

Rationales of Ownership

RATIONALES OF OWNERSHIP

Transactions and Claims to Ownership in Contemporary
Papua New Guinea

Edited by
Lawrence Kalinoe and James Leach



Sean Kingston Publishing

www.seankingston.co.uk

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First published in 2004 by

Sean Kingston Publishing

www.seankingston.co.uk

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British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library.

Printed by Lightning Source

ISBN 0-9545572-0-4 hardback

ISBN 0-9545572-1-2 paperback

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Editors' Note

PROPERTY, TRANSACTIONS AND CREATIONS: NEW ECONOMIC RELATIONS IN THE PACIFIC (PTC) was an ESRC funded joint project between Cambridge and Brunel Universities in the U.K. The editors and authors gratefully acknowledge the financial support of the Economic and Social Research Council. James Leach gratefully acknowledges the support of the Leverhulme Trust and the Newton Trust during the preparation of the manuscript.

The idea for this volume came about during one of the workshops held by members of the PTC research group. As the instigator, James Leach thanks them sincerely for their willingness to participate at short notice, and for their work and input towards the project itself, which is the unseen background to the volume. We know that each of the authors in this book feels grateful to the other members of the project for their inspiration, for sharing their time and ideas, and for the hard work they have put in. Two other members of PTC, Karen Sykes and Andy Holding, have contributed to our thinking and the same thanks extends to them. Karen co-edited a companion volume, published in 2001, entitled *Culture and Cultural Property in the New Guinea Islands Region*, UBSPD: New Delhi. Adam Reed has maintained an interest in PTC matters, and been a regular contributor to our discussions for which we are all grateful.

We have benefited from collaboration with scholars in Papua New Guinea who include Colin Filer, Linus digim'Rina, Sakarepe Kamene, Don Niles and Jacob Simet. PTC co-ordinated existing anthropological data and fresh field studies. Each author here was responsible for a component of the project, in collaboration with the particular communities named in the chapters. The names of these communities also carry an acknowledgement of their input.

Eric Hirsch and Marilyn Strathern have organised the project overall. Eric Hirsch has offered guidance and insight, while Marilyn Strathern's skill and industry has been inspirational to us all throughout. Fleur Rodgers assisted at very short notice with the preparation of the manuscript, and our thanks also go to Lois Baduk at UPNG for her assistance in this regard.

Lawrence Kalinoe and James Leach, June 1999

We have decided to re-issue this volume only two years after its initial publication. This is because the initial print run, organised by the Law Faculty Publication Unit at the University of Papua New Guinea, sold out rapidly, and was mainly sold within that country. The interest in the volume was initially among lawyers and legislators who had responsibility at that time for considering the requirement to introduce Intellectual Property legislation at the bidding of the World Trade Organisation. However, those of us who teach anthropology outside Papua New Guinea have also found the studies contained herein extremely valuable for introducing students to contemporary issues of ownership and resource extraction in Melanesia. It has not only proved very popular in courses about the contemporary Pacific, but also in courses on kinship and exchange, political economy, and ownership. The re-issue is intended to make it available to a wider anthropological readership, as well as rectifying a couple of oversights in the original. We are most grateful to Sean Kingston for working with us.

James Leach, Cambridge, 15 December 2003

Preface

Rationales

This volume contains detailed ethnographic case studies from contemporary Papua New Guinea (PNG). These case studies take as their focus the documentation of particular claims to ownership. In line with the aims of the project from which this book arises (Property Transactions and Creations: New Economic Forms in the Pacific, [PTC]), the detailed cases do not attempt to be representative of the wide diversity of situations in contemporary PNG (as in a survey), but rather to be exemplary. That is, because of the depth of their ethnographic observation, they allow comparative work (for example into resource ownership) to follow from, rather than precede, the data on ownership contained therein. The book is intended as a resource for those interested in the way claims to ownership are made in particular instances. Certain operating principles whereby transactions make explicit claims to creative input of various kinds are drawn from developed understandings of actual situations.

We make two rationales of our own explicit from the outset. Firstly, the chapters are connected by their focus on ownership, not their conclusions regarding it. This makes the studies contained here concrete examples of the ways relationships and connections are mobilised in the support of claims. We aim to understand which claims are admissible, why they are, which claims have effect and which do not, in specific instances. Each case enables the authors to highlight the specific rationales of ownership in a contemporary location.

Secondly, we take the claims themselves, rather than the objects claimed, as the significant and interesting object of our study. This means attention to the transactions in which such claims are embedded. Presuming transactions as our starting point rather than resources allows freedom to describe in

detail how specific transactions, and peoples' concerns within them, generate the possibilities for what may be claimed. Resources, or things claimed, are open categories in this work, to be defined situationally through attention to the ethnographic detail of transactions themselves.

The *aim* of the book is to meet the need for detailed ethnographic description of specific images and idioms of ownership in contemporary PNG. There are a number of audiences for such a work at this time, including PNG legal scholars who look to ethnographic work in defining what is admissible as customary law, a wider Papua New Guinean readership who look for documentation of different and emerging perspectives on ownership, resources and customs from different parts of the country, and anthropologists and sociologists who are interested in development, contemporary tenure, exchange and legal issues. The book may also find an arena in the reinvigorated debate on property and its alternatives. Finally, there may well be an audience, both within and beyond PNG, among those interested in the protection of what falls broadly under the heading of Intellectual Property. This is a rapidly growing area of interest among lawyers, indigenous people, NGOs and social commentators. The case studies in this book aim to tease out the complex connections between creations, persons, resources and 'culture'/*kastom* as they appear in claims over tangible and intangible items.

The *origin* of the volume is in the PTC project. This project aimed to produce knowledge of the social relations in which ownership claims are made. Taking off from a Melanesian propensity to deploy 'things' as signifiers for persons, we examine the way in which resources of various kinds are embedded in social relationships. We ask, what kind of relationship creates value? How do people mobilise relationships to connect with perceived value? How different do these creations look in the different contexts of contemporary PNG? Are there appropriate concepts in the language of law and development to describe knowledge, its value, loss, alternative modes of boundary construction, processes of value creation, belonging and so forth? In asking such questions, we aim to throw light on people's expectations and behaviour, and also on new social forms as they emerge to deal with new contingencies.

Resources themselves will be defined through ethnographic explication. Anthropologists can contribute here, as their focus on actual relationships and ethnographically generated understandings *start* from the connections and interests people relate in making claims. Conceptual clarification is in fact a resource of a kind, and one anthropologists are in a position to provide for others. This volume attempts to make some of that resource accessible.

James Leach

