

How tribal courts can end war: Traditions stem gunfire after 4,800 die in Enga, Papua New Guinea

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Enga tribal villagers gather at Irelya, Papua New Guinea, in 2010 for a village court compensation ceremony aimed settling a homicide case to avoid warfare between clans. Pigs are given to the victim's clan as compensation from the offender's clan. Credit: Polly Wiessner, University of Utah.

Mostly isolated from outsiders until the 1950s, Papua New Guinea's Enga tribes fought with bows and arrows until 1990, when their young people and mercenary "Rambos" began using shotguns and semiautomatic rifles, igniting 20 years of warfare that killed 4,816 people.

Wars diminished among some 110 Enga tribes when they tired of bloodshed and economic chaos. Clan and church leaders restored peace using traditional indigenous institutions: outdoor village courts

sanctioned by the state, University of Utah anthropologist Polly Wiessner reports in the Sept. 28 issue of the journal *Science*.

The University of Utah and the Enga Provincial Government funded the study.

From 1991 through 2010, about 500 wars among tribal clans killed about 1 percent of the 400,000 to 500,000 Enga people. Chaos reigned.

"Missions and high schools were burned, entire valleys vacated, thousands became refugees and government services and development were disrupted," Wiessner says.

But starting in 2005, "the number of deaths and the duration of wars declined steadily; by 2010 and 2011, few wars were fought in Enga," says the study by Wiessner and Nitze Pupu, a blind Enga law school graduate. "Social technology from generations past was adapted to contain the impact of adopted modern technology. ... New institutions build on former rules, norms and values; history matters."

Village court magistrates don't focus on punishment but on restitution or "restorative justice," usually in the form of pigs. They send a quarter of combatants home to "drink Coca Cola" and make peace, which replaced a tradition of chewing sugar cane, say Wiessner and Pupu, of the Enga Tradition and Transition Center in Wabag.

Wiessner says the study shows that using indigenous means of local [conflict resolution](#) may be better for a government like Papua New Guinea's than imposing Western law.

"The Enga case provides a rare opportunity to examine the construction and adaptation of institutions to promote peace, as well as quantitative measures of their effectiveness," Wiessner and Pupu write.

"Their system is built on restoring respect, accepting liability and responsibility, and paying compensation," says Wiessner, who has studied the Enga since 1985. The Western judicial system "is for a broader anonymous society. Our system is effective for taking offenders out of circulation – which theirs isn't – but often the offender doesn't accept responsibility or compensate, so the victim gets nothing."

The Better Angels of an Indigenous Society

Harvard University psychologist Steven Pinker contends in his book, "The Better Angels of Our Nature: Why Violence Has Declined," that human societies began in violent anarchy and grew less violent over time.

"Our study shows that small-scale societies had effective means of conflict resolution and peace-making unlike what many people, including Pinker, argue for pre-state societies," says Wiessner. "Extreme violence came when traditional, small-scale, face-to-face societies evolved into larger-scale, anonymous societies where people didn't know each other anymore. I'm not saying Pinker is wrong, but the Enga show there can be great variation in different simple societies' effectiveness in controlling violence."

In the study, Wiessner defines a war a bit differently than the conventional idea of a large-scale conflict between nations. Enga wars are "organized armed conflicts between political communities, in which the ends were defined by peace agreements." These wars were fought by clans with 350 to 1,000 members. Each tribe has six or seven clans.



Enga clan members in Papua New Guinea offer pieces of pork in a 2011 village court compensation ceremony to settle a homicide case without starting a war among clans. The ceremony took place near the Enga provincial capital of Wabag. Credit: Polly Wiessner, University of Utah.

The study shows that during 1991-2010, Enga clans fought 500 wars that claimed 4,816 lives. And while the number of wars increased until about 2009, Wiessner's data show that after the elders and tribal courts stepped in, the wars were stopped earlier and with fewer deaths.

Comparing 1991-95 with the period 2006-10, the proportion of wars with 51 to 300 deaths fell from 9 percent to 1 percent, and the proportion of wars with one to five deaths rose from 23 percent to 74 percent, indicating conflicts were halted earlier.

Average deaths per war rose from a mean of 3.7 in pre-colonial times to 19 during 1991-95, and fell to 17 during 1996-2000, 10 during 2001-05 and five during 2006-2010.

A History of Peace and Violence

About 350 years ago, local traders introduced the sweet potato to the

Enga, allowing pigs to be fed and raised in surplus for trading. People moved to fertile areas, and these population shifts led to raging wars. The Enga considered wars a last resort to avenge insult or injury, display strength or re-establish a balance of power.

To quell violence, the Enga in about 1850 began to pay compensation – pigs and other valuables – to make peace with enemies, boost a clan's reputation and re-establish the balance of power, the researchers say. New indigenous, religious ceremonies arose to instill discipline in young men, honor ancestors and unite tribes.

"Massive exchange networks called Tee [pronounced 'tay'] grew up before contact with Europeans, involving 60,000 people and the exchange of hundreds of thousands of pigs," Wiessner says. "Pigs were the currency. As exchange networks grew 150 to 200 years ago, people without European contact created indigenous ways of making peace so exchange could flourish."

Australian colonial rule began in the 1950s. Armed administrators kept peace. Enga traditions waned. The last great ceremonial Tee exchange was in 1978-79. A few years before [Papua New Guinea](#) gained independence in 1975, "warfare resurged as social inequities grew," the study says.

"People get into a brawl, or someone steals a pig, rapes a woman or kills someone, and the clan must show that it has the strength to defend itself," says Wiessner.

In 1974, the Village Court Act set up a state-sanctioned system – separate from formal government courts. Local leaders were elected magistrates with little government training or direction. They were told to apply "custom" to achieve justice and harmony.

A village court branch named Operation Mekim Save or OMS was set up in 1982 to settle tribal wars via arbitration by village court magistrates. The Enga later established lower-level "worry courts," where one or two leaders mediate a dispute on the spot.

Discontent simmered through the 1980s, but wars involved bows and arrows and fewer casualties. "I used to take my lunch up a hill and watch a war," Wiessner recalls. "It was almost like a football game."



Enga tribal village court magistrates are shown here after returning from negotiating a cease-fire to a tribal war in Enga Province, Papua New Guinea. In a new study of war and peace among the Enga, University of Utah anthropologist Polly Wiessner examined how an indigenous village court justice system, sanctioned by the state, sharply reduced wars among the Enga after 20 years of fighting killed 4,816 people during 1990-2010. Credit: Polly Wiessner, University of Utah.

Then, "in 1990, guns, formerly rejected in warfare to avoid carnage, were adopted by some hot-headed youths to the dismay of the majority, igniting an arms race," the study says. "High-powered rifles were obtained from businessmen and politicians or 'acquired' via the police

and army. ... Ambushes and raids, executed outside the control of elder clan leaders and OMS [courts] replaced pitched battles. Warring clans employed mercenaries skilled in the use of semiautomatic weapons, called 'Rambos' or 'hiremen.'"

Wiessner recalls an elder telling her that he tried to settle a conflict as he had in the past, "and the young bucks came up to him with their high-powered weapons and said, 'Get out of here, old man. Your day has come and gone.'"

The Road to Peace

Wars raged during 1990-2005, "and then for the last five years [2006-10] you get a reduced number of deaths per war, indicating people were fed up and stopping wars early," she says. Few wars were fought by 2010-11 as the village courts regained control.

"Three core ingredients turned the Enga to peace," says Wiessner. "One: economic exhaustion. People were driven off their land and totally exhausted with war. They could see it was unproductive."

"Second: When this point was reached, traditional village courts practiced indigenous law to solve problems," says Wiessner. "Unlike formal Western-based justice systems, village courts satisfy community needs: They restore relations by mediation and material compensation, and consider local politics and future relationships."

"Third: Most Enga people consider themselves Christians. Christianity hasn't stopped wars, but when people didn't want to fight anymore, they went to village courts, and backed that up with Christianity as an ideology for peace, as they did with their own traditions in the past. Christian festivities pave the emotional landscape for peace."

Village courts "made it possible to control the wave of violence after the adoption of guns in a way that neither the colonial powers nor state could manage," says Wiessner.

The study found that only 10 percent of cases in state District Courts result in a fine or jail, while the rest are dismissed when witnesses don't appear or are withdrawn and taken to intertribal court. There, 98 percent of cases result in a compensation order, a mediated compensation settlement or an agreement to negotiate and settle out of court.

An Uncertain Future

If natural resources and foreign aid are applied to development, the Enga "will have more to lose and may continue to turn away from war," Wiessner and Pupu write.

But they also cite a "burgeoning population of discontented youths" and political conflict over natural resource exploitation by multinational corporations, and they add that "a new round of warfare could erupt over the politics of tangible resources." And as Enga society grows, clan members may be less likely to make compensation payments on behalf of kinsmen they barely know.

"If this happens, local institutions founded on principles of kinship, respect and restorative justice will not suffice, and the Enga may find themselves in another cycle of violence as the scale of their society increases," Wiessner and Pupu conclude.

More information: "Toward Peace: Foreign Arms and Indigenous Institutions in a Papua New Guinea Society," by P. Wiessner, *Science*, 2012.

Provided by University of Utah

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