June 2018
Briefing Note

Promoting equity and managing conflict in development

Learning about Leadership, Regulation and Security from Papua New Guinea’s Urban Settlements

David Craig and Doug Porter

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Cover photo: An all-male group of komitis hear a dispute, 3 Mile, Lae, February 2017. Craig/Worldbank
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Acknowledgements

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

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

Acknowledgements ...........................................................................................................................................II

1. Background ..................................................................................................................................................1

2. Urban settlement regulation: what is there, what functions, does it perform, and how does it work? ............................................................................................................4

   2.1 WHAT LOCAL INSTITUTIONS REGULATE SETTLEMENTS AND HOW DO THEY WORK? .........................................................4
   2.2 LOCAL REGULATORY FUNCTIONS ..................................................................................................................5

3. How does power and influence impact on settlement regulation? ............................................................9

4. Summary and implications for local governance and development practice ..............................................11

   4.1 UNDERSTANDING KOMITIS’ ADVANTAGES—AND LIMITATIONS ..........................................................................................11
   4.2 PRACTICAL IMPLICATIONS FOR URBAN POLICY AND ENGAGEMENTS: “DO NO HARM” .................................................................12
   4.3 OBSERVATIONS AND ADVICE FOR URBAN DEVELOPERS: CARRYING “DO NO HARM” INTO PROJECT PRACTICE ....13
   4.4 IMPLICATIONS FOR THOSE WHO WANT TO STRENGTHEN KOMITI AND LIDA CAPABILITIES AND PERFORMANCE ........14

Annex 1: Research Methods ................................................................................................................................18
Learning about Leadership, Regulation, and Security from Papua New Guinea’s Urban Settlements
1. Background

1.1 This Briefing Note summarizes findings from the World Bank’s research and policy engagements between November 2014 and December 2016 in Port Moresby and Lae, the two largest cities in Papua New Guinea (PNG). The overall theme of this engagement was urban safety and security, with a dual focus on dispute-resolution and conflict-mediation mechanisms at the community level and on the experiences of women and others vulnerable to family and sexual violence (FSV). Although many of the findings and lessons learned are applicable to any context where the state’s reach is limited, this Briefing Note focuses on how PNG’s urban settlements are regulated, the apparent strengths and vulnerabilities of these mechanisms, the forms of leadership they involve, and the implications for urban governance. Research methods are described in Annex 1.

The research, policy dialogues, and reports from this engagement have underlined four main points.

1.2 First, urban areas are crucial to PNG’s long-term stability, economic growth, and diversification. Currently, only 14 percent of PNG’s people live in cities, but these rapidly growing areas are of national significance for ensuring long-term stability, promoting economic diversification and growth, and delivering services fairly and effectively. Urbanization will have its challenges, but it also offers the strongest possibility for diversifying an economy that is currently dominated by natural resource extractive industries and rural subsistence agriculture. The institutional and political challenges posed by PNG’s diversity and resource dependence are substantial, and cities offer extraordinary opportunities to transition from this dependence because they can provide uniquely beneficial ways of nurturing and deriving value from different forms of capital. These include: physical or economic capital from investments in infrastructure and commercial activities; human capital from education, the arts, and cultural exchange; the legal or political capital that is necessary to ensure that rights are recognized and reflected in political representation; and the social and symbolic capital needed to successfully and equitably order and dignify public life.

1.3 Second, as is evident worldwide, PNG’s successful urban transition will depend on its ability to provide entry-level housing, economic opportunity, access to transport, and legal-political representation. This, in turn, will depend on institutions that are capable of bridging the divides between PNG’s myriad ethnic groups so that diversity becomes the “unity in diversity” that people in PNG celebrate. Indeed, PNG’s urban areas could be where the dysfunctional and conflictual polarizations that characterize the country’s political economy, institutions, and social life might be overcome.

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2 Urban settlements are defined as residential settlements on land where custom is the basis of tenure and where there is informal or “low-covenant” (registered self-help, site, and services) tenure on state land.


5 These include the common oppositional divides between national and local, rural and urban, (Central) Highlands and Papuan or (MoMaSe) Coastal cultural practices and identities, state and non-state, and formal and informal, and also between wantok or kin preference and reciprocal altruism.
The residents of urban settlements are creating institutions capable of bridging between rural village-, ethnic-, and group- [Tok Pisin: wantok] based justice practices on the one hand and modern urban and national conceptions of human rights and universal laws on the other. Over time, urban settlements are likely to be where divides and differences might be superseded by arrangements that do function, that have regulatory and dispute-resolution capability, and where hybrid customary-modern (or what in this note is called kastom 6) practices serve as the foundation for capable urban governance.

1.4 Third, the potential benefits of urbanization are highly sensitive to regulatory failure, in particular, the breakdown of local law and order. The impost of crime and violence on commercial activity and PNG’s business community is already clear. More than this, where the regulation of land and housing, market and other economic activity, service delivery, and political representation fail, it tends to fuel ethnic divisions and drive inequalities along gender, age, and class lines. Failed regulation reinforces stigma, destroys livelihoods, deters investment, and corrodes public order.

1.5 Fourth, improved regulatory performance hinges on a better understanding by investors, government, and donors of “how things work” at the interface of urban state and kastom systems, including the kinds of institutions and leadership involved and what they can be relied upon to do. It has long been acknowledged that the major burden of managing disputes and conflicts in urban

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6 Kastom is to be differentiated from customary: Customary refers to traditional practices as defined in local ethnic contexts, imagined as unaltered by colonial change. Kastom arrangements are a translation of such elements into modern and urban contexts, a translation that transfigures them into hybridized practices and doctrines that can relate to modern and colonial institutions. See D. Akin, Colonialism, Maasina Rule, and the Origins of Malaitan Kastom (Honolulu: University of Hawaii Press, 2013).

settlements is carried by a range of local mechanisms, including Village Courts, mediators, local leaders, and especially groups of individuals widely known as committees [komitis], all of which involve complex relationships with government administrations, the police, and other justice agencies. But how these arrangements work, and what they can and cannot be relied upon to do, is poorly understood. This is in part because PNG’s cities are widely stigmatized—by commercial investors, government entities, and donor partners—as “no-go zones” of regulatory dysfunction and failure and therefore places mired in chronic crime, violence, and insecurity. The findings of the World Bank’s engagement show that this stigma is getting in the way of appreciating the notable and substantial contribution that local institutions and leaders are making to urban regulation. Documenting komiti and local leadership [lida, lidaman (male), lidameri (female)] institutional capability, and frankly assessing their strengths and shortcomings, is a necessary first step to correcting the distortions of stigma that entrap settlements in the public imagination as solely sites of violence and risk. It might also lessen the tendency for investments in urban development to intensify disputes and divisions and reduce the risk that interventions to improve urban regulation inadvertently undermine decades-long efforts by urban residents to create workable living arrangements.

1.6 Four basic questions have guided the range of consultations, interviews, seminars, and publications since November 2014.

- First, who is involved in regulating urban settlements and how do they work?
- Second, how do they handle the four key areas of regulation that are crucial for capital accumulation: land and housing, public order, markets, and linkages between settlements and external agencies responsible for social services, government administration, and political representation?
- Third, whose interests are served by the ways these local mechanisms work and why?
- And fourth, what are the implications of the answers to these questions for three sets of actors: officials in PNG who are responsible for making decisions about urban development, commercial investors who have sponsored unprecedented investments in urban areas in the past decade, and donors who, together with the government, have turned attention to the significance of urban justice, law, and governance around settlements for PNG’s prosperity and stability.
2. Urban settlement regulation: what is there, what functions, does it perform, and how does it work?

2.1 WHAT LOCAL INSTITUTIONS REGULATE SETTLEMENTS AND HOW DO THEY WORK?

2.1.1 Urban settlements on both state and custom land are for the most part regulated through locally recognized arrangements commonly referred to as “the komiti system.” The job of the komiti is to solve or straighten out problems [daunim (or stretim) hevi] and create a good way of life for people [gutpela sindaun]. Komitis represent their ethnic group or settlement area [blok], but they can also pact and work together to resolve disputes and regulate activities to create and maintain order, security, and safety. Komitis take many different forms because they are highly adapted to local circumstances and to the different functions they fulfill.

2.1.2 A komiti may be a term for an individual leader, for a cluster of individuals from a blok or neighborhood, or for a much larger aggregation of power and authority assembled to stop ethnic disputes from escalating. Law and justice komitis hold regular courts [cots] and mediate disputes throughout the week, activities they see as sanctioned under either kastom and/or ward development committee purview. Land management or settlement blok komitis collect rent for indigenous landowners and manage access and order in variously tenured settlements, and market komitis do the same in local state, informal, or traditional landowner-established markets and sometimes play leading roles in market renovation projects. Komitis in some places and sectors can claim sanction under local-level government and ward bylaws; in other places, they operate in parallel or supplementary to, or in the practical absence of, local state forms and recognition.

2.1.3 A lida in urban settlements is someone who has emerged and gained recognition as a leader by demonstrating superlative abilities in and around komiti work. These abilities include being accessible and responsive when approached by settlement residents; displaying skills in speaking and consensus-building across diverse groups; delivering quality mediation and law and justice outcomes; and representing local interests through strong networks and personal links with higher authorities. Unlike a bigman or bossman/meri, they need not be wealthy in physical terms, but they must have considerable trust, expertise, and respect.
2.1.4 Komitis and lidas draw together and coordinate various forms of local authority and capital. Komitis are kastom or hybrid custom/modern institutions, in that they flexibly but durably combine traditional/ethnic and modern state or quasi-state forms of authority, personified in individual komiti and lidaman practice [blo ol lidaman]. Indeed, the defining, crucially enabling feature of komitis is that they combine the authority of leaders and ethnic groups inside the blok and also draw in individuals with connections to the state, police, or others whose power and respect is derived from a range of sources physically external to the settlement. Komitis and lidas strongly desire official recognition and remuneration and, especially in their law and justice activities, regularly declare themselves to be the unacknowledged frontline of the state, “putting our lives at risk every day” to solve problems in the absence of a higher authority.

2.1.5 Irrespective of their makeup or official sanction, many komitis actively try to recreate a state-like authority, for instance, by linking with or substituting for Village Courts, and most borrow some state trappings, such as adopting bylaws or the stamps, symbols, administrative voice, and turns of phrase of officialdom. There is also a competitive and aspirational element to becoming a respected komiti as reflected in popular expectations about leadership and performance. Komitis have a limited formal legal mandate to hear cases but can claim sanction on customary law grounds, where limitations that pertain, for example, to Village Courts, do not apply.

2.1.6 Thus, komitis stack together a diverse but collectively significant base of the forms of capital outlined above: physical capital in terms of fees; human capital involving experience and mediation skills or knowledge of the legal system; cultural capital that includes ethnic expertise and knowledge of traditional legal usage and cultural values [pasin] or village language; legal/political capital through representing fellow settlement dwellers in public, political and legal matters, and occupying positions of authority within the blok, ward, Village Court, or local-level government; and symbolic capital as a result of recognition from, or a credible connection with, powerful outsiders or, again, local forms of government. Komitis’ ability to uses these forms of capital effectively and fairly vary greatly.

2.1.7 By employing this capital, komitis translate custom and traditional authority into a basis for resolving disputes and creating livable urban settlements within modern, ethnically mixed kastom contexts. Local regulatory arrangements, including komitis, are literally two-faced: They must be able to face or relate to the state and at the same time, speak to local people with their customary or kastom expectations. To do this, they deliberately mix, bridge, and blur elements of formal state authority with diverse forms of custom and local authority. This mixing creates an ability to bring people with very different identities and loyalties together to solve disputes. It also provides people with local, personalized access to forums where different and competing groups can mete out justice, using the physical, human, cultural, and legal capital that they have in hand.

2.2 LOCAL REGULATORY FUNCTIONS

2.2.1 These local arrangements handle the bulk of disputes and are thus responsible for creating the conditions for public order in settlements and markets within these areas, as well as regulating land and securing tenure, regulating markets and other business activities, and advocating for the rights and interests of settlement dwellers in relation to external government and commercial agencies. Although each dispute may be a complex

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8 Levels of fees vary widely: a major (local) case may yield substantial fines or compensation payments, of which a percentage is shared among the committee. But most everyday fees (e.g., a 50 kina “table fee” split between six komitis) barely reward time commitments.
mix of more than one of these issues, it is useful to distinguish between the following four local regulatory functions.

2.2.1 Mediating disputes and public order

2.2.1.1 A predominant komiti function is to solve disputes, enabling community life to go on in an orderly way. Mediation is often disparaged by middle-class Papua New Guineans as a set of local informal arrangements, tolerable in settlements or as transitional measures but ultimately not an effective or legitimate basis for governing a modern economy and society. But the reality is that mediation is of growing significance to an increasing number of urban residents who regard it as an effective and legitimate way of handling challenges to their prosperity and security. As they are often the first place of resort for everyday disputes in the event of tribal fighting, for example, komitis are usually the first line of engagement. They run a variety of courts, modeled on but not legally recognized as Village Courts, which mediate and adjudicate public order issues. In both Port Moresby and Lae, the range of matters regularly dealt with appears to be expanding. The profile of disputes varies by neighborhood and settlement but currently includes issues related to family (marriage, adultery, and relationship disputes), whether or not these have a wider impact on local order; public order (fights and ethnic conflict, swearing and slander, drunkenness, damage to property, personal injury by accident); business activity (enterprise loans/repayments, assets and money, disputes at the local market); and land and property (infringement on another’s property, damage, boundary issues, rental/tenancy/occupancy disputes, unlawful sale, and so on).

2.2.2 Regulating settlement and securing tenure

2.2.2.1 Regardless of the underlying land tenure, komitis play a role in territorial regulation. On custom land, with the mandate of the traditional landowner, komitis are likely to manage land and housing in addition to local justice and public order. This may include deciding who is allowed to live next to whom, licensing and monitoring “rent houses,” and implementing bylaws involving curfews and restrictions on certain activities. On government land, in zones that include formal title, informally occupied state land, and low-covenant settlements, komitis are elected or appointed by local government authorities
to deal with inter-ethnic disputes and other issues; in some cases, their informal powers can extend to eviction and/or the imposition of fines for disorderly behavior.

2.2.3 Regulating markets and business activity

2.2.3.1 The quality of regulation in neighborhood markets is crucial to the economic vitality, safety, and social life of urban settlements. They need to be safe and secure areas to buy and sell, especially as women have a dominant presence in these spaces, both as vendors and buyers. They also need to function efficiently as markets, providing sellers and their families with a daily income and buyers with fresh, cheap, and abundant produce, and they need to generate revenue to meet operating and maintenance costs.

2.2.3.2 Produce markets in Port Moresby and Lae are regulated through a variety of arrangements, including provincial and citywide administrations, special purpose market boards, and in some cases, the direct intervention of members of parliament (MPs). But in all cases, the major burden of everyday regulation is carried by the market vendors themselves within their ethnic group affinities, working with komitis. These (individual and group) komitis, are often recognized, appointed by, and sometimes in the employ of landlords [papa grauns], the wider blok chairman or komiti, or the MP, through his or her constituency office.

2.2.3.3 Regulation includes the allocation of zones within the market for the sale of different items (and by implication, their use by different ethnic groups), as well as the inclusion and exclusion of various other usages and activities, especially those that routinely generate violence, such as the sale of betelnut and homemade alcohol and gambling. People who perpetrate violence, including rogue traders prepared to “bighead against the market,” are dealt with at several levels and commonly evicted and banned. Achieving security in settlement markets requires that komitis work with and across ethnic differences and power asymmetries (where one ethnic group is more powerful than others) to create a functioning, complex, multi-use environment. This usually entails astute negotiating daily, across ethnic differences. Ethnic dominance can be the basis of stability, but when it is exclusive, it is as likely to cause grievances to quickly escalate.

2.2.3.4 Where they have been recognized and supported, komitis have played a crucial role in the renovation of several Port Moresby markets since 2013 and thus have contributed to dramatic improvements in safety and security for both vendors and buyers. In Sabama, for example, a small town on the outskirts of Port Moresby, a complex enrollment of political patronage, funds, and legitimacy brought together the National Capital District’s governor, the local MP, the commander of the local police station, and the local komiti, which was able to draw in the authority of local businesswomen, ethnic and church leaders, and Village Court magistrates.

2.2.4 Representing and promoting settlement interests

2.2.4.1 Komitis are routinely involved in negotiating relations between settlement areas and the local government, the police, schools, and increasingly, higher-level city, provincial, and national officials. Komiti activities in relation to land and settlement or the mediation of disputes around markets will routinely entail defending or negotiating residents’ rights before the police and/or the proponents of infrastructure or commercial developments. When a commercial, government, or aid-funded development project team seeks consultation or finds itself dealing with a dispute, grievance, or compensation claim, it is likely that some kind of komiti will be involved. The komiti may be asserting individual rights or the rights of the entire blok in
the face of opposition from powerful external players who are promoting kin preferences or language group [wantok] arrangements.

2.2.4.2 Komitis can act as a point for social mobilization and grievance, such as when municipal authorities fail to respond to client complaints (for example, in relation to electricity, water utilities, the performance of schools or health centers, or the conditions attached to public contracts). They also provide peer-based cross-support for other settlements, where ethnic or other expertise is not present. When another blok chairman is accused of malpractice, for instance, senior komitis in this wider structure may intervene.

Lae Law and Justice leaders hear a dispute under umbrellas.

Photo: David Craig/Worldbank
3. How does power and influence impact on settlement regulation?

3.1 Despite the positive outcomes outlined above, local regulation is inherently conflictual and thus heavily shaped by unequal power relations. These include complex and difficult power inequalities between ethnic (Highlanders and Coastals, for example) and age groups (including youth), as well as gender and class inequalities. Local contest and competition can be handled locally only when people feel their identity and background [Pasin blo ples] and communal standing are recognized and incorporated into widely accepted consensual frames of reference and inclusive procedures, such as mediation. In this process, however, certain interests (such as those of men) and traditions (such as those of Highlanders) will still come to dominate, though this domination in itself can be seen as a part of the institution’s regulatory capability.

3.2 As a result, the effectiveness, consequences, and legitimacy of komiti regulation outcomes are very different in different places. Some komitis fail to achieve commitment and cooperation, and their dysfunction will be evident in internal divisions and clashes. A lack of long-established and recognized leaders within ethnic groups can make problem solving harder or subject to errors of judgment and timing. Moreover, a komiti’s activities are also shaped by ethnicity, age, gender, and the nature of its relations with formal public authorities.

3.3 Local regulation is influenced by ethnic inequality. In Port Moresby and Lae, PNG's central Highlanders will commonly emphasize their own distinctive leadership role in and influence on komiti actions and operations. Their dominance is evident in the way disputes are framed within an extended, carefully managed, and staged timeline, in the ways komitis cooperate and take turns within a culture of public speaking, and in the importance of compensation to the agreement reached to end a dispute. Those living in Coastal traditions often resent this dominance and try to negotiate and modify these costly arrangements.

3.4 Local regulation is also shaped by age inequality and the exclusion of youth. Although the relationship between komitis and youths is more than just oppositional, many among the youth are mistrustful of komitis and see them as biased and often corrupt. Very few youths are actively involved in law and justice matters, though many would like to be.

3.5 Finally, local regulation is patriarchal, and women have little voice in komiti operations. Men’s community networks may well afford them much better access to komitis and as a result, women also typically distrust komiti processes, especially in family disputes, which make up a considerable part of komiti dispute-resolution activities. Very few women have roles in komiti or Village Court structures (though this may be very slowly changing), and those who do face considerable challenges. Nor are there many women involved in market komiti work, despite the predominance of women as traders and customers.

3.6 Around FSV issues, women komitis and magistrates are drawn immediately into disputes over local court jurisdiction and referral of cases. This leads to conflict with the male komitis, and sometimes women komitis or magistrates can be excluded from mediations. Some women have reported much greater satisfaction in going directly to the local or central police; others describe the desirability of having komitis or Village Court magistrates from outside the community sit in on mediations; and still others actively seek to engage with women leaders and networks that operate at the edges of, or in competition with, komiti and Village Court arrangements.

9 The ways all of these operate and relate to various ethnic traditions are discussed in Craig and Porter, “Safety and Security in Papua New Guinea's Urban Settlements.”

10 See Craig and Porter, “'There is Security from this Place.'”
3.7 Local regulation can therefore do harm in cases of serious FSV. It is common for komitis to hear cases involving FSV that legally should be heard in the formal court system. There are several reasons for this. Such cases are often referred back to komitis by the local police, or families opt for quick local resolution and compensation. Sometimes komitis actively seek such cases, because fees and compensation can be considerable. When these cases are referred back to a komiti, the rights of the victims, who are overwhelmingly women, are usually not upheld, leaving them vulnerable to further abuse.
4. Summary and implications for local governance and development practice

4.1 UNDERSTANDING KOMITIS’ ADVANTAGES—AND LIMITATIONS

4.1.1 The quality of urban regulation is crucial to realizing the potential for PNG’s cities to produce the physical, economic, and social capital needed for diversified economic growth, effective and equitable service delivery, balanced justice, and social stability. In Port Moresby and Lae, many different kinds of komitis and leaders have become established as indispensable local mechanisms for regulating competition and disputes around social order, economic activity, and the representation of rights and interests. Most of these komitis, however, believe that they under-recognized and inadequately remunerated for this work.

4.1.2 Nonetheless, an appreciation of the indispensable role of komitis does not automatically translate into policy or programming recommendations. It would be easy—but nevertheless inappropriate—to simply recommend that the role of komitis and lidas be elevated and expanded, formalized, or adjusted. Any such change would require prior consideration of how the so-called “formal sector” regulatory agencies, including local governments, the police, courts, and prosecution and referral agencies, actually function or might do so if the fiscal, human resource, political, and administrative challenges they currently face were remediated. But even after such a comparative review, any recommendations would still need to contend with just how distinctive komitis, komiti leadership, and settlement authority are and how closely they are adapted to local situations.

4.1.3 Clearly, it is important to fully understand what these local forms of regulation and leadership are—and what they are not—and what this means for relations with state authorities and potential development projects. Komitis have to be respected as urban kastom constructions that can blur boundaries and work across conflicting interests. As already noted, komitis bridge on a daily basis two very different forms of public authority: formal state authority on the one hand, and diverse customary and localized forms of authority on the other. When local authority works, as it must in some ways, it can bring together disputing parties to administer some kind of justice by means of all the various forms of capital available.

4.1.4 It is critical to recognize that the ways komitis and lidas create and exercise authority is fundamentally different from the functioning of state agencies or development projects. Local sources of authority incorporate and work across different social and legal traditions; they are flexible, individualized, and subject to who is present at the moment in question. Formal business or state actors, on the other hand, value stability and continuity over flexibility and frequent change.

4.1.5 Komitis create rules that are not universally accepted but are “kastomized” to the individuals, times, places, and cases directly concerned. This “kastomization” creates established roles, responsibilities, and agreements that bind people, but they are temporary rather than fixed over time. Their operational costs and the fines they impose locally are usually one-off and self-resourced. Unlike the state forms of public authority, local arrangements do not depend on stable and ongoing funding, but neither do they create the accountability and durability of agreements found in more formal public sector procedures. The local arrangements will often be witnessed by a policeman, a local councilor, or a ward committee chairperson, but this does not necessarily result in fixed or durable linkages with state authority.

4.1.6 Komitis that are involved in hearing disputes and other quasi-legal cases operate in highly uncertain legal territory. In the absence of formal or even Village Courts, or working alongside them in providing kastom mediation functions, komitis and lidas often venture into areas over which state court authority claims sole legitimacy. They typically do this in response to local demand, practical necessity,
and expediency, but when challenged by state legal and other authority, their functioning can be sharply (though often only temporarily) curtailed.

4.1.7 Thus, despite their apparently compelling local authority and efficiency, komitis and other similar local mechanisms are not necessarily able to provide state, commercial, and development projects what they often need, that is, a kind of authority that is universally applicable beyond the individuals involved, durable over time, and enforceable according to the formal rules of accountability.

4.2 PRACTICAL IMPLICATIONS FOR URBAN POLICY AND ENGAGEMENTS: “DO NO HARM”

4.2.1 It can be difficult to draw practical implications and policy actions from these conclusions, but there are two audiences for whom the findings are crucial. This report’s findings have implications for what may be termed “urban developers,” which here includes public officials responsible for urban infrastructure and public facilities—for instance, the creation or redevelopment of markets, water and sanitation, lighting, roads, and buildings. Urban developers are also private sector actors who undertake these works or the commercial development of areas or specific sites for commercial retail, housing, factories, and warehousing operations. A second audience includes officials (donors, government) who engage in urban settlements with the aim of improving justice and governance outcomes in ways relating to the functions of the komiti and lida, that is, dispute mediation as it pertains to social order, shelter and security of tenure, market and business activity, and political representation.

4.2.2 As noted above, it would be ill-advised to simply recommend that the role of komitis and lidas be expanded and formalized. Clearly, it makes no sense to stigmatize or disparage local mechanisms as merely “transitional arrangements” to be tolerated while formal state agencies catch up to reduce the distance between their statutory obligations and their actual performance. Komitis and lidas are not simply transitional; they play crucial roles in urban regulation that, if anything is predicted, are likely to increase in scale and scope. But much less straightforward is the development of practical implications or recommendations for either of the two primary audiences. Before such recommendations can be made, there are three caveats that should be considered on the scope and limitations of this research, the inherent nature of komiti and lida as forms of regulation, and their relations with formal state agencies.

First, recommendations require a comparative knowledge of the alternatives to the kinds of urban regulation provided by the komiti and lida. Most immediately, they need to be understood and compared to the actual local work and reach of statutory local governments, the police, courts, prosecution and referral agencies, and their higher echelons. These data could enable a comparative review of the opportunity costs—the likely returns to and risks of public sector and/or donor investment in the available range of options, including in the institutions involved.

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

Third, efforts to alter the credentials, ways of operating, or outcomes of regulation by komitis and lidas will inevitably involve some formalization, which will risk destroying their current capabilities. Business or state actors usually prefer stability and permanence over flexibility and variation. But komitis must deliberately blend formal state authority with a variety customary and indigenous forms, to a degree much greater than public sector institutions, local regulatory mechanisms. They seldom create the kinds of durable, accountable relationships sought after and valued in public sector ways of doing business. Their local arrangements must always be plural, flexible, personalized, and dependent on who is there now.
4.2.3 “Do No Harm” should be the guiding principle of engagement. The komiti and associated forms of leadership are not the only regulatory authorities at work in settlements, since komitis do nothing that is not also the formally mandated responsibility of local governments and so-called law and justice sector agencies. In practice, however, no one else can or will do what they do in providing local regulation, as they are crucial to, and currently perhaps the backbone of, urban safety and security. Contained in the principle of “Do No Harm” are three points.

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

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

Third, the potential for positive engagements is increased where realism prevails, namely, where it is recognized that anything to do with money, land and pecuniary opportunity, or honorific entitlements will become subject to contest and rival claims by kastom leaders. By coupling a positive outlook with realism, urban developers would shift from a conventional outlook of “How do I avoid disputes and grievances?” to another that asks “How can I preempt disputes and grievances from escalating, turning to conflict, and resulting in unacceptable costs?”—regardless of whether these are borne by the urban developer or the “communities of interest” represented by komitis, lidas, and kindred other local mechanisms.\footnote{In terms of the safeguards and grievance management arrangements typical of donor agencies, including the World Bank, current Grievance Redress Mechanisms could be reframed as Grievance Pre-emption and Management Mechanisms.}

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

While emphasizing the overarching concern that “Do No Harm” should be at the heart of any engagement that impinges on komitis and local lidas, there is a range of caveats and issues related to safeguarding urban development activities, especially around the instrumentalization of komitis in project contexts and around grievance.

4.3.1 Anticipate that your activities will trigger disputes and that engaging with local komitis and leadership will not be optional. State, donor, or commercial engagements to upgrade water, lighting, or roads, renovate markets, or establish commercial centers will always trigger disputes and grievances about who benefits from, or bears the adverse impacts of, these activities and who has the authority to make such decisions. Grievances will almost always be articulated by groups and individuals close in character and capability to the komitis and lidas discussed here. Engaging with settlement komitis and lidas will be unavoidable, but it is unlikely to occur on terms defined by the urban developer.

4.3.2 Do not assume that it will be possible to instrumentalize or draw on the authority of the local komiti or to scale up or re-engineer its activities for project purposes. As noted above, despite their local influence and effectiveness, komitis and lidas will not provide the kind of fixed authority that can be applied universally, formally, and equally across the entire population. Urban developers are unlikely to find that komitis’ authority in resolving disputes can be applied, for instance, to managing temporary labor contracts or community in-kind contributions for infrastructure projects. Neither is it likely that a komiti will successfully handle a contract to manage security around a major asset or provide a stable and gender- or age-equitable platform to impartially rep-
resent community interests during an assessment of damages and a determination of compensation to people impacted by the urban developer’s activity. Nor is the kind of authority enacted by a komiti at a particular time or place readily able to be scaled up or taken from one part of the city to another, such as when a developer needs a “community interface” or “focal point.”

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

1. **Pro-actively consider ways in which komitis and lidas can be engaged** in the proposed activities and ensure that they are consistently informed about them. This principle should apply especially to activities involving land and shelter security, employment and contracts, and the assignment of responsibilities for management and oversight to officials from local-level governments, districts, and provincial administrations.

2. **Consider who is likely to benefit and be excluded.** Consider how contracts and regulatory requirements created around the project may, or may be perceived to, exacerbate existing local cleavages or even create new ones, or could be more gender, age, and ethnic inclusive.

3. **Actively “triangulate,”** that is, verify through multiple sources who local leaders are and their competing interests and sources of respect and legitimacy, and how their fields of capability, such as disputes relating to land, housing, youth, and so on, are locally perceived.

4. **Ensure representation in agreements.** Ensure that project agreements make it possible to engage a range of different forms of authority. These agreements must not simply rest on the putative power of the bearers of formal government office; they should also ensure that agreements with local komitis and lidas are constructed and endorsed in a public way in relation to the project.

5. **Frequently revisit agreements.** Anticipate that agreements will be renegotiated and require roles and responsibilities, and the distribution of costs and benefits, to be adjusted and again witnessed through public rituals.

6. **Anticipate that as disputes and contests are activated, all local agencies and actors, whether variously described as formal, official, kastom, or otherwise, will seek to capitalize on the opportunities presented through such contests.**

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

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

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

4.4.2 **Recognize and support komitis and leaders carefully.** Locals are certainly keen to receive recognition and resourcing by state agencies. If harm is to be avoided, recognition needs to be provided clearly and consistently by stable and legitimate forms of local government (including, in PNG, Village Courts, and local and urban authorities) or by those holding formal land title, including papa grauns [traditional landowners]. Training, for instance, is one way to give headline recognition to komitis and lidas, while at the same time enhancing komiti mediation skills and knowledge of formal procedures where disputes involve state agencies and also reminding them of their jurisdictional limits over such serious matters as sexual assault.
4.4.3 If enrolling PNG’s police, justice, and local government agencies in delivering support to komitis and lidas, be aware of the competition, stigma, and antagonism in these relationships. The experiences examined during this research show that local regulatory mechanisms are often undermined when they interact with ward or district governments or with the police; indeed, the authors encountered instances in which state officials reached into komiti activities in abusive ways to extract rents, exploit authority, or grab resources. This is because these agencies are competitors in the local regulatory (for example, mediation) market. But it is also because when the formal machinery of the state recognizes other institutions, along with this will come efforts to “freeze” local komitis and networks into singular—and subordinate—roles and relationships. This is partly why the normal arsenal of capacity building, such as providing training, formalizing pathways of response with the police, courts, or special purpose crisis response agencies, or introducing codes of conduct and other measures of credentializing local mechanisms and leaders, can easily disrupt the flexibility and mixing of norms, rules, and forms of authority and legitimacy that keep these local arrangements working. Even where intentions are positive, the kinds of financial and human resources that the PNG government is able to provide to back these relationships are typically uncertain, unpredictable, and so closely tied to personalized patronage arrangements that they will usually disrupt local mechanisms and forms of leadership.

4.4.4 If harm is to be avoided, the following general principles should guide any such engagement:

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

2. **Create a policy dialogue with emerging district and city authorities about how they can realistically commit to and cooperate around urban settlement regulation.** Dialogue should include the ways that local law and justice issues are included in the mandate of the district, local-level government, and/or city authority, and how these functions are resourced either as part of—or supplementary to—the District Services Improvement Program (under which 10 percent of k10 million per year have been earmarked for district-wide law and justice activities) on a predictable function and formula basis. This kind of closer assignment of function and funding is being currently piloted by the Department of Provincial and Local Government Affairs in some of PNG’s provinces and districts, though not specifically in urban or law and justice settings.

3. **Formalize the district (or city authority) law and justice committee, enable it to function to solve larger disputes across the territory, and bring in wider women’s network-based lidameri into family cases.** Provided city and/or district authorities receive a clear legal man-
date with respect to law and justice issues, city authority or district leadership could then be supported to identify areas and places within the city that could bolster komiti development. This may include formalizing district or city authority law and justice leadership, elected, as is current practice in Lae, by the wider body of komitis and Village Court magistrates practicing in various blocks, zones, and sections. District law and justice komitis could become the sites from which to test the efficacy of networks of komitis (male and female) who could hear family cases across the city, rather than having them heard within close communities and by local leaders. As in Port Moresby, a citywide mediation capability or team could be established and, with due care and attention to the unintended consequences, be supported with a budget, a dedicated vehicle, and logistical support. Overall, this seems likely to boost, and not undermine, local komiti capabilities.

4. **Expand and extend urban Village Courts into kastom land tenure settlements.** Priorities are of course contingent on the fiscal means but could include establishing at least one Village Court per ward or on a consistent locality and population basis; enacting and funding provisions in Village Court legislation requiring the appointment of women magistrates; and subjecting the courts to regular performance reviews as stipulated in the Village Court Act to avoid capture, promote female magistracy, and ensure turnover and the access of emerging local law and justice leaders to Village Court positions. Village Courts are arguably the agency most compatible with komiti regulation and least likely to damage it.

5. **Find ways to address the worst abuses of FSV case handling related to mediation, komitis, and policing.** Work with the Constitution and Law Reform Commission and the Family and Sexual Violence Action Committee to identify ways to stop the police and families from referring cases back to komitis, and ways to penalize komitis, mediators, and rogue police officers involved in circumscribing FSV survivors’ access to formal justice. Review legislation based on close ethnographic research to clarify the wider roles of komiti, kastom, and formal law in relation to FSV. Find enforceable regulatory solutions where patterns of regular dysfunction related to customary uses or patterns of case referral are clear.

6. **Support the re-emergence of community policing at suburban stations by re-establishing community policing posts and developing career paths and a community of practice within the Royal Papua New Guinea Constabulary (RPNGC).** District law and justice leadership could complement this RPNGC initiative by establishing a program of regular interaction with citywide community policing, including attendance at mediation, training, elections, and other events.
Annex 1: Research Methods

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

These investigations enabled a wealth of empirical materials to be assembled.

- Given the almost complete absence of studies in this area within Papua New Guinea (PNG), mainly due to access and safety issues but also stigma, as well as the access and safety issues for this study itself, it was crucial that formative work, framing analyses, and empirical exploration be conducted flexibly.

- Research began with an extended series of conversations with local people in public spaces (markets, churches, shops, bus stops) and private homes, and moved from these contexts into a series of more structured individual and group interviews and the development of case studies in public sites, homes, workplaces, and businesses. It continued with discussions with komitis and lidas and those around them, and with observations at komiti-run mediation, election planning, meetings with officials, and community events.

- Access to settlements was facilitated through discussions with various local leaders (men and women) and, in a few situations, with the police. Referrals and introductions from networks of mediators, lidas, women, and youth offered a further extension of the research into different settlements.

- Snowball sampling was complemented by other sampling techniques, including i) applying triangulation (a technique that validates data by deliberately seeking different perspectives from multiple sources to cross verify, with the differences based on accepted social science parameters), ii) using multiple points of entry and research team mixes\(^\text{12}\) (not becoming dependent on or captured by one person, group, or site), iii) sampling for difference (ensuring that the qualitative sample includes the full range of points of view), and iv) sampling to redundancy (pursuing these techniques until little or no new material and perspectives come to light). In urban PNG’s mixed settlements, differences that matter include, at a minimum, ethnicity, gender, class, age, and duration of residence, and this research actively sampled for these differences at every point.

- Common issues in this kind of research include the predominance of perspectives from certain (older, male, educated, dominant ethnic) leaders and the difficulties in accessing those most vulnerable or peripheral to power. Initial triangulation and sampling for ethnic, gender, age, and class difference as described above occurred, with interviews and focus groups at and around each site deliberately involving only women, youth, or ethnic minorities.

\(^\text{12}\) At various points in the process, the core research team included two expatriate social scientists, a PhD-trained woman anthropologist who is highly experienced in Port Moresby settlements, three senior community members, two short-term consultants resident in the settlements, and a youth researcher drawn from a local nongovernmental organization (NGO).
• Single interviews with strangers in these kinds of contexts produce results with very low reliability. Within both neighborhoods and the research team, this research was informed by ongoing iterative practices of reflecting together on emerging findings (in groups, individually, in reviews of writing and conversations).

• Findings were discussed and validated during a series of presentations to different groups, including mediators, komitis, and law and justice sector and urban safety program staff, both indigenous and expatriate.

• Altogether, more than 150 separate individual conversations, as well as semi-structured individual and group interviews of this kind were performed in Lae, building on a previous series of 200 similar interviews in the earlier Port Moresby work. Conversations occurred in the familiar mix of Tok Pisin and English within which much of this “local public” business in pursued. Although the research leader developed a certain facility in at least hearing Tok Pisin, translation was locally and immediately available on both sides.