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Matrix of Issues Arising from the Cases

Each chapter has been written to provide specific and concrete instances of people's expectations about ownership. In the specific cases are also issues of general significance; several of these converge, that is, the same or similar issues crop up in different contexts. We focus here on the role which people accord their relations with one another. Reference is by chapter number (2–8).

Values Expressed in the Acting Out of Social Relations

1. Relationships are in themselves a source of value

Although disputes and claims may concern goods (things) or land, in many cases it is the value that ongoing relationships have for people which surfaces as the object of concern. They may be quite explicit about this (e.g. 7). So there are examples of disputants dropping claims in order to avoid severing productive relations (4), processes by which people measure relations with one another through exchange (6), and a recognition that conflicts which harm persons, and thus are directly about their relations with others, are qualitatively different from conflicts over (say) land title (3). All this has an abstract side: past relationships are rehearsed in the present; these may be recalled through the recitation of genealogy (5), or as part of the specific knowledge an individual has acquired, given as a series of names (2). Relations here can be between individual persons or between groups (8).

2. Transactions (between two or more parties) create their own histories

The issue here is not so much the sustaining of general relations, between persons or between groups, but the careers or particular histories of interactions. Whether or not they are formalised into sets of exchanges between exchange partners, the purchase, exchange or transfer of tangible (wealth, food) and intangible items (magic, knowledge) creates a history of debts and obligations. Like interactions between kin or spouses over a period (3), this can be seen in respect of rights to land (4), in caring for kin (7), in the chain of events that are spread out in compensation claims (6), and in

the way previous transactions lie behind present ones (8). This may modify the *exercise* of ownership claims (5). Relevant transactions (e.g. a purchase, 2) may also be located in the past.

3. It is characteristic of enduring relations that a dispute over one thing may also be a dispute over another

Although it is a commonplace that disputes (as a series of interactions) always have a history to them, these chapters point to something else: that people may deliberately use one example to think about another (7). We see this in two cases involving the cutting of trees: one (3) revived old jealousies about access to outside resources, while the other (4) recalled past land disputes when what was wanted was a share in the profits. In further cases, a particular marriage arrangement (8) turned out to be about an long-standing imbalance between groups, and (2) a new representation of land boundaries appeared by way of analogy to the kind of land claims stimulated by mining ventures. Enduring relations of this kind are found in the network of ties between a mining company and local communities (6).

4. Tangible and intangible things stand for one another as evidence about the quality of relations

That land, or water courses (5), can be made productive through work may be taken as a sign of the state of people's relationships with one another or with ancestors or spirits. People look for 'signs' about the state of relationships (3, 7). They also look for 'signs' of changes in the productive relations between persons (4) – so that 'ownership' claims may emerge in prospect of new assets, especially when they come through the road of 'development' (also 2, 6, 8).

5. Persons are not isolates; groups are not isolates

A person's dependency on group membership for access to certain resources may be anticipated or be manifest (2, 5). However, there may well be a difference between men and women in the way attachment can be exercised, so the nature of the dependencies will be different (8). People are often quite explicit about domestic dependencies, inherent to interaction between spouses (3), and kin relations of all kinds. At the same time, men in particular emphasise the way in which groups depend on one another, inherent in the very notion of intermarriage between clans (4) and ideas about divisions between maternal and paternal kin (7), as well as in the activation of extensive networks (6).

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List of Examples, Disputes and Court Cases Dealing with Ownership and Related Matters

Chapter 2 (Fuyuge, Central Province)

An ethnographic example: Comparison of land narratives between mid-1980s and 1999 shows, in both cases, how claims are established through types of personal knowledge. However, the implications of allowing other people to live on one's land had changed in the context of people's expectations about the imminent Tolukuma gold mine. Expanded versions of ongoing land narratives appeared to take on the idea of clear boundaries that could be 'mapped' onto the ground; current ownership claims had to be made persuasive.

Chapter 3 (Suau, Milne Bay Province)

1. Village Court, 1999: The case involved the destruction of a house in the violent aftermath of misunderstandings between affines over a bridewealth return. Compensation was ruled: 100K to rebuild the house and a pig out of respect for its owner – relations have a future when transactions keep the channels open.

2. Village Court, 1999: Deliberated the consequences of wife-beating in context of deteriorating relations. On learning that she did not want to leave her husband, the magistrates ordered him to provide the resources for a feast for the wife; other parties were fined by the court for inciting her.

3. Informal 'court', 2000: A land mediation. Two trees were cut when permission had been given for one. Question between cross-cousins of who had the right to determine the use. The matter was thoroughly aired, and ended with a promise of no further felling; no compensation paid (the transaction would have made the cross-cousins like affines – here implying undesirable differentiation).

Chapter 4 (Nekgini, Madang Province)

1. Informal confrontation, 1988: Road building leads to encroachment on land of another group and to recall of earlier grants of land which had been gifted along with *kastom* knowledge and designs. Threatened with the return of the *kastom*, complainants withdraw for fear of cutting off the sharing of resources and productive relations generally between them.

2. Informal dispute resolution, 1995: Cutting timber for a slit-gong drum intended for purchase revives a former land dispute (case 1). No-one wants the timber (or land) back – complainants want a share of 'profits' now the land is newly productive ('development'), but again withdraw under threat of disengagement of all relations between the two sides and dissolution of *kastom* cooperation.

Chapter 5 (Common law and national laws, PNG)

1. Land Titles Commission, 1993 [Re Hides Gas Project Land Case [1993] PNGLR 309]: A disagreement between clans both claiming land through extensive genealogies and local knowledge led to a judgement which ignored traditional knowledge altogether. The judge ruled in favour of the clan which had possession (occupied the land). This converts 'possession' into 'ownership', and obscures the relationship between the parties.

Other citations:

- 2. Administration of Papua New Guinea v Guba Doriga [1973] ALJR 621**
- 3. Re Fishermen Island Case [1979] PNGLR 202**
- 4. Madana Resena v Papua New Guinea [1990] PNGLR**
- 5. The Tubantia [1924]**
- 6. Young v Hichens [1834] 6 Q.B. 606**
- 7. Mabo (No 2) [1992] 107 ALR 1**
- 8. State v Giddings [1981] PNGLR 423**

Chapter 6 (Lihir, New Ireland)

1. Direct claim and settlement, 1999: Compensation was demanded from Lihir gold mine for the death of pigs allegedly caused by pollution, and was settled by the mining company. This leads to a further demand: company responds by determining the cause of death in their eyes but pays compensation for general loss of resources, while Lihir people see relations caught up in a long chain of events.

2. Ongoing settlements, Current: The mining company regularly meets villager demands for compensation for pigs killed in accidents on the road it built. The rationales cover attributions and denials of responsibility in relation to the road itself and to the drivers of vehicles.

3. An Ethnographic example: Old and new currencies in transactions. The way in which people produce pigs from cash incorporates cash into inter-clan exchanges so as to maximise prestige. At the same time, such exchange stimulates the production of shells used both as a regular form of currency and as valuables.

Chapter 7 (Angkaiyakmin people, Bolivip, Western Province 1994–9)

1. An ethnographic example: The transmission of knowledge. Principles in transmission of *awem* (important knowledge) from seniors to juniors is ideally the combination of two sources from two different sets of kin, like the combination of maternal and paternal substance in the creation of children. The logic of 'two sides' is followed through several instances.

2. An ethnographic example: Mortuary payments. The man's side and woman's side are separated at a death by the one giving valuables to (and receiving from) the other.

Expressions of anger lead to violence against persons and property (cf. Chapter 3, case 1). Kinship-based obligations are cross-cut by rationales to do with recent history of interpersonal relations and residence.

Chapter 8 (National and international arenas)

1. International debate, 1995–7: The ‘Hagahai blood saga’. A Canadian human rights group compels the USA to rescind a patent on products from a Hagahai (Madang Province) man’s blood . One of the arguments was that no compensation had been forthcoming. No law suit, but informal international pressure.

2. National Court, Mt Hagen, 1997 [In the matter of an application under Section 57 of the Constitution: application by Individual and Community Rights Forum Inc. (ICRAF) in re: Miriam Willingal, PNGLR 1997]. A NGO human rights group in PNG takes two Minj tribes to court for including a woman in a compensation payment. The logic is similar to that of the mortuary payments recorded in Chapter 7, example 1. The judge rules that including a woman is contrary to the Constitution and the groups are ordered to desist from customary practices.



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