of punishment; and
   - describe the type of traditional social control mechanisms that the people wish to have established at the community level.
3. What are the people's reactions towards the establishment of a community justice centre as an appropriate justice mechanism reducing the cost of imprisonment at the community level?
   - describe each group's response to reducing the cost of imprisonment at the community level;
   - describe some of the activities the community wishes to implement in terms of reducing the cost of imprisonment at their respective level;
   - describe the people's understanding in relation to their role in executing such powers at the community level;
   - describe the peoples' reactions; and
   - describe their visions on the subject matter.

4. What are the people's observations regarding the increased level of community participation with a sense of ownership of the outcomes at the community level?
   - describe how each group within the particular council wards responded to the high level of participation at the community level;
   - describe the operational approaches that each group in the community used to strengthen their level of participation in any particular community project;
   - describe some of the approaches that the community intended to create to heighten awareness among themselves, so that they feel they are active participants in maintaining law and justice at the community level;
   - describe some approaches that are used by the community or specific groups to participate in finding solutions regarding the imposition of community rehabilitation programs at the local level; and
   - describe how particular communities or groups integrate and mobilise strategies and techniques to train, conduct meetings, and hold group discussions which ensure that there is high level of participation at the community level.

5. What are some of the people's general assessments about the establishment of a community justice centre in their area?
   - describe some of the existing community justice mechanisms and related activities undertaken at the community level;
   - describe the communities' participation in making decisions about the types of programs, projects, and related activities of the existing justice mechanisms;
   - determine if community empowerment is one of the effective strategies of involving people in community development projects, such as the establishment of a community justice centre;
   - determine if there have been serious problems, during the past five years, in regard to the existing justice mechanisms in each area; and
   - after developing an understanding of the importance of community justice and the general involvement of the community in the project, determine the people's reactions towards establishing the project in Wau or Bulolo, as a pilot centre for a community justice system at the community level in Papua New Guinea.
APPENDIX B

Pangari’s Case Study on Community Participation

Mr. Rimbu Pangari is from Sambio Village and his case study exemplifies the lack of coordination and community sense of ownership.

‘... There is no proper coordination and flow of information concerning changes that are affecting the Government, and this surely demonstrates a total failure from the top down. This has a significant influence on the communication process, which, in turn, has led to the inefficient delivery of services from the Government to the people in the outlying areas of Papua New Guinea. For example, in most instances, government workers hardly have time to visit the people and inform them about the changes taking place, or to involve the people in planning and development processes. This clearly indicates the government's ongoing failure to inform the people and gauge their views on changes or amendments to laws, developments, or services that are taking place. Instead, the people have been forced to cope with many of the changes, although denied their rights to be informed accordingly. From these observations, most people appreciated the colonial system of governance and community participation, in which patrol officers were seen as the catalysts of development and planning process. It is also important to note that people in those days had a lot of respect for the colonial laws, compared to the present justice system, which needs to be integrated into the establishment of community justice centres in Papua New Guinea. The comparative analysis shows that the patrol officers — the kiais — had demonstrated a strong character of discipline and work commitment, which motivated them to visit and inform the people in the outlying areas about the important policy matters and issues at large.’

This case study summarises the key law and justice policy initiatives and demonstrates how a consistent community justice strategy that will assess and incorporate the prevailing realities in line with the national policies, its laws, goals and principles can be developed. In turn, this will enable the people to actively be involved in all planning and development processes in the use of traditional social control mechanisms and the cost of incarceration, which empowers the people to become active partners at the community level.
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