

Concerns and Challenges of Crime in Papua New Guinea

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Abstract

This article is an analytical understanding of not only crime concerns but also a broader context of the difficult conditions and challenges in which crime occurs in Papua New Guinea are illuminated and presented. Using relevant literature review materials and anecdotal evidences available through the various media channels, the article examines the crime concerns from Papua New Guinea through the lenses of white-collar crime; transnational crime; ethnic conflict; property crime; and crime against person. These crimes have attracted headlines and featured prominently in the local and international media, and continue as a critical concern in this unique and diverse country. In the face of the absence of accurate crime statistics, the paper presents fairly a descriptive and reflective account of the images of crime from Papua New Guinea using anecdotal but reliable evidences. It is echoed throughout the article that crime is not an isolated and separate behavioral problem, but it originates from the broader social context in which Papua New Guineans reside and operate their daily activities. In this vein, it is accentuated through this article that, crime is unique in its time and place, grounded in an historic legacy and shaped by the changing socio-economic and political dynamics of a country with strong western influences. It is concluded that crime concerns in Papua New Guinea is multifaceted and it is more than just a law and justice sector issue but the concern cross-cuts through the structural veins of our society. Papua New Guinea needs to get away from the crisis driven approaches and see the crime problem being shaped by structural factors that require not only committed political will and ample resource allocations but strong, vibrant, and resilient bureaucratic and law and justice systems to address structural issues one by one in an effort to create a safe and secure place for its citizens.

Key words: crimes against person, ethnic conflict, property crime, transnational crime, white-collar crime

Introduction

After 41 years of political independence from Australia, crime continues as one of the most talked about issues in Papua New Guinea¹, a country with a total surface area of 462,840 square kilometres (SALI 1996: 80), and a total population of 7,275,324 people (PNG 2011 Census). Crime has reported to have burgeoned and wide spread in in this country with 820 active different languages (GORDON 2005) sparsely spread across the highlands, islands and coastal villages. What makes it intriguing and challenging is, its great diversity in cultures with myriad of so many different and complex value systems and practices with little shared identity, integration, and cohesiveness (TURNER 1990). In this context, the country has been described as a nation within thousand nations (ORAM 1976).

Against this background, crime and lawlessness is a common concern (DINNEN 2001). Although, accurate official crime statistics are not readily available to measure the correct character, magnitude, and enormity of the crime in the country (CLIFFORD 1976, CLIFFORD *et al.* 1984, DORNEY 1990, PITTS 2001, LAKHANI and WILLIAM 2012, HAYWARD-JONES 2016)², the media apparently has been inundated with reports of all range of crimes committed frequently. Over the years, the media has grabbed headlines both in the local and international outlets that Papua New Guinea has a serious law and problem (DINNEN 1993).

In fact, crime concerns from Papua New Guinea differ between various individuals and groups as well as along the lines of gender, social class, ethnicity, and religion. Females in many parts of the country are concerned about their freedom of movement and security because they are susceptible to rape and sexual assault (SALI 1 March, 2013). In fact, gender violence appears to have frequently occurred in families, and media has been flooded in recent days of reports on violence against women (MIAMEL 19 December, 2016). The business houses have raised their voices on security of their business and properties from breaking and entering, robbery, theft, vandalism, arson, corruption, fraud, and bribery as well as the high cost of maintaining security (LAKHANI and WILLIAM 2012). The civil society groups such as the Transparency International and church groups have expressed their voices on systematic and systemic nature of corruption in high government places. They seem to claim that corruption is like a disease eating away the fabrics of the society causing moral decay (The National 9 December, 2016). For those living in towns and cities, they are concerned about the street crimes and vulnerability of being attacked by rascal gangs and opportunists (SALI

1 Papua New Guinea, a country in the South that Pacific shares its international land boundary with Indonesia to the west, and sea boundaries with Australia to the south, Solomon Islands to the east, and extends north to the Federated States of Micronesia (FSM) (One World Nations Online 2016).

2 Crime trends in Papua New Guinea are difficult to track accurately. A 2014 World Bank report on trends in crime and violence in Papua New Guinea found that the limited literature available to determine crime trends does not rely on "robust empirical evidence" . Under-reporting of crime is common in Papua New Guinea, further complicating attempts to determine trends" (HAYWARD-JONES 2016).

2015). In the rural villages in many coastal areas, they fear witchcraft and sorcery (SALI 21 February, 2013) while in many parts of the highlands ethnic tribal warfare threatens people's lives (MAPUSIA 1986). In short, these voices express crime concerns from all range of people from young and old, male and female, poor and rich, and government and civil society groups.

As noted in the abstract, crime is unique in its time and place, grounded in an historic legacy and shaped by the changing society (DINNEN 2001, DORNEY 1990). There are complex historical and structural factors that contribute to the rising level of crime in the country and it is therefore not only a matter for the law and justice sector to deal with (DINNEN 2001). It is in this context makes this study intriguing and challenging. Hence, this paper is divided into four sections including the concluding remarks, which offer some guiding thoughts on dealing with the crime and lawlessness in the country. In the first section, however, the different types of crime concerns in the country are examined through five key lenses of white-collar crime, transnational crime, ethnic crime, property crime, and crimes against persons. Then the paper moves on to present the past and present state responses to the law and order concerns in Papua New Guinea. In the third section, the paper explains why Papua New Guinea's crime problem is complex and challenging before concluding the paper as stated above. In short, this article attempts to integrate the magnitude, shape, causal factors, and state responses and collate them together so that a crime story from Papua New Guinea is told as one.

Crime Concerns from Papua New Guinea

The New Year, 2017, was welcomed with three men murdered in Port Moresby (The National 3 January, 2017), 29 state prisoners broke out and dashed for freedom at the Boram state prison camp (KERO 3 January, 2017), and some rugged defense force soldiers have attacked a group of policemen who were on official duty (LUKE 3 January, 2017). This is only the beginning of 2017 and major crimes have been already committed making sure that even the first day of the New Year does not go without a crime being reported from Papua New Guinea. In this section, in the absence of any official crime statistics, a descriptive account of crime in Papua New Guinea is presented from the crime lenses listed above (white-collar crime, transnational crime, ethnic conflict, property crime, and crime against person) to reflect the crime images in this country. While reflecting on the incidences of crime reports, this section also attempts to present a theoretical grounding as to why these crimes occur in Papua New Guinea.

The white-collar crime (corruption)

In a monograph, SUTHERLAND (1940) defined white-collar crime as: a crime committed by a person of respectability and high social status in the course of his occupation. Here, Sutherland was referring to people of the higher socio-economic

class (politicians, public servants, lawyers, accountants, medical doctors, university professors, and etc) committing the crime in the course of performing their official duties. He was referring to crimes like fraud, bribery, kickback, insider trading, racketeering, embezzlement, copyright infringement, money laundering, forgery, extortion, blackmail, larceny, and tax evasion that were so prevalent (SUTHERLAND 1949). Today, white-collar crime is one of the major criminal acts rife and widespread across the globe (ALLEN and OVERY 2015).

Those who are involved in the business of white-collar crime are not ordinary individuals from the street. They are talented, bright, highly educated, and successful people. Why do they have to lie, steal, cheat, and con other people and the system? When they commit white-collar crime, they are putting their reputation and character on the line. They do it because they have the opportunity but there is more to it. The literature depicts clearly that different types of white-collar crimes are committed for a variety of reasons including opportunity, a sense of entitlement, arrogance, rationalization as motivating factors, and competitiveness (BUCY *et al.* 2008). Whilst white-collar crimes are essentially committed for personal gains with little community gains (if any), the adverse impact of this criminality is far-reaching for white-collar criminals to take it for granted. MEIER and SHORT (1982) in their article, "Consequences of White-collar Crime", discussed financial, physical, moral effects, and impacts on the social fabric as major consequence. While other crimes are visible, white-collar crime, usually happens in closed doors, and its consequence are more damaging (MEIER and SHORT 1982, BUCY *et al.* 2008, GRAHAM 2012).

In the Papua New Guinea context, white-collar crime is used interchangeably with the term "corruption", so, in this paper, both terms mean the same thing, though the latter may refer to all range of bad and unethical conducts of a person holding a public or private position/office (SAUSE 1992)³. There is no doubt that white-collar crime is widespread in Papua New Guinea. Transparency International (TI) in its 2015 Corruption Perceptions Index (CPI) ranked Papua New Guinea 145 out of 178 countries on their corruption rating level (Transparency International 2015). This means corruption in Papua New Guinea is rampant, as it has been noted: "It has been well-documented and reported elsewhere that corruption in PNG is widespread in private industries like the forest (logging) sector and commercial banks which are typically facilitated by ineffective and corrupt political and bureaucratic systems" (PITTS 2001). PNG's former Prime Minister, Sir Mekere Morauta, once described the state of corruption in the country as "systemic and systematic" (YUANGU 2001). It is systemic because corruption breeds corruption and is widespread and institutionalized

3 The word that has become synonymous with white-collar crime in Papua New Guinea in the recent past is 'corruption'. One commits corruption when he or she sacrifices the interest of those for whom he or she works or serves for to his or her own benefit, or that of his or her friends. Being personally corrupt, he or she may not necessarily violate a rule, but it is corrupt because he or she has betrayed a professional trust. Furthermore, someone is officially corrupt if, in serving the interest of those for whom, he or she works or serves, the official violates a rule or law and acts illegally albeit in the interest of those who he or she works or serves (SAUSE 1992).

in the Papua New Guinea's socio-economic, legal and political institutions, and it is systematic because the perpetrators are professionally organized (SALI 2014).

A number of politicians, public servants, and private industry workers in Papua New Guinea are alleged to have committed white-collar crimes and many of them have been arrested and prosecuted in the Papua New Guinea courts. Those who have been found guilty were punished through fine and imprisonment depending on the enormity of the crime. In the political arena, the first government minister to be referred to a leadership tribunal in Papua New Guinea was the Commerce Minister, Hon. Opai Kunangel Amin, in the Chan Government in 1982 (DINNEN 1993). Since then a number of Papua New Guinea politicians have been convicted of white-collar crime, with one of the latest being the Governor of the Papua New Guinea's Western Province, Hon. Ati Wobiri, who was found guilty by the Waigani National Court in Port Moresby for conspiring with two others to misappropriate provincial public funds, (POKITON 2016)⁴. The white-crimes committed by the politicians without giving due consideration to their likely adverse implications are critical concern for Papua New Guinea.

In the face of burgeoning political corruption, a good number of bureaucrats, who are key part of the machinery of the government, and other members of civil society groups, have also been implicated for financial corruption. They have been also arrested and prosecuted in the Papua New Guinea courts. Among the many, a man was found guilty of stealing K1.7 million from the state in 2015. It was reported that this crime was committed while he was working for the Finance Department (PASO 1 October, 2015). In another similar case, a couple were found guilty by the National Court in November 2016 for stealing K1.6 belonging to the state (TIEN 14 November, 2016). It is unbelievable how individuals and respected couples steal such a large amount of money thinking that they would escape. The misuse of public funds or simply stealing public money has become a norm and culture in Papua New Guinea, and it is serious indeed.

The white collar criminals are taking advantage of the weak capacity of the state (PITTS 2001). The weak system, according to SUTHERLAND (1949), is favorable to the white collar criminal, who is usually intelligent, smart, tactical, alert and confident. The weak system allows other factors like greed, opportunity, sense of entitlement, arrogance, and competitive, and cultural obligations⁵ to creep in. Corruption is a widespread concern in Papua New Guinea.

Transnational crimes

Transnational crime has been in existence for many years across different countries though it is relatively a new trend in Papua New Guinea. Many consider

4 It was reported that: "The Waigani National Court has found Western Governor Ati Wobiro guilty of conspiring with two others to misappropriate provincial funds. Governor Ati Wobiro and his co-accused; Provincial Administrator Dr Modowa Gumoi, and the chief of Fly Care Foundation Inc. Norman Carl May, were all convicted by National Court judge, Justice Martin Ipang. They were found guilty to have conspired in establishing the Fly Care Foundation between January 1 and December 30, 2013, by using K7.6 million funding from the provincial government" (POKITON 2016).

that the term — transnational crime — was actually coined in the fifth United Nations Congress on Crime Prevention in 1975 (MUELLER 2001: 13, REUTER and PETRIE 1999: 7) although the term was not clearly defined. However, a precise definition of transnational crime was offered by BOSSARD (1990) as an activity that is considered a criminal offense by at least two countries. Today, transnational crime refers to an illegal activity involving two or more persons between different nation-states (HENSHAW 2008). The United Nations in 1994 established 18 categories of transnational crime including money laundering and terrorism (MUELLER 2001). Later, REUTER and PETRIE (1999), however, categorized transnational crimes into three groups: (1) Smuggling — commodities, drugs, and protected species; (2) Contraband — goods subject to tariffs or quotas, stolen cars, tobacco products; (3) Services — immigrants, prostitution, indentured servitude, money laundering and fraud. These categories of transnational crimes are not mutually exclusive as different types of illegal activities are occurring between various nation-states influenced by wide ranging socio-economic, political, and technological dynamics and interplays across countries (SHELLY 2004).

These wide ranging socio-economic, political, and technological dynamics and interplays, that influence transnational crime, are too complex to understand because it is deeply ingrained in the structure of both the origin and host countries and in other cases transiting nations (HENSHAW 2008, BOSSARD 1990). While many transnational crimes are driven by economic reasons (like drug trafficking, prostitution, and money laundering) others are forced by the unfavorable and tough conditions of the country of origin (asylum seekers for example), and still others are based on deeply rooted strong beliefs (radicalization based on religion). The contemporary world is economically and politically liberalized and along with the rapid advances in technology, transnational crime is a viable adaptation (SHELLY 2004). PNG, being part of this globalized community of nations, is very much prone to transnational crime, and in fact, it is already an emerging concern in this country.

An ANU brief stated that, “Papua New Guinea, like other South Pacific neighbours, offers a conducive and fertile environment for transnational criminal activities to thrive. Law enforcement capacity is weak, corruption is rife, and governance is poor (MCCUSKER 2006). Moreover, the country’s booming petroleum and minerals sector provide opportunities for both legal and illegal businesses” (MITNA 2014: 1). Transnational crime has indeed taken advantage of Papua New Guinea’s difficult geographical position, weak state institutions, and widespread corruption to

5 A modern educated person (politicians, public servants, businessmen, and others) in Papua New Guinea is in dilemma as far as corruption is concerned. This dilemma is whether to uphold the values and ethics of the Constitution, parliamentary democracy, and bureaucratic administration of a modern nation-state, or entertain the so-called community expectations. Though greed and other factors have played a part in the committal of white-collar crime (corruption), many educated elites have been implicated in corruption for entraining the so-called relatives and associates from the community. In different context, the community or relative pressure is so much for an educated elite to cope. He or she steals to give it to the relatives because what he or she earns or possess is not enough to be distributed. The consequences of not meeting these myriad of community demands are rejection, refusal, backlashing, and verbal and physical attacks (TURNER 1990, SAUSE 1992, SALI 1996).

emergence as another law and order concern and challenge.

Papua New Guinea's transnational crime concerns are in the areas of drug trafficking, firearms trafficking, and human trafficking, and there are concerns for cybercrime, though it has not been reported. There are anecdotal evidences showing that the drug and firearm trading are going on in the international boundaries between Papua New Guinea and its two neighbouring countries of Australia⁶ and Indonesia⁷. High powered guns have ended up in the hands of the villagers through gun and marijuana exchanges along the Papua New Guinea and Australian borders (SAKAI 2002, FORBES 2014).

Human trafficking is a growing industry in Papua New Guinea. There are reports that "migrant women and teenage girls from Malaysia, Thailand, China, and the Philippines are subjected to forced prostitution and men from China are transported to the country for forced labor" (US Department of State 2010). Papua New Guinea has been included in a list of source and destination countries for men, women and children subjected to sex trafficking and forced labour (SAKAI 2002). It is a serious matter that foreign and local women and children are subjected to sex trafficking, domestic servitude, forced begging, and street vending, and foreign and local men are subjected to forced labour in logging and mining camps (FORBES 2014). This is a growing industry in the country, and it is an urgent matter of concern not only for Papua New Guinea Government but neighbouring countries of Australia, Indonesia and of course the Solomon Islands.

Ethnic conflicts

It is widely known that Papua New Guinea is a culturally diverse nation; it is a nation among many nations with myriad of complex cultures (ORAM 1976, TURNER 1990). People are born, raised, and live in their own ethnic groups based on their blood lines, common languages and histories, and shared beliefs and values. Ethnic conflicts are occurring from time to time in many villages and in the major cities and towns in Papua New Guinea; it is a direct threat to the stability and progress of the country. The National (11 August, 2016) reported that: "Papua New Guinea is at the crossroads with ethnic conflicts threatening to derail unity and nationalism". There are reported cases of ethnic conflict in Port Moresby and Lae (UKAHA 2 December, 2014) and tribal warfare

6 The Sydney Morning Herald described the marijuana trade as a sophisticated network of people that consists of the growers from the Highlands, a drug syndicate with links to Australian criminal network that operates between the Highlands and Daru, and businessman and local citizens from PNG and Australia, assisted by some corrupt police officers who operate illegally to transport the cannabis to the Australian market (FORBES 2014). In this drug trade, it is also reported that firearms are also exchanged for illegal drugs and this is not only a peculiar problem in PNG but is common practice in many other countries (SAKAI 2002).

7 It was reported that: "The Papua Police said a marijuana syndicate from Papua New Guinea often exchanged their products with the firearms from Ambon for a transaction around six hundred thousand rupiah. "This inter-state syndicate often used the route of Jayapura, Serui, Sorong to Ambon and Makassar," the Director of Narcotics Crime and Investigation Department, the Commissionaire Senior Police Tornagogo Sihombing told in the press conference on Thursday (8/5)" (West Papua Daily 9 May, 2014)

in the Highlands of Papua New Guinea (Radio NZ 17 July, 2015). Indeed, ethnic conflicts can be expected in a country ethnically diverse as Papua New Guinea with so many varied cultures.

As we understand, ethnic conflict is a disagreement and difference between one or more groups centered on ethnic groups (CHANDRA 2012). These ethnic groups can be based on blood lines, tribal bands, racial alliances, language groups, religious affiliations, and regional belongings. The bottom line is, ethnic conflict occurs when “at least one group defines its goals exclusively in ethnic terms and in which the fault-line of confrontation is one of ethnic variation” (CORDELL and WOLF 2010: 4). So, it is one ethnic group may have disagreement or argument with another ethnic group over a property or unsettled issues that may lead to physical confrontation. The adverse impacts are immediate loss of properties, injuries and even deaths. The long term psychological trauma of living with ethnic conflict, however, is unbearable and far too much to cope.

Ethnic conflict is not peculiar to Papua New Guinea only but it is a global problem wherever there is human habitation. Hence, the causes of ethnic conflict are heavily argued by scholars and practitioners across different disciplines; this analysis examines two categories, and these are: primordialism and instrumentalism. The primordialism perspective is based on a notion that the individual membership to a group is determined at birth and it is indeed difficult to change (PEREZ and HIRSCHMAN 2009). It is by birth you belong to a particular ethnic group, and one’s membership is not because of common background, objectives and needs, but because he or she has been born into that ethnic group (CHANDRA 2012). Hence, an individual is described by others as belonging to that ethnic group and thus it is hard to change⁸. Hence, a member of an ethnic group has deeply rooted and strong allegiance to the group and even to sacrifice their own life (ISAJIW 1993).

The instrumentalism viewpoint, however, is that, ethnicity is perceived as strategic basis to mobilize support for socio-economic and political gains (COLLIER and HOEFFLER 2002). It is logical and sensible for parties to organize movements along ethnic lines depending on their perceived benefits. The instrumentalism explanation is centered around economic benefits and social mobilization on a particular view that people feel strongly about (CHANDRA 2004). The ethnic group participation depends on the likely share of benefits they may receive. In this viewpoint, usually an elite emerges as to provide direction and leadership for the benefit of the group to fight for a course that they believe is their right. In Papua New Guinea, elites are capable of mobilizing ethnic groups to fight for what they belief is their right, as it happened in the infamous ten years (1988-1998) Bougainville Crisis⁹, which has thrown Papua New Guinea and

8 From personal experiences, I can attest here that: in Papua New Guinea, you are seen and identified for example as a Highlander, Engan, Morobe, Sepik, or Kerema because you are born into either of these ethnic groups. An Engan man living in Morobe for so many years in Morobe will never be a Morobe but ethnically he is an Engan and Engan by blood and birth. Many conflicts that occur in Port Moresby or Lae, for example, quickly turn to an ethnic/tribal conflict because an individual’s problem becomes an ethnic problem since people take sides on ethnic basis/lines.

the tiny island of Bougainville into social and economic turmoil (see section 4.2 (c) for more and many people on both sides were killed (DORNEY 2000).

Property crime

Property crime in Papua New Guinea would typically include: (bank) robbery; burglary; larceny; theft; motor vehicle theft; arson; vandalism; shoplifting; street pickpocketing; extortions; and embezzlements. Crimes against property are divided into two groups: stolen property and destroyed property. When property is stolen, it could be via robbery, burglary, larceny, theft, shoplifting, street pickpocketing, extortions, and embezzlements. When property is destroyed and damaged, it could be via arson, sabotage, and vandalism. Why would someone steal or destroy another person's property? There could be many explanations but it boils down to pressure exerted on the individual. This line of thought is explained by the strain theory in the studies of sociology and criminology.

Strain theory, which asserts that social structures within the society may pressure citizens to commit crime, is utilized in this explanation. Following the work of DURKHEIM (1933), strain theory has been advanced by MERTON (1957) and others. Strain theory was first improved and advanced by Merton to explain the rising crime rates experienced in the USA at that time. Merton argued that the American society is built on equal opportunity regardless of class, gender, or ethnicity and the people are expected to pursue the goal of success through education and hard work. The message is, if you are talented, skillful, knowledgeable, and work hard, then you will be rewarded with material wealth and social satisfaction. Merton pointed out, however, that the goals were not attainable by all because the means were not fairly and equitably distributed, and therefore, it is difficult or impossible to reach the material and social success in life. He developed a term called "anomie" to refer to the unfair and imbalance between the widely expressed goals and the institutional means. Such unfair system produces anomie - a strain or tension between the goals and means which leave lot of people unsatisfied aspirations. There is a wide gap between the goals/aspirations for material and social wellbeing and their current and real socio-economic condition. When faced with strain, people adapt to their situations differently¹⁰. Their poor socio-economic conditions would push (pressure) some people to obtain the material wealth

9 For example, the Bougainville conflict in Papua New Guinea, which has lasted for ten years (1988-1998), is a result of Bougainville people as an ethnic group were upset and troubled by the huge environmental damage caused by the copper mine that was in operation for so many years. The Bougainville people were discontented and frustrated at what they claimed were exploitation and manipulation so they stood against the mining company and the Papua New Guinea Government that resulted ten years of bloody confrontation (DORNEY 2000).

10 "Merton realised that most people ascribe to the conventional means, even under strain. That is, "conformity" to the legitimate means and continuing to strive for the cultural goals of economic success. "Innovation" is where a person faced with an absence of realistic opportunities for advancement, breaks the law. He/she may continue to follow the established and accepted means but turn to illegitimate means when opportunities are blocked (for example, white collar crime). In contrast, the "ritualism" notion is that an individual avoids taking risks and lives within the confines of daily routines. One rejects goals and accepts the conventional means. "Retreatism" is a situation where one escapes society's requirements through the activities of deviant behaviour: alcoholism, drug addiction, psychosis, vagrancy, burglary, robbery, rape, murder and so forth. Finally, "rebellion" is where one not only rejects the arrangement of the society but tries to change the existing system. He/she proposes new ideologies, new sets of goals and means (for example, a socialist system)" (SALI 1996: 139).

illegally, and therefore they are committing crime.

There have been criticisms on Merton's posits arguing that it is too general and does not explain well specific aspects of various crimes. Based on what Merton hypothesized, there were further and specific theories developed by COHEN (1955), CLOWARD and OHLIN (1960), AGNEW (1992) and MESSNER and ROSENFELD (1994). However, one that relate to crimes against property is the "general strain theory" proposed by AGNEW (1992). Although this theory again crosses to other boundaries of crime, it explains why arson and vandalism takes place. The main thrust of this theory is that people who experience strain or stress become distressed or upset which may lead them to commit crime in order to cope. One of the important tenet of this theory is emotion as the motivator for crime. This theory introduces three main sources of strain, which are: loss of positive stimuli (death of family or friend); presentation of negative stimuli (physical and verbal assaults), and the inability to reach a desired goal. For example, whether because of death in family, physical assault by another person, or unable to realize dreams; people become emotional and destroy or burn properties, and even take on other people.

The United States Bureau of Diplomatic Security (USDS) reported in 2015 that, "the crime rate in Papua New Guinea is considered among the highest in the world. Carjackings, armed robberies, and stoning of vehicles are problems in/around major cities but can also occur elsewhere. You are more vulnerable to robbery or rape when traveling alone" (USDS 2015). In fact such stories have grabbed headlines in Papua New Guinea and abroad, and the country has a serious property crime problem like other crimes in the country (MIAMEL 19 December, 2016). Property crime in PNG is identified as constituting a large proportion of total crimes committed (LAKHANI and WILLIAM 2012). It is discussed by SALI (2014) that robbery and theft (burglary, larceny, pilfering, shoplifting, pick-pocketing and embezzlement) are common in the country¹¹. In 2016, students at the University of Papua New Guinea and Papua New Guinea University of Technology after boycotting of classes for several months, violently burnt down university buildings and vehicles (SALI 2017). Violent burning of properties (arson), often driven by emotions, occurs from time in Papua New Guinea, and it is an issue for concern.

It is fair to state that Papua New Guinea's property related crimes of bank robbery, burglary, larceny, theft, motor vehicle theft, shoplifting, street pickpocketing, and

11 "The serious crimes of robbery and theft (burglary, larceny, pilfering, shoplifting, pick-pocketing and embezzlement) are common in PNG. The police crime records show that there were 5962 reported cases of robberies, which is the highest figure of reported crimes in the four-year period. In fact, anecdotal evidence from the print media reveals that robberies targeting particularly large commercial banks, big companies and small entrepreneurial enterprises have taken place in the past. Citizens remember the drama that unfolded along the Bereina Highway in 2013 that involved the killing of the PNG's most wanted and notorious bank robber and criminal, the late William Kapris (TIAKI 13 July, 2013). This is the classic example of the penalties that the robbers pay. It is a serious concern along with breaking and entering and stealing which are reported at 4623 and 3265 cases respectively in the four-year period from 2009 to 2012. Together with violent crimes against person, robbery and theft do disrupt and affect PNG's social and economic prosperity. It really does affect the development path of PNG" (SALI 2014: 34).

others like embezzlement and extortion occur because people are faced with socio-economic hardship as maintained by Merton's strain theory and expanded by others like COHEN (1955) and AGNEW (1992). Of course, there is a common view that not all property crimes are committed because of strain or pressure as some offenders have taken it for fun or for some other reasons (HARRIS 1988). However, most shoplifting, pickpocketing, theft, and robbery in particular in Port Moresby and Lae happen because of socio-economic hardship and blocked opportunities. They need the basics (food, clothes, and shelter) for living (CLIFFORD *et al.* 1984). There are so many street children and other young people without employment who are disadvantaged and live in poverty (O'COLLINS 1984). While we appreciate that not all property crimes are committed because of socio-economic hardship, the anecdotal evidences in the daily newspapers (UKI 21 November, 2010) and personal observations (SALI 2017) are compelling enough to argue that poor and adverse socio-economic conditions alone can drive the young people to commit property crime for living.

The crimes of arson and vandalism are fueled by emotions. AGNEW (1992) correctly pointed out that often emotion as the motivating factor for this crime. Property crimes of vandalism and arson, as it happened in 2016 in the two state universities, are caused by violent people who allow emotions to take control of the mind and body (Lewis *et al.* 2008). The underlying point is that, when emotions interfere with logic, the reasoning abilities of individuals diminish or are reduced. When that happens, the body and mind is pressured for wild actions causing destruction and damages to properties (Lewis *et al.* 2008) as it is seen in most places in Papua New Guinea.

Crimes against persons

Crime against the person is probably the most serious type of crime committed by offenders. Homicide, rape, and assault are all crimes against persons and are prevalent in the country (MIAMEL 15 December, 2016, LAKHANI and WILLIAM 2012). The crime of homicide happens when one person causes the death of another person. Homicides fall and categorized into many overlapping incidences like willful murder, manslaughter, killing in war, euthanasia, and execution. In Papua New Guinea, there are number of reported cases of willful murder (VUVU 22 December, 2016), manslaughter (WANI 19 December, 2014), and killings in ethnic conflict (GUMUNO 22 December, 2016) or large scale conflicts like in the case of Bougainville crisis that saw so many Bougainvillians and Papua New Guinea Defence Force officers being shot (FAIPARIK 11 April, 2016). The literature and anecdotal evidences are not short on deaths relating to willful murder (VUVU 22 December, 2016, MIAMEL 15 December, 2016, LAKHANI and WILLIAM 2012). The willful murder cases in PNG have been related to bank robbery, sorcery, rape, domestic violence, extra marital affairs, adultery, drug and brawl, tribal/conflict warfare, business related, jealousy, revenge, and premeditated murder like in the case of an unresolved conflict. Willful murder, though punishable by death according to the Papua New Guinea Criminal Law, the overwhelming willful murder cases reported in the daily newspapers is hard to grasp (SALI 2015).

Rape is regarded as a serious crime against the person along with other sexual assaults in Papua New Guinea. Rape is usually committed by a male against a female member of the society but there are cases where females have raped males too. For example, “a Mendi High School male student was allegedly gang-raped by a group of women from Unjamap village just outside Mendi Town. The male student, 17, had walked out of the school in the evening to buy some necessities at a trade store when he was held up by a group of more than 10 women armed with knives. They ordered him to lie on the ground and took turns in raping him. He was discovered by other people after four women had already assaulted him” (UKI 21 November, 2010). This was one of the rare cases in Papua New Guinea but most rape case victims are females. In 2013, for example, a female nurse from the Angau Memorial Hospital in Lae was reported to have raped by a group of men in the suburb of East Taraka (Radio NZ 20 February, 2013). In fact such incidences of aggressive and forceful rape of innocent girls and women have been reported time and time again in Papua New Guinea. The East Taraka rape incident has been widely condemned by politicians, civil servants, and the general public. Indeed, condemning such a violent crime act has become a culture and routine part of life without tangible and concrete actions (SALI 1 March, 2013). There have been public peaceful protest against this immoral act of rape by concerned women groups (UKI 21 November, 2010) but these protests are seen as just another expression of concern. So, the vicious cycle of rape culture, nonetheless, continues to roll on. SALI (1 March, 2013) has captured, among others, anger and hatred, social identity, and sexual gratification as the reasons why men rape girls and women¹². Thus, we need to understand these causes of rape well before we can find ways to deal with

12 The reasons why men rape women in Papua New Guinea are: “(1) Anger and hatred: Here a forceful sex is used to defile and degrade the victim with the aim to humiliate, shame, and hurt the sufferer. The rapists may feel dejected, discontented and angered by certain bad experiences encountered with the victim or relatives of the victim. In this case a physical force is applied with injuries and bruises all over the victim. (2) Domination and oppression: Rape becomes a means to control, dominate, oppress, suppress, and intimidate the victim. The intent of the rapist is to assert their power, authority, supremacy, and command. In this case the rapist applies verbal assaults and threats with a use of weapon and only uses necessary force to subdue and pacify the victim. (3) Merciless and ruthless: The rapists have sexual relationship with anger and power so that the infliction itself is painful, agonizing, and excruciating. The offender mistreats the victims and takes sexual pleasure in the victim’s torment, pain, anguish, distress, helplessness and suffering. By and large, this involves extensive and prolonged torture and restraint and at times are deliberate, calculated and well planned. The victims may not survive the attack and for some perpetrators ultimate satisfaction is gained from murdering the victim. (4) Violent pack/gang rape: Sexual aggression is often the defining feature of young men growing up to reach adulthood, and it is often linked to rascal gang membership usually connected with delinquents. This is where usually a group of young rascal gang members or at times a single member execute the painful act. Young adults take advantage of opportunity to commit rape either to express their indignations or take for granted as joy and pleasure. (5) Rape and social identity: This is closely related to violent pack/gang rape. Young people in particular develop a sense of social membership and identity. They perceive and categorise themselves as a particular group of people in their generation as peculiar and strive to achieve or maintain social identity. Rape in this case is observed as a means to gain social recognition, respect, and attention from ignorance and paying no attention to this social group. (6) Sexual gratification: Sexual satisfaction is the motive of rapists rather than aggression desire to dominate the victim. Rape is an aggression form of sexual indulgence to fulfil biological sexual desire. In this case, there is a poorly developed social conscience that allows the instinctual sexual drive unrestrained and unmodified making the rapist unloving, guilt-free, impulsive and aggressive. The rapist’s motive is to fulfil unrestrained sexual desire” (SALI 1 March, 2013).

the issue (rape).

On assault, it is a verbal confrontation, written criticism and defamation, or physical attack on a person or a group of persons. Whilst, physical assault is regarded as more serious than verbal assault or written assault, the latter two can affect the targeted person emotionally, and at times, these types of assaults can damage the character, image, and reputation of the person directed at. Verbal assault takes place in different sections of the community, and it is more serious particularly at the work place. For example, a Police Senior Sergeant was arrested for allegedly verbally assaulting a fellow officer at the Central Police Headquarters in 2014 (The National 27 August, 2014). It is a criminal act, a reflection of moral and social decay, in a rapidly changing society of Papua New Guinea. Even written assault is more damaging, because it can be accessed by many in the community. Written assault can take many forms but what we call cyber-crime within the country especially with the increased use of the social media and other information and communication technology platforms by people to engage in criminal assault is rapidly becoming a serious issue in the country. For example, the National Capital District and Central Police Commander, Sylvester Kalaut, stated that a search warrant will be issued to major internet providers to retrieve files that went viral on social media linking a Member of Parliament (MP) to a Malaysian woman. The social media was used to defame the particular MP having sexual relationship. The Police Commander stated that there are too many people using the social media to defame others without any substance. He continued that there are people hiding their identity and maliciously reporting on people and spoiling their reputation (PORAU 23 December, 2016). Hence, partly in response to this serious social media abuses, Papua New Guinea Parliament has passed a Legislation in August 2016 relating to the appropriate use of the social media and information technology platforms (The National 17 August, 2016).

The physical assault can take place in varieties of different contexts and therefore various types of attacks, which can be against two or more people or groups of people causing physical injuries ranging from minor to serious or very serious wounds or damages. Different synonyms of words (hit, strike, blows, slap, attack, smack, beat, thrash, spank, thump, thwack, punch, cuff, swat, knock, rap; battery, and mugging) have been used to describe physical assault. In this country, physical assault, which is frequent, can be seen within the precincts of gender violence, group fights, drug and brawls, violence at public or private institutions; property dispute; sporting violence, fight over unresolved issue/s, or just two people confronting over some personal issues. While physical injuries and damages can be labeled as serious or not so serious, the emotional damages can be so hurting that it can take some time to recover.

Gender violence in Papua New Guinea have left many spouses, usually wives, in physical pain and emotional distress over continuous physically assault by their partners. The daily newspaper are inundated with reports of physical assault dished by their spouses (MERA 9 August, 2013, KUKU 21 May, 2015, MIAMEL 19 December, 2016) and some international media have labelled attack on females have been worse.

The Guardian (2016) for example have reported that, “67% of women in the country suffer from domestic abuse. Though scant wide-scale studies have been undertaken, statistics show that more than half of women there have been raped. Reports have estimated that 60% of men had participated in gang rape at least once, while in certain Highland provinces the rate of violence against women was 100%”. Even pregnant mothers have been kicked and thrown out of their houses at the hands of their careless, thoughtless, angry and outraged husbands.

In short, crimes against persons are a serious concern in Papua New Guinea, which has in fact attracted national and international attention particularly among the civil society groups. The question, however, is: why is there a many reported cases of homicide, rape, and assault in a country that blessed with natural resources? There is no easy and straight forward answer, but in the following analysis, we will explore some theoretical explanations on crime against person in the country.

The psychological explanations of crimes against persons assume that, “it is a manifestation of internal underlying disturbances not later than early childhood and has become a fairly characteristic feature of the individual. While allowances are given to the potential external environmental factors, it is the individual in focus and seen” (SHOEMAKER 1990: 48-49). The psychological approach puts emphasis on early childhood development and the socialization processes. If the child or the person is poorly socialized, that person is likely to enter into criminality either casually or a life-long career. “Children who fail to form a secure and loving relationship with their caregivers are believe to experience a range of issues including emotional, behavioral and social problems, which contribute to antisocial personality” (LEWIS et al. 2008). There are different examples which show that people who are not socialized properly deviate from the expected forms of behavior in their young or adult life¹³ (JAMET 2012).

While psychological approach focus on the individual, the sociological approach looks at the power of social environment factors that encourage and influence the individual to commit crime against another person (and the committal of other crimes in general as well). The early works of Clifford R. Shaw and Henry D. McKay in the 1930s with the subsequent development of social disorganization theory, which has been improved by others like FARIS (1955), BURSIK (1988), SAMPSON (1993), as well

13 For example, “Theodore Robert Cowell, also known as Ted Bundy, viciously murdered and sexually assaulted 30 women and possibly more. He faked injuries and disabilities to gain their trust before slaying them to their death and after a series of sexual assaults, would revisit some of his victims to continually engage in sexual actions until the women’s remains were well decomposed or destruction from wild animals made this no longer possible. Ted would travel around the country in search for his ideal victim, escaping legal custody on two occasions before being given the death penalty in January 1989. A number of early life experiences may have contributed to his need to lash out at innocent women, in retaliation to the suffering he believed he caused in addition to a build of frustration and rejection. Although he was intelligent and scored well in his law and psychology courses, he lacked social skills and suffered from attachment disorder, beginning from the day he was born. Although he created a façade of being socially successful, Ted Bundy preferred the company of himself and found it difficult to associate with other people, particularly after the breakup of his first girlfriend. The rejection is believed to have ignited childhood frustration and anger, seeing his first victim slayed as a result of these dangerous emotions” (JAMET 2012).

as LEE and RAMIRO (2002) are based on an idea that the social structure within the urban area is in confusion and disorganized and this situation of disarray facilitates criminality as a viable adaptation to the city life¹⁴ (Lilly *et al.* 1989). Connected closely with this theory is the strain theory as proposed by MERTON (1938) and further developed and enhanced by the likes of COHEN (1955), CLOWARD and OHLIN (1960), AGNEW (1992) and MESSNER and ROSENFELD, (1994) as discussed under property crime in section 3.4 above. The gist of the sociological argument is that the social forces like poverty, unemployment, socio-economic hardship, peer pressure, and others like broken families put pressure on the individual to deviate from customs, laws and rules of the society and commit crime against person or other forms of crimes either as a means of self-gratification and satisfaction (HARRIS 1988); demonstrate their ego, power and authority (JAMET 2012); show anger, frustration and indignation (JAMET 2012); or crime is the only means of survival and living (DINNEN 1993a)

State responses to the crime concerns in Papua New Guinea

Colonial justice administration

MORAUTA (1986: 8), when writing on the law and order in Papua New Guinea captured that, “the seeds of today’s social and institutional problems were sown well before 1975”, which implies that the Australian colonial administration did not prepare and develop an effective justice system reflecting the indigenous culture. It is often seen that under the Australian colonial regime, dating back to 1884 up until 16 September, 1975, the administration of law and justice was only aimed at maintaining stability and order among the colonial subjects (or natives) rather than developing a real and genuine sense of justice system (PALIWALA 1982). There were strong punitive laws and rules to control the natives that made sure that they do not interfere with the colonial rule¹⁵. Australians were of the view that law and order could be maintained using force and paramilitary techniques.

The contemporary state of law and order in Papua New Guinea, in general, is a legacy of the colonial government's negligence to develop laws and policies consistent

14 LILLY *et al.* explain that: Shaw and McKay believed that juvenile delinquency could only be understood by considering the social context in which youths lived - a context which itself was a product of major societal transformations brought by rapid urbanization, unbridled industrialization, and massive population shifts. Youths with the misfortune of residing in the socially disorganized zone in transition were especially vulnerable to the temptations of crime” (1989: 55)

15 When administration of both New Guinea and Papua came under the charge of the Australians after the First World War in 1914, they extended their paternalistic technique which they have been using in the southern part of the island of New Guinea since 1884 under their control. "Under the Australian administration of both Papua and New Guinea, the lower court system was constituted by the Courts for the Native Matters in Papua and the Courts for the Native Affairs in New Guinea" (DOWNS 1980: 148 in BANKS 1993: 18). These courts were alien and external to the indigenous people but regulated their way of lives. "The traditional leadership became subordinate to the authority of the kiap" (PALIWALA 1982: 193). This official regularity system sometimes failed to maintain law and order as Rowley noted: The introduction of rule of law at once involves the government in the attempt to administer justice, which proves illusive and difficult in the shadow world between two cultures (1965: 76).

with the traditional social regulatory system (NAROKOBI 1983). The law and order under colonial administration in Papua New Guinea was an instrument which the colonialists extended their economic, political, and religious institutions as well as their beliefs and idiosyncrasies (TURNER 1990). Papua New Guineans were robbed out of their unwritten laws, social organization, their communal government systems, and of their pride, dignity and self-respect (NAROKOBI 1983, CLIFFORD *et al.* 1984: 110). Therefore, colonial rule was in part responsible for creating such a gloomy state of law and order in Papua New Guinea.

First decade of indigenous control — 1975 to 1985

The concern for law and order problems has not developed overnight but has been under active consideration throughout the colonial period and into the first decade of independence. CLIFFORD *et al.* (1984: 1) captured this: “Through the entire colonial period and the full decade of independence, the problem of 'law and order' has been under active consideration by government and people alike”. When Grand Chief Sir Michael Somare took the country to independence in 1975, the crime problem was serious and an emerging issue (Harris, 1988). It was committed through a group of young men known as rascal gangs (*raskols*)¹⁶. These rascal gangs were known for engaging crimes like murder, rape, robbery, and armed hold-ups (SALI 2014). So, the Grand Chief Somare wasted no time in commissioning research and conducting forums to discuss common grounds as a way forward to address crime issues in Port Moresby and Papua New Guinea. The Chief used experts from the Australian Institute of Criminology and local experts just prior to and immediately after independence to guide his strategies to deal with the issue of crime. The so-called Derham Report (DERHAM, 1960) as well as the reports on the committee investigating the tribal fighting in the highlands (Papua New Guinea 1973) and peace and good order committee report (Papua New Guinea 1974) plus expert reports from the Australian Criminology Institute (BILES 1976, CLIFFORD 1976) became the blueprint and catalyst for law

16 See SALI (2015) who captured that: “*raskols* in the PNG context are young men, usually in groups (LUKER and MONSELL-DAVIS 2010), who operate mainly in the larger cities, particularly in Port Moresby and Lae to commit crime against persons and properties. They are notoriously known for engaging merciless crimes like murder, rape, robbery, and armed hold-ups, which are characterized as violent and serious acts of brutality against humanity. *Raskols* have become one of the most prominent features of the urban landscape and one of the most significant issues facing the country at present (HARPER 1998: 31). The extant literature reveals that *raskols* began to operate criminal activities in Port Moresby in the late 1950s and early 1960s (NIBBRIG 1992). It was during this time when the term *raskol* was introduced and used by expatriates, and then gained predominance and was later appropriated by the gangs themselves (HARRIS 1988). These early *raskols* of Port Moresby were initially a by-product of urbanization process in parallel with the removal of the colonial control of the indigenous population (ORAM 1976). With the removal of internal migration controls after Independence in 1975, more indigenous people moved into Port Moresby and created illegal settlements. Along other freedoms, the indigenous population also gained access to alcohol, which was previously restricted to the colonial whites only (ORAM 1976). In the 1960s, illegal offences committed by *raskols*, who were then mainly uneducated indigenous people, were simply petty thefts and acting disorderly in public places after drinking alcohol. Their illegal activities were also restricted in the settlements. However, in the 1970s the *raskols*, who by this time recruited educated indigenous elites into their ranks, moved into more affluent neighbourhoods that yielded more profitable ‘returns’ from crime (HARRIS 1988).

enforcement and judicial administration as well as understanding fairly on the structural issues inhabiting the magnitude and character of the problem. As well as attempts to improve the efficiency and effectiveness of the law and justice agencies (police, courts and prison), introduced key law and reforms like the Intergroup Fighting Act (1977) for state agencies to intervene and flush out tribal warfare in the Highlands (MAPUSIA 1986) and National Youth Movement program to mobilize and empower the young people of Papua New Guinea to engage in meaningful socio-economic activities¹⁷.

Despite the efforts of the then Somare Government, crime concerns were alarming (CLIFFORD *et al.* 1984). Primarily in response to these concerns, there was another major report came out in two volumes in 1984, called the “Law and Order in Papua New Guinea”, or often referred to as the “Clifford Report” which was seen as again another platform for the government and the law enforcement justice system (CLIFFORD *et al.* 1984). The Clifford Report pointed out the weaknesses in the law and justice sector and identified core structural issues (CLIFFORD *et al.* 1984), the same issues and problems reported in 1976 as depicted above. Pressured with domestic and international concerns, the government resort to quick fix with too much efforts with little gains. PNG has continued with *ad hoc* and head on approaches which are recipes for retaliation thereby increasing more law and order concerns (DINNEN 2001).

Thirty years of crisis driven approaches — 1986 to 2016

The state responses to the crime problems in Papua New Guinea were not based on any clear philosophies of crime control as stated by DINNEN (2001): “State responses to crime in Papua New Guinea since independence in 1975 appear to have been influenced by considerations of political expediency rather than by any discernible philosophy of crime control” (p. 3). The state of emergencies and curfews, deployment of police in ethnic and tribal warfare zones, Bougainville crisis, and reintroduction of capital punishment are amongst the many pragmatic and crisis-driven approaches that have been considered and implemented as crime control measures in Papua New Guinea. The analysis turns to examine these four crisis driven approaches briefly:

(a) State of emergencies

Since 1985 state of emergencies and curfews have been declared particularly in Port Moresby and Lae because of what has been described as unparalleled array of

17 Maev O’ Collins explains that, in 1979, Jean-Michael Bazinet, the United Nation’s Interregional Adviser on youth policies and programs, visited Papua New Guinea and outlined the basic structure for a national youth movement. Later in 1979, Andre Renaud, formerly Director of the Commonwealth Youth Program reported on a National Youth Policy which could be used as the basis for youth programs. Although, the program was designed on the basis of internal information provided, it resembled programs developed elsewhere without a careful study of PNG’S own social structure and institutions. This, however, did not have any major impact on reducing the rising level of crime because the program did not have the capacity to roll out successfully and also the program was a foreign concept that was not filtered and dissected properly to meet the PNG cultural context. It is observed that because of the mounting pressure to combat the increasing level of crime, this important program was implemented on an *ad hoc* basis but failed to achieve any positive result (O’ COLLINS 1984).

crime and violence in the two cities (DINNEN 1993). Also, state of emergencies have been declared in some highlands province to combat the tribal warfare, which are still active at present (MAPUSIA 1986). With the use of police with assistance from military and prison officers, the declaration of these state of emergencies and curfews in hot crime spot areas in fact defused the volatile situation for a specific period of time. The criminals or violent people are smart in their deviant activities so they pause for a while or relocate to other spots waiting for the end of the curfews and withdrawal of the security forces (HARRIS 1988). For example in 2012, there was a state of emergency declared by the government in Lae because of rising level of criminal activities and social disorder (SALI 2014). When the state of emergency was in operation, the place was quiet and peaceful and order and peace was restored. However, when the operation was over, crime and lawless emerged again (SALI 2014). The state of emergencies and curfews are good for easing tensions and potential threats but this is only temporary approach and does not really address the core of the problem and therefore the crime problems returned again.

(b) Deployment of police in ethnic clash

Ethnic clash in Port Moresby and Lae and tribal fighting in some parts of the highlands have been dealt with force within the meaning of the state emergency power but at times with excessive force (DINNEN 1993). The security force has been deployed to hot fighting zones to flush out the warfare engagements between different tribal groups (MAPUSIA 1986). It has costed lots of government resources without any concrete eradication of the warfare except achieving temporary stoppage of the warfare which can be seen as a success¹⁸. The ethnic clashes in the towns and cities have been dealt under normal community policing but at times needs strong police presence to bring an end to what is considered to be tense and volatile ethnic conflict (HALEY and MUGGAH 2006). After state intervention into ethnic clash between Morobeans and Highlands in 2011 (OKOLE and UNAGE 2011), the situation was calm and peaceful for a while but sporadic clashes emerged again after the special state forces have left and continued up until 2016 (UKAHA 2 December, 2014). There are continuous ethnic tensions and problems among many ethnic groups not only in Lae and Port Moresby but in many other towns and villages of the country (The National 21 September, 2016). Deployment of police in tribal conflict war zones is a short term measure and does not address the core of the problem and therefore ethnic warfare continues as a crime concern in Papua New Guinea.

(c) Military intervention in the Bougainville crisis

Sir Julius Chan, who became Prime Minister in 1994, after displacing Pias Wingti

18 For example, the security forces threatened to pull out of the Government-sanctioned intervention into a tribal conflict between two warring tribes in Hela Province in December 2016. The Papua New Guinea Government approved a total of K11 million (US\$ 5 million) to address the escalating tribal fights in the province (KAPIN 4 January, 2017, Nalu 16 December, 2016).

in a vote-of-no-confidence in the floor of Parliament, realized that the single most important issue facing his government was the Bougainville crisis (DINNEN 1997). After number of unsuccessful attempts to stop the conflict peacefully, he planned to heighten and intensify the military intervention, and therefore sought for international military assistance from Australia and New Zealand, which was knocked back with strong warning that such an approach would result even large scale human calamities (DORNEY 2000). However, the country's economic strength was tested by this crisis, and the more it continued, it was felt that the small economy of Papua New Guinea would go into major economic and financial crisis. So, Sir Chan had to seek the help of the Sandline International (a UK-based private military company force) to strengthen and reinforce the Papua New Guinea military capabilities to flush out the Bougainville Revolutionary Army (BRA) and regain control of the island. After 40 Sandline mercenaries were flown into PNG, this plan received strong opposition from the Papua New Guinea Defense Force led by then sacked Commander Brigadier General, Jerry Singarok, so the plan was abandoned and later brought down the Chan Government (DINNEN 1997). When late Bill Skate became Prime Minister, he ended the war in 1988 by partly succumbing to their (BRA) demands by promising them a referendum to decide on whether to remain part of Papua New Guinea or become a separate independent nation between 2015 and 2020 (WOODBURY 2015).

(d) *Reintroduction of death penalty*

The reintroduction of the death penalty law by the then Namaliu Government in 1991 was in direct response to mounting pressure from the media and the public perception that the crime rate is getting out of control and the government need to introduce tough legislations (FEREA 1995). Hence, the government through the National Parliament amended section 299 of the Criminal Code and under subsections 1 and 2 as: “(1) Subject to the succeeding provisions of this Code, a person who unlawfully kills another person, intending to cause his death or that of some other person, is guilty of willful murder. (2) A person who commits willful murder shall be liable to be sentenced to death” (Papua New Guinea, Criminal Code (Amendment) Act 1991). Again in 2013, under the current Prime Minister, Peter O’Neill, the Papua New Guinea National Parliament amended the criminal code to include the death penalty for sorcery related killings, aggravated rape and robbery with violence (Papua New Guinea, Criminal Code (Amendment) Act 2013)¹⁹. Although, there were offenders convicted

19 The amendment is read as: “Any person who intentionally kills another person on account of accusation that the person is practicing sorcery, is guilty of willful murder and shall be sentenced to death” . Section 347C on aggravated rape states: “Any person who sexually penetrates the vagina or anus or such other part of another person with any body part, object or implement, without consent — (a) whilst armed with a dangerous weapon or offensive weapon or instrument; or (b) in accompany with one or more other persons; or (c) causes grievous bodily harm to a person, before, after, or in the course of the offence; or of the victim a child under the age of ten years , is guilty of the crime of aggravated rape and shall be sentenced to death.” On robbery, Section 386 of the Principal Act is amended by repealing the words, “subject to Section 19, imprisonment for life” and replacing them with the following words: “to be sentenced to death” (Papua New Guinea, Criminal Code (Amendment) Act 2013).

and sentenced for execution, the country does not have the capacity for implementation and waiting in the prisons. There has been strong opposition against the reintroduction of death penalty by drawing experiences from other countries that this draconian and inhuman approach won't even reduce the crime rate (SALI 2015)²⁰.

Crime responses have been reactive in character. Crises approaches have been implemented responding to emotional public and media outcry or depending on the perception of the politicians on the law and order problem in the country. The problem, however, continues to generate media headlines despite the above crisis driven measures. In this respect, pragmatic and repressive techniques are not only short term measures, but are recipes for retaliation and revolution. Such responses lead to more lawlessness and turmoil, demanding further increases in public expenditure (SALI 1996: 7).

Crime approaches have been selective in focus

Many of the discussions on crime and lawlessness in the country have been concentrated on highly noticeable street crimes, bank robberies, vandalism, and others like ethnic tensions, which are usually associated with the growing number of school push-outs and unemployed urban youth (HARRIS 1988). The public and media outcry over the years²¹ have pressured the political leaders to be more reactive than proactive in dealing with the highly visible crime committed by the disadvantaged, poor and underprivileged members of the society. Though, much of the violent crimes are visibly committed by the people in the lower class spectrum of the society, the concern is much more than a lower class social phenomena. Some scholars believe that there has been too much attention given to the crimes of unfortunate and deprived people while ignoring the crimes committed by the advantaged and privileged class as seen by DINNEN, "Less concern is evident in relation to the crimes of politically and economically privileged-the so-called white-collar crime" (1997: 1). Considerable attention has been given to street crimes, violent crimes, and social disorder while neglecting crimes committed by the privilege class though few have been punished for their crimes²².

In fact, white-collar crime is less visible and hidden, but its negative impacts are huge (Pacific Island Report 2012). Successive governments have failed to lay down the law and stamp its foot and say enough is enough. Yet, for far too long, it has been

20 SALI (2015) stated that the reasons in support of the death penalty is based on the principles of retribution, deterrence, and incapacitation, while Christian values and principles, human rights, miscarriage of justice, and fueling a cycle of Violence are reasons that go against the execution laws in Papua New Guinea. He stressed that the debate on the death penalty to either abolish or strengthen the execution laws will continue in Papua New Guinea as long as serious crimes like willful murder and forced rape exist. He concluded that the death penalty is not the answer to Papua New Guinea's crime problems.

21 Like for example: the Post Courier newspaper reported in 1993 that "crime is at a horrendous level in so many towns and cities throughout Papua New Guinea. It is a very real problem. Take Port Moresby for example. According to a number of residents interviewed, the nation's capital is the most crime-infested city in the country. The experiences of these residents indicated that they become victims on the streets, in shops, at work and at home, even in their own bedrooms" (1996: 3).

allowed to flourish, prosper, and expand because the speculations are that law and policy makers themselves are alleged to have been involved in this business of white-collar crime and legislating tough laws and developing clear strategic guidelines would only put their own life at risk (Pacific Island Report 2012). This is evident by paralyzing the Ombudsman Commission by successive governments (over the years), whose prime aim is to act as the watchdog for white-collar criminals (CLIFFORD *at al.* 1984)²³. One time Prime Minister, Sir Mekere Morauta, described the corruption issue in Papua New Guinea as systematic (well-organized) and systemic (widespread) (YUANGU 2001). Similarly, the current Prime Minister, Peter O’Neill, upon his appointment as Prime Minister in August 2011, came out strongly against corruption with announcing the future formation of an Independent Commission Against Corruption (ICAC) and the formation of an elite anti-corruption investigative team, called Task Force Sweep (COLVIN 2015). The ICAC is yet to be established though some progress has been made, while the Task Force Sweep was disbanded after the government realized that some of its own members were under the investigation radar of the task force.

Challenges of crime in Papua New Guinea

Papua New Guinea has been challenged by multifaceted and intriguing character of the problem unlike many other places on earth. Though no place on earth is completely crime free and safe, in Papua New Guinea context, crime is inimitable in its time and place, founded in its past legacy and shaped by its socio-economic and political conditions in a rapidly evolving society. The issue of crime in Papua New Guinea is not just a law and justice sector (police, courts, prison) concern, but it is much more than that. Apart from the colonial neglect and weaknesses in the law and justice sector, there are complex structural factors that contribute to the high level of crime in the country. Six of these structural factors are examined in this section: cultural diversity; foreign and alien concept of administration; rapid modernization and rural-urban migration; school system pushouts and growing unemployment; socio-economic hardship and poverty; and white-collar crime.

22 For example, it was reported that: “The National Court has sentenced a husband and wife to five years imprisonment with hard labour for misappropriating K1.6 million of public funds. Deputy Chief Justice Sir Gibbs Salika said the sentence would be suspended if Christopher and Agnes Hulape implemented the proposed projects that the money were intended for. The projects consisted of a community learning and research centre at the cost of K600,000 and three markets at the cost of K1 million in the Kiriwina-Goodenough district in Milne Bay. Sir Gibbs gave the couple 12 months to arrange with contractors and implement the projects at their own costs” (DEMAS 2016).

23 Metaphorically speaking, the Ombudsman Commission is like a big tiger without the teeth to bite, not only because of less funded and limited capacity, but because the commission do not have the prosecuting powers but follow through a long, frustrating, and cumbersome process before it gets opportunity to give evidence of malpractices by a politician or any public officials before a tribunal normally set up by the Chief Justice after recommendation from public prosecutor’s office, which is another office that independently assesses the recommendation from the Ombudsman Commission

Cultural diversity

In a linguistically and culturally diverse (GORDON 2005, TURNER 1990) country like Papua New Guinea with more than 7 million people (PNG 2011 Census) spread over a difficult geographical terrain (mountains, valleys, rocks, swamps and grassland), running a formal and western form of government and administration from a main administrative centre is categorically a difficult job and a mammoth task. There are myriad of different and unique cultures in the context of both the material and nonmaterial cultures which are somewhat fascinating to many people and visitors. Papua New Guinea is truly a nation of thousand tribes and it is a compressed nation within thousand nations spread over its 462,840 square kilometres of land mass (SALI 1996: 80). Port Moresby the nation's capital and Lae, the second largest city, and other urban towns are represented by people from these cultures, which means that people of different ethnic and racial backgrounds with diverse norms and values have been flocked and compressed into these urban locations making it difficult for the city authorities to control the residents. Law-and-order problems, in this context, are viable adaptation to the heterogeneous and diverse ethnic communities with myriads of competing values and norms whether in the urban places or in the villages.

Foreign and alien concept of administration

Independence was never meant to be a straight acceptance of the existing colonial institutions but in an absence of a traditional institution (social structure), the entire western system of administration, which was in all aspects foreign in character, was adopted. In our context of modernization, therefore, Papua New Guineans had to adopt to foreign institutions of parliamentary democracy, bureaucratic administrations, judicial systems, commercial and financial arrangements, system of education, and medium of communication (most importantly, acceptance of English as an official and national language). Papua New Guineans, without fully knowing and understanding the western concept of institutions and its culture, with little or no experience, were recruited to fill the administration positions once occupied by colonial officers. Our political leaders and bureaucrats including officers from the law and justice sector (police, courts and prisons) find it difficult to cope up with foreign concepts and

24 This line of thought was captured by the BTI Papua New Guinea Country Report (2016) as "Beginning in the 1950s and continuing into the 1960s, Papua New Guinea's state system was imposed on thousands of ethnic and social groups throughout the country's territory. Modern political institutions developed and refined over hundreds of years elsewhere were introduced to PNG in less than 20 years. The first national elections were held in 1964 for the National parliament and a mere eleven years later, PNG was granted its independence from Australia. The rushed transition of authorities from colonial control to independence left the state's institutions with little time to mature. These institutions were left open but also vulnerable to opportunism and manipulation by actors and agents who, by virtue of their positions in the state hierarchy, were able to pursue their own personal enrichment. In other instances, individuals approached the state system as a convenient structure to extend their patronage responsibilities and obligations and, hence, "state capture" by particularistic interests became widespread. The fact that there were overlapping forms of authority, modern and traditional, left the fate of the state at the mercy of those who were operating within its hierarchy" (BTI 2016).

practices of a western institutions²⁴.

Rapid modernization and rural-urban migration

So, during four decades of independence, the modern context of development, has been rapid but, at the same time, unequal. The cities and towns in Papua New Guinea are growing at the expense of the mass of people living in the rural areas. Better government services like education, health, and sports are concentrated in the urban areas causing lots of young people to migrate to the urban centres, particularly to Port Moresby and Lae, contributing to the debate on rural-urban drift. Rural-urban migration, though a function of complex objective and subjective factors, it is largely due to the concentration of better services in urban localities (DINNEN 1993). The act of movement itself is their constitutional right but the question is the kind of adverse socio-economic conditions that these migrants are likely to end of is the real issue. Urban places require skilled labour force to work and reside but these group of people who do not have the necessary knowledge and skills to secure a job and work find it difficult to cope up with the life in the cities and towns. And so, they end up in the squatter settlements and team up with other displaced migrants and their sons and daughters. Rascal gangs are usually formed out of anger and frustration over the adverse living conditions (HARRIS 1988).

School pushouts and unemployment

In Papua New Guinea, school pushouts and unemployment are connected. Each year, only a handful of students who complete grade twelve level of schooling are given scholarships by the Papua New Guinea Government to enroll into tertiary institutions and continue their education further. Most students become grade twelve school leavers while a few (who have met entry requirements) can sponsor to enroll in the tertiary schools if given a space by the universities and colleges. The Secretary for the Department of Higher Education, Research, Science and Technology (DHERST), Professor Kavanamur, while opening the 2015 academic year at the Divine Word University (DWU) in Madang, revealed that only 5628 out 21,000 grade twelve students, who completed secondary school, in 2014 were offered spaces in the tertiary institutions in Papua New Guinea. The remaining 15,372 did not attend the six universities and various colleges in the country. In 2016, a similar statistics was revealed again by Professor Kavanarmur, stating that only 4700 students out of 23,000, who completed grade twelve in 2015, were given scholarship to continue their studies in the universities and other institutions (NALU 2016). So, each year more than 1500 grade 12 students become school leavers and coupled with grade 8 and 10 school leavers, there are more young Papua New Guineans left out of the formal school leavers thereby joining the mass of people who are unemployed. A research conducted on raskol gangs and crime in Lae in 2014 revealed that all (100%) 68 raskol gangs interviewed have completed some form of formal education in Lae and other parts of the country. When asked why they have joined the raskol gangs groups, they

vehemently replied that they have no formal employment so crime is the only way they can survive (SALI 2014). Hence, school drop outs and unemployment are contributing factors to the horrendous level of crime in the country.

Socio-economic hardship

The strain theory, which is explained in section 3.4 above, captures the relationship between socio-economic hardship and committal of crime. Because of their adverse socio-economic condition (unemployment and poverty), there is pressure or stress placed on them for their survival. The intent and the execution of the crime is relative to the stressed place upon them. Hence, in this context, crime is a means to an end. The study on rascal gangs and crime in Lae (SALI 2014) clearly revealed that 100% (68) of the respondents (rascal gangs) have committed crimes of shoplifting, pickpocketing, theft, and robbery because they need to feed their families and themselves with the basic necessities for daily living.

There are so many street children and other young people without employment who are disadvantaged and live in poverty (O'COLLINS 1984). While we appreciate that not all property crimes are committed because of socio-economic hardship, the anecdotal evidences in the daily newspapers (UKI 21 November, 2010) and personal observations (SALI 2017) are compelling to argue that poor and adverse socio-economic conditions alone can drive the young people to commit crime for living.

White-collar crime

Based on the anecdotal evidences from the media and other reports, it is established that white-collar crime is widespread in Papua New Guinea though such evidences may be labeled as a mere speculation. However, there are tangible evidences from cases presented throughout this paper to argue that the problem is too true to be ignored because it is too costly and destroys the fabric of the great institutions of this country. As then Minister for Public Service, Hon. Bart Philemon, in 2012, estimated that PGK1 billion (US\$467 million) of public funds is lost every year due to corruption (Pacific Island Report 2012)²⁵. Even the Prime Minister, Hon. Peter O'Neill, realizes that that Papua New Guinea could no longer afford to pay for the cost of corruption (Pacific Island Report 2012). The cost of corruption is unbearable and that is a common knowledge. Money that could have been easily spent on much needed services like health, education, and law and order, is a wasted opportunity as perceived by the victims, perpetrators, general public, government officers, and political leaders too.

25 "In Papua New Guinea, almost 1 billion kina [US\$467 million] of public funds goes down the drain annually because of widespread corruption, it has been revealed. During a debate in parliament on the first national anti-corruption strategy 2010-30, Public Service Minister Bart Philemon stressed that if nothing was done to address the problem now, the government would continue to lose that much money each year. Government agencies have over the years conducted investigations and inquiries into the misappropriation of public funds but nothing had been done to effectively address corruption, Philemon said. Because of this, he said, the national wealth had failed to trickle down to the people — despite the billions of surplus money in government" (Pacific Island Report 2012: 1).

It is powered by inner greed and selfishness coupled with community pressure and social obligations (TURNER 1990) but other reasons given as opportunity, a sense of entitlement, arrogance, and competitiveness as presented in this article in section 3.1 above are driving forces that continue to milk and exploit this country. White-collar crime is arguably the most important factor that contributes significantly to Papua New Guinea's struggles, setbacks, predicaments and challenges. To rank 145 out of 178 countries as most corrupt nation on earth by a respectable international organization like the Transparency International (TI) in 2015 in its Corruption Perceptions Index (CPI) (Transparency International 2015) is so alarming and all bells are ringing that there is a serious issue for Papua New Guinea leaders to deal with.

Concluding remarks

As discussed in this paper, though official Papua New Guinea crime statistics are abysmally poor, it has been widely established that the country has a serious crime problem. In a country widely known for socio-linguistic diversity with little shared identity and social integration and cohesiveness coupled with legacy of historical neglect in justice system and rapid socio-economic transformation with a growing population of marginalization, poverty, and indignation, crime and lawlessness are viable adaptation. Even, to make the scenario worse, Papua New Guinea has been labelled as one of the most corrupt nation on earth by international observers and worse part of this is that Papua New Guinean politicians have conspicuously described corruption as systematic and system yet all care less and only make rhetoric statements.

The crime problem in PNG is more than a criminal justice system issue but it is a cross-cutting and structural issue as well. It is indeed intriguing and challenging issue because of its complicated and multifaceted nature of the problem. Dealing with the issue require good understanding of the complex character of the law and justice sector as well as the cross cutting structural factors. Add to this is the key factor of the mindset shift of wide range of players including the officers in the law and justice sector, government and civil society groups, political leaders, general community, victims, and perpetrators. In this complex nature of crime control, there are critical areas that needs immediate and close attention, if we are to abate the appalling level of crime in the country; among others, three of these critical areas are highlighted below:

- (a) There is need to move away from seeing the crime problem as an isolated rascal gang or criminal problem but to see the problem as shaped by compounding issues in the law and justice sector and cross-cutting structural issues. It is critically important to see the crime problem being shaped by factors like an inefficient law and justice sector, ineffective bureaucratic system, systematic and systemic corruption, transnational crime, political instability, miss management of the economy, rural-urban migration, school system pushouts, unemployment, and

poverty. Unless, government address these issues one by one appropriately, the law and order concerns will continue to heighten.

- (b) It is sad and absurd indeed for a small country like Papua New Guinea to be branded as one of the most corrupt nations on planet earth. The anecdotal evidences from the media is sufficient enough to confirm the seriousness of what is generally referred to as systematic and systemic corruption in Papua New Guinea. There is need to give the corruption watch dog agencies like Ombudsman Commission, Police, Fraud Squad and Public Prosecutors Office freedom to independently perform their duties without fear or favor. The most talked about Independent Commission Against Corruption (ICAC) must be institutionalized and set up quickly as a matter of priority to deal with all range of white-collar criminal activities in the country. Over the years, no serious attempts have been made to address the corruption issue though many leaders have agreed that we have an appalling corruption issue in Papua New Guinea.
- (c) Over the years, Papua New Guinea has managed the crime problem with *ad hoc* and crisis driven approaches. Crisis driven approaches like declaration of curfews and state of emergencies in the major cities and towns, cross gun fire with rascal gangs, paramilitary and brutality of some police officers, proposal for repatriation, and reintroduction of death penalty, which have been in the past prominent in the state's responses to crime problem are not only short term measures but are recipes for retaliation and revenge therefore demanding further increases in government resources. Papua New Guinea's crime mitigation approaches must be based on some concrete philosophies of crime control and not based on short-term measures which are often influenced by public and media perceptions and emotions.

There is no secret that the issue of crime is a political one, and, therefore, need a committed political will to abate and prevent the crime wave. There is a need for the state to position itself in the midst of this rising crime to bring order and stability in the country through a firm and long term and concrete philosophies of crime control by carefully addressing the real issues in the law and justice sector and the cross cutting structural issues one by one. The short term and often crisis and emotional driven approaches are only temporary measures and do not reflect a firm approach for the long term peace and order in the country. Unless Papua New Guinea set its foot firmly and address the real issues, crime concern will continue as one of the challenging issues in the country.

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