

### **Rationale - Community Laws(Lo) by 3 communities in Jiwaka Province.**

Komuniti Lo (Laws) is a collection of rules for the community. These collections of rules were put together by the members of three communities through a consultation process by Voice For change that had taken more than two years. Community members and leaders have identified a number of practices in the community, which are harmful to the community.

There is the rise in the practice of marrying very young girls to a man that already has another wife. There is the practice of resolving disputes through fighting that causes a lot of destruction. The practice of calling someone "Sanguma" and attacking a person causes destruction and loss of life in communities. There is the practice of bringing guns into the community. There is the practice of domestic violence.

All these practices are happening in the community because they are not seen as wrong and are accepted. Komuniti Lo also has rules against conducts that are clearly wrong but the community does not do anything against these conducts.

Rapist are walking free after paying compensation. Persons who abuse children are not taken to court. Husbands who go beyond and cause serious injuries to their wives are let alone. Members of the community are cultivating marijuana without opposition, and they are producing home-made alcohol through fermentation "homebru" or distillation "stim" without „tok cros" admonishment. And other conducts in the community that are clearly wrong but are tolerated by the community are covered.

Komuniti Lo also has rules that the community see as beneficial and encourages certain conduct: Plant more trees after cutting them, send all children to schools, participate in community work, be productive and others.

Why these bad conducts and practices are taking place without much resistance and the good conducts are not practiced by the community is because there is no one to take responsibility for them. The three things responsible to stop bad practices and conducts and encourage good conducts are not working: The **police**, the **victim claiming compensation** and current **social practices and norms**. Komuniti Lo is an initiative by the community themselves to address these problems. The members of the community feel that the community will be more responsive to rules if they are autochthony "all yet mekim" using words that they can relate to, addressing problems that they have been seeing for a long time in the community.

The rules in the Komuniti Lo are made known to the community through a public gathering according to practice to give validity to the rules. A group of persons made up of members of the community to be known as „Lo Komiti" will take up the responsibility to make sure that rules in the Komuniti Lo are followed by members of the community. Where a person fails to follow a rule in the Komuniti Lo, he will be reprimanded by members of the Lo Komiti or other community leader. He is no longer free as there will now be resistance „tok cros". Lo Komiti will continually do awareness on the rules contained in the Komuniti Lo so that people will follow it. And the Lo komiti will use existing laws to enforce the rules in the Komuniti Lo. Lo Komiti takes up the responsibility to stop bad conducts and practices in the community and encourage good conducts.

## **Outlining the process of the development of the Kominiti Lo ( laws).**

### **1.Capacity Building**

Increased evidence of the vulnerabilities of women and girls, prompted VfC to focus its work on community education and advocacy on prevention all forms of violence including gender-based violence for a free and healthy Jiwaka Province. Since its establishment, Voice for Change focused its training community law enforcers (police, village court magistrates, ward counsellors, community leaders, women and youth on Gender, Gender Based Violence, Human Rights, conflict prevention and peace building.

### **2. Making Commitment to Change**

At the end of each trainings, the participants made personal commitments to end all forms of violence and to strive for peace, justice and security in their community beginning with themselves and their families and then reach out to the wider communities. The plan normally highlights:

- Personal commitment to promote equality in homes, fairer treatment for both boys and girls, husband wants to share family resource equally with wife and family and share household chores normally done by women.
- The second plan focuses on community, do awareness on issues causing disharmony in homes and communities, such as stop production and consumption of marijuana, brewing, gambling, promotes human rights and rights of women and children.

### **3.Reflection**

Between 1 – 3 months after the trainings, VfC normally arranges for a reflection for the participants and it revealed that the participants mentioned the changes they have experienced or caused, the circumstances they have learnt and the challenges that exist. The participants desired to continually see changes. This process identified the absence of peace and security in homes and the communities including all forms of violence against women and girls were key issued to be addressed.

### **4. Setting up Sub Committee**

After carrying out awareness in communities, three communities out of the 11 received the trainings revealed of the need to take another step further and hosted scheduled meetings and discussed in lengths the need to set up a coordinating community. This action was the mobilization and formation of sub committees who would formulate ways of change and manage the application of these changes so as to cause and maintain peace and security. One such committee is the community 'Law and Order' Committee. After the awareness, the committee would bring back the report indication the number of people attended the awareness including males, females, youths, children and leaders and location of the event. The committee also held several meetings and it revealed of the community members wanting wanted positive changes.

### **5. Support from VfC**

The organization provided the space for the sub-committee from the 3 communities to come up with a plan and process to follow while developing their own laws. Voice for Change was mainly doing the supporting role during the process of developing their community laws.

## **Process of consultation**

### **6. First- Issues Identified**

The 3 communities collectively decided on how to identify the issues to be tabbed that needed addressing. The committee organized for a meeting with all the community members that make up the clan or tribe to come and support the call. During the meeting there were 2 main agendas:

(a) to identify who makes up the family and community and listed- women, men, young men and women, children, males/females, babies, elderly, disables, widows, orphans, church serving people, working people, people from other province, young women with children.

(b) It was emphasized for the laws that are going to be developed must protect the group of people listed.

### **7. Process of Consultation**

The community Law and Order Committee formulated community laws in consultation with members of the community. Consultations have been with men's groups, women's groups, young men's groups and young women's groups. These consultations have been taken 2 years for 2 communities and 3 years for 1 community.

### **8. Penalties**

The penalties for each law if broken was discussed over and over again and all members have to agree and come to a compromise before reaching a conclusion. These were presented back to the community. The committee has to give break and think about it. They return to discuss further in their next meeting if changes needed to be done. All penalties decided were agreed by all.

### **9. Level of Penalties**

There were penalties decided for first time offenders, the seriousness of each case and cases which the community can handle and which they cannot handle were discussed in great length. The committee decided on the process of minor and first-time offender such as some one letting the pig destroying the gardens for the first time. Penalty- owner of the pig do up the garden, replant any food dug up and replace or pay for the value of food destroyed. Keep the pig in an enclosed area to ensure that it does not come out again. The matter is reported to any leader to witness. If the garden is destroyed the second time, the garden owner can get a Village Court Summons and both the owners of the pig and the garden can go before the Village Court which will decide on the penalty.

### **10. Criminal Cases**

The criminal cases were not to be dealt by the community, it is a police case and it has to be reported to the state police to deal with it. Lo Komuniti members have to support and ensure that the rule of law is taking its cause.

### **11. Rationale of the Komuniti Lo (Community Law) according to them**

When the Komuniti was asked why it wanted its own laws while the PNG national law existed the replies were:

- 1) The PNG national laws seem to be too distant to be taken as laws applying to the community.
- 2) The PNG national laws are there but no one knows about them in the community.
- 3) The community is adopting the PNG national laws and making them its own laws and it will be  
Our laws.
- 4) There is no PNG law on bride price and bride price is a deterring factor to peace and security so the  
community has its own law on bride price BUT did not comprise on the amount.
- 5) The community also has its law on making or accepting compensation payments.

### **12. Legal Opinion**

With the kind assistance from VfC, through its donor, the International Women Development Agency (IWDA) expert legal opinion has been sought for the validity of the 3 communities laws. The community laws have been identified and referenced with the PNG laws.

### **13. The Launching of the Community Law**

The official Launching of the Community Law in 3 Communities, the JIMA, DAMBEX and WARAWAU were in December 2016.

### **14. Training Community on their Laws**

Follow up and reflection planned for 2017 did not eventuate because of the pre and post issues with the National Election in Papua New Guinea resulting in violent conflicts and was not safe for carrying out planned activities. This issue is still pending with the current governor taken to court over the election petition by a first runner up in the 2017 national election. Out of the 3 communities, 2 are still affected by this issue and it is with hope that in this year 2018, some of the planned activities will be followed up with them.

Thankyou

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