

# JUVENILE DELINQUENCY: MELANESIAN RESPONSES TO

## WESTERN SOLUTIONS

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### I Introduction

We are all aware that Papua New Guinea has been caught in the western capitalist web that advocates property being the most important aspect of life ... Crime is related to economic development because it creates necessities, competition and the desire 'to be somebody' in individuals.<sup>1</sup>

The recent urban arrival is immediately confronted with a proliferation of attractive goods and luxuries, which are beyond his financial means. The employment which he seeks is seldom immediately available to the unskilled worker, and yet by the very fact of his urban residence he needs money in order to survive - unlike the village situation where money is desirable, but not essential ... He has for the first time to live entirely as an individual, without the support of communal life, and his lack of experience will often lead him to make choices which bring him into conflict with the law. Indeed, he may be almost forced into crime as a matter of survival.<sup>2</sup>

In the South Pacific, as is the case in other developing countries, hundreds of people especially the young people are leaving the villages in search of a more attractive life in the towns. In the Solomon Islands many young people have come into Honiara with high expectations of finding paid employment and enjoying the sophistication of the newly introduced way of life. In many cases these dreams have failed to materialise.<sup>3</sup>

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1. J. Rongap, et. al. *Juvenile Delinquency in Papua New Guinea*. Project Report prepared by students in the 1978 Diploma of Police Studies, U.P.N.G., p. 11. (Mimeographed).
  2. I. Geno, paper presented to the Crime Prevention Seminar, held at the Administrative College, July 1975. An edited version of Inspector Geno's paper appears in *Crime in Papua New Guinea*, Australian Institute of Criminology, Canberra, 1976, edited by David Biles. However, this section was not included.
  3. A. Kome, 'The Masta Liu Manpower Project - Honiara, Solomon Islands', Report of a Fieldwork Project carried out from November, 1977 - January 1978. (Typed Manuscript).

The link between increasing emphasis throughout society on the acquisition of money and consumer goods has been noted by many writers as having important effects on the number of young people involved in activities which authorities have labelled as 'deviant'. It is almost self evident that any attempt to revise or reform the laws relating to juvenile delinquency should, if it is to be of any value, take into account the reasons why some activities are identified as 'crimes' as well as the possible root causes of such activities. The quotations above are comments by Papua New Guinean police officers and a Solomon Island social worker on the causes of crime. There are other writers who have discussed the problems of juvenile delinquency and sought to find solutions which would be appropriate within their own national and cultural context. Often, however, these comments are only to be found in reports of meetings, unpublished academic or government papers or acknowledged merely as 'personal communications' in the writings of western experts who have visited or are resident in their countries.

Community based efforts in working with youth in the community, the value of institutional care or the need for some alternatives to imprisonment, the relative emphasis to be placed on professional or voluntary input in the field of juvenile delinquency, the socio-economic causes of crime, and the danger of labelling young people as 'deviant' have all been discussed in recent years. Nevertheless, it is clear that these Melanesian voices are rarely heard by those involved in reforming current legislation or, perhaps more correctly, these voices have not been listened to as they are usually drowned out by louder authoritative voices which seem to carry more weight.

## II *Competing Views on Juvenile Delinquency*

Before turning to look at some of the solutions put forward by Papua New Guineans interested in reform of the laws and administrative procedures affecting young people, it is important to identify the conflicting philosophies which are reflected in the draft *Youth Court Services Act*.

Professor Cruickshank's critique of the proposed *Youth Court Services Act*<sup>4</sup> explores the limitations inherent in attempts to adapt to or modify legislation developed at another time and place and imported as has happened so often in Papua New Guinea, at a time when the very philosophies on which the original legislation was based are under attack.

What perhaps needs to be further explored is the background to the conflict in philosophies and approaches to the questions of 'juvenile delinquency' which he has correctly identified. The lack of clear direction, and confusion and apparent contradictions in the proposed legislation is no unconscious groping for solutions but rather the result of strong debate and unresolved tensions between those who emphasize custodial care, both as a punitive and retributive mechanism and as a means of 'treatment and rehabilitation', and those who have sought to introduce the more community based non-interventionist model which he advocates at the conclusion of his discussion. Legal moralists, human rights exponents and child savers have abounded in Papua New Guinea and, since the early 1970s, numerous reports, articles, and proceedings of

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4. See p. 82 of the current issue.

workshops have reflected the divergent ideas and solutions put forward by proponents of these points of view reflecting usually the training and ideology they have brought with them from their home countries.<sup>5</sup>

In some cases proponents of solutions which have been tried and found wanting in their own societies take little account of or dismiss as impractical alternative emphases on community based solutions to community problems.

In 1973 a proposal to build a large reformatory at Bomana was abandoned, partly due to the efforts of those who may be labelled as 'child savers' or even as 'non-interventionists'. At that time many of those interested in the problems of juvenile delinquency shared the view that any residential facilities should be small and community based and that there is 'considerable danger that larger facilities lessen the incentive to use community resources and encourage dependence on government services rather than on community self-reliance.'<sup>6</sup>

In 1979, discussions surrounding proposals for a new Youth Court Services Act, and the introduction of adult probation and parole services, continued to raise similar questions to those voiced by the writers quoted at the beginning of this paper. It was clear that, without the fundamental re-orientation of attitudes and institutions called for in the Constitution, reform would be piecemeal and without conerence or direction.<sup>7</sup>

Despite continuing efforts to emphasize the value of building on community resources there has been a general move towards institutional and professional solutions, rather than the more integrated approach which de-emphasizes 'control' programmes. This reflects, as Cruickshank has noted,<sup>8</sup> the views of those effectively involved in revising the legislation.

In addition they see as outside their area of concern any real consideration of the causes of increased crime or delinquency and look to legislation rather than community and societal re-orientation as a practical solution to the problems of deviancy.

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5. See, for example, papers presented at the *Crime in Papua New Guinea* seminar and at the 1973 Waigani Seminar on 'Law and Development in Melanesia'. *Lo Bilong Ol Manmeri*, U.P.N.G., 1975, edited by J. Zorn and P. Bayne.
  6. M. O'Collins, 'Institutional Treatment of Juvenile Offenders' Typed Manuscript, June 1976.
  7. For a discussion of some of these issues see S. MacPherson and M. O'Collins, 'Probation in Papua New Guinea: A Fundamental Re-Orientaton of Attitudes and Institutions', (1978) 6 *Melanesian Law Journal*, 97-103. See also 'Social Justice and Neo-Colonialism', *Inaugural Lecture*, M. O'Collins U.P.N.G. October, 1979.
  8. See footnote 4, above.

It is easier to build another provincial centre for the 'treatment' of juvenile offenders than to build a new approach involving these same young people, their families, or their communities of origin. What happens to them after they are discharged from the institution can become someone else's responsibility. Success is often measured in terms of buildings, staff hours, or the objectives of the programmes and satisfy those who call for custodial care as being more effective.

### III Melanesian Responses to Western Legislation

Efforts to introduce community based probation services have met with mixed reactions. In 1974 a Papua New Guinean social worker proposed a probation service in which a few trained personnel would work with voluntary community based workers as an alternative to custodial care. The writer commented:

For some time now the government has tried to deal with the problem. Its attempts have included the establishment of institutions with the express purpose of rehabilitation. In the mind of the writer these institutions have never really succeeded because of their alienation from society. Either the staff are not appropriate ones or the type of rehabilitation that is carried out does not equip the offenders to face society.<sup>9</sup>

The difficulties in setting up a community based probation service and mobilising community self-reliance has, not surprisingly, led many Papua New Guineans to see professional and bureaucratic solutions as being more practicable. However, the recommendations of the workshops at the 1975 seminar on crime in Papua New Guinea did include a proposal to establish a probation service. At the same time, forces of punishment and retribution were also reflected in the recommendations. One group recommended that:

Physical punishment should be able to be ordered in the court and it should be done publicly in the person's own village or settlement (if homogeneous). The consent of the parents is not necessary but they may be allowed to give the punishment. In heterogeneous settlements the punishment may be administered privately by the court with a warning that next time it will be public.<sup>10</sup>

Moral reform and more punitive community sentiments have been a powerful, if unspoken, influence which has led many reformers to place greater reliance on full-time trained professional staff, who, it is felt, might help mitigate the severity of community reactions and ensure

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9. K. Walagat, 'Report on Juvenile Probation Proposal,' 1974, Mimeographed.

10. Recommendations from discussion groups at the *Crime in Papua New Guinea seminar*, *op. cit.*, showed the varied concerns of the different workshop groups, and the different approaches to questions of punishment, rehabilitation and law reform.

that the rights of those in conflict with the law will be respected.<sup>11</sup>

So, while there is a call for a more professional approach to the problem of juvenile delinquency community based approaches may be harsher and more retributive in nature. As Alban Kome notes in his discussion of one alternative method of coping with potential delinquent youth:

The youth of today should be encouraged by the old and the wise to share with them the richness of their inexperience - so that the old and the wise should also learn from the young ... But this is not what happens today. The young generation of today are being suppressed, and imprisoned by the older generation.<sup>12</sup>

The varied responses from the 'older generation' in the many communities which make up Melanesian societies reflects the same attitudes to juvenile delinquency as can be found in the philosophies and ideologies of western law reformers. As Cruickshank has shown in his analysis of the Draft Youth Court Services Act,<sup>13</sup> there are limitations in this particular blend of moral reform, human rights and child saving. There is a need for greater emphasis to be placed on community participation and on the stresses and policies which are the real causes of delinquency, however it may be defined.

While it remains relatively easy to identify obvious weakness in any attempt to use law to control disturbing and uncomfortable elements in a society, it is harder to offer concrete alternative strategies by which society can mobilise itself to control and reform the law. To do so would, in any case, contradict the fundamental goal of national self-reliance.

Melanesians themselves must continue the process in which they are already engaged - of debate and discussion as to how best to develop a system of justice reflecting the nature and particular needs of their own societies.

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11. For example, after completing fieldwork placement at the Hohola Assessment and Remand Centre, K. Ambuia wrote a report entitled: 'There is a greater need for fully committed Juvenile Workers'. U.P.N.G. 1979 Mimeographed.

12. A. Kome, *op. cit.*

13. See footnote 4, above.