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Disputing Damage Versus Disputing Ownership in Suau

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At a 1999 village court sitting in Isuisu, Western Suau,[1] Milne Bay Province, a land boundary dispute was brought before the magistrates. They refused to hear it, gently chastised the litigants for bringing them the 'wrong kind' of case, and instructed them to take their case to the land mediators instead. As a complement to this incident, at a land mediation one month later, one of the mediators said in his preamble to the proceedings: 'If you chop down a person's oil palm or kill them because of it, you have a court. If you're only fighting over whose oil palm it is, then you talk to me.' There was, in the formulations of both these officials, a clear distinction between the remits of the village court and the land mediators. This distinction has ramifications which extend not only to the cases before them, but to the flow of authority behind them, and it provides a background for the cases which I will present here. The magistrates and land mediator cited above had very clear ideas about the appropriate venue for debating ownership of land as opposed to an act resulting in harm to another person. While such notions will at least in part have been informed by the government-prescribed structures for dealing with both types of litigation, it may also be true that these structures have been so readily adopted because of their acceptability to Suau conceptions of relationships in a state of crisis or negativity, and the ideal shape of their resolution. However, it is important first to outline briefly the presence of