

# ***Islands within ports of governmentality: Indigenous self-governance***

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## Abstract

Governance is treated in contemporary scholarship as decision-making within a system of governments and over-lapping jurisdictions. The spotlight is on State sovereignty; its responsibilities and obligations to share powers and exercise its authority by the rule of law and principles of equality and equity. In Papua New Guinea (PNG), the State has relied on doing this by devolving powers, and decentralising authority to semi-autonomous ‘local’ authorities, whilst retaining State sovereignty. In the capital, Port Moresby, a post-European colonial township, contemporary expressions of shared autonomy, neo-liberal governmentality and the legislation enactment of an Assembly for the Indigenous *Motu Koita* have emerged as forms of territorial autonomy and sovereignty. This configuration remains an unsettling, neo-colonial paradox on self-determination and autonomy, where State’s interests and institutions retain control over knowledge and process that form barriers to self-governance and sustained economic development. Building on academic work (Gregory and Vaccaro 2015), this paper looks at this subject through “*Islands within ports of governmentality*.” I examine the post-colonial configurations of the territorial ‘islands’ that have arisen within the urban governance environment. I then theorise the State’s ‘ports’ as being power, knowledge, laws and decision-making processes over jurisdictions, as well as *ports* literally being developed in Port Moresby harbour. In conclusion, I analyse challenges linked to the exercise of Indigenous People’s rights, self-determination, cultural connection to place and socio-economic empowerment. The conduct of governmentality has a strong bearing on modern State legitimacy and its authority. This research contributes to understandings of territorial reconfiguration in Nation-States in ‘Melanesian’ Pacific.

*Themes: Decentralisation and sub-national administration; governance and anti-corruption efforts.*

**Note:** This is a longer version of a much shorter presentation made on Friday, 21 October 2022, due to time limitations.

*H'adorai namona* (Good Afternoon). *Tano biagudai aita hanamodia*. I wish to acknowledge the Customary Landowners and custodians of this land – the Motu and Koita, collectively referred; Motu-Koita.

I wish to thank the 2022 PNG Update Conference Committee, University of Papua New Guinea (UPNG) Vice-Chancellor, Professor Frank Griffin; Professor Stephen Howes and the Development Policy Centre, the Australian National University, as well as the names mentioned in the Program that contributed to this event. I am a proud Motu and a UPNG and the University of the South Pacific alumni. I am honoured to be here. Thank you, Emmanuel (Chairperson). Thank you all for coming. I very much appreciate you taking the time to attend this session.

### **Territorial Islands**

In 2008, two academics, Gillian Gregory and Ismael Vaccaro conducted research to better understand the impacts of natural resource extraction on indigenous people in an interior part of a developing country. In 2015, they published an influential paper on the concept of '*Islands of Governmentality*.'

Building upon French Philosopher, Michel Foucault's work, they described how by the beginning of the 19th Century, a nation-state that had once relied on exclusive sovereignty over a territory; its borders – found that its systems had become too difficult, unfeasible for central government to exert its authority and manage its borders, especially with the growing domestic and international activities on indigenous rights, rainforest exploitation and environment conservation. For today I will limit myself to their sub-concept of "*Islands of Indigenous Rights*." (Gregory and Vaccaro 2015: 354).

In their paper, the authors, had noted that the large bulk of the country's territory was then tasked to new *Actors* to govern. These included multi-national institutions and companies, non-governmental organisations and Indigenous Bodies working with other State authorities, or what we call in PNG – Provinces and Districts.

And so, this notion of shared authority, new structures, and shared spaces had emerged. The authors examined case studies of forest conservation areas, forest concessions and land bought or leased by Ranchers, miners, settlers, and commercial farmers from indigenous landowners.

They described these semi-autonomous jurisdictions - under an authority, as "*Islands*" - a metaphor - for modern re-configurations of governance within the nation-state. Or "Territorial Islands." Or simply, as contemporary expressions of 'neo-liberal governmentality, environmental conservation, and recognition of indigenous rights' (Ibid 2015: 1).

Faced with the changing governance environment, the State must therefore use other tools and instruments and create processes to be able to exercise its sovereignty and power. They observed that modern State sovereignty was becoming less dependent on its ability or legitimacy over strict boundaries and that the granting of Land Titles by the State authority, portrayed as freedoms, was just one way the State was in fact 'reiterating its authority' over national territory (Gregory and Vaccaro 2015: 8).

In the constitution of power, the State still retained the responsibility for the granting of power to authorities that originate inside and outside the state to operate within it and their main argument was that this reconfiguration of territory within the country had ultimately strengthened and legitimized modern State sovereignty.

Gregory and Vaccaro could have been describing PNG – in fact, their paper was on studies in Guyana, in the northern part of Latin America, but the issues resonate with all of us.

I want to extend their work and briefly talk about the contemporary processes that are having an impact on Customary Landowners and self-governance in the city. And I'll focus on the post-colonial configurations of governance in Port Moresby that are still relevant to the current, big problems facing diverse authorities operating in over-lapping areas with ambiguous subsidiarity and my description of new "modes" of governmentality as "*Ports*" in alternative and shrinking territories.

### **Port Moresby: The Territory**

Examples in PNG of this visual metaphor are: Geological Surveying; Mining lease areas; United Nations 'Heritage sites,' Forest Concessions, Off-shore Gas Facilities and the subject of my PhD research governance - the National Capital District.

Port Moresby is globally unique in its governance framework. Writers and academics, Oram (1989), Goddard (2001), Stuart (1970), Latukefu (1989), Waiko (1993) - all said it: Port Moresby was a small, European colonial township, where British Missionaries and settlers had built their administration to provide an alternative, modern governance to the traditional system that existed. Now, it is fast urbanising, surrounded by a large, autonomous Province. Based on the recent 2022 National Elections in PNG, the estimated city population is around 489,000, of which around 50-60,000 identify as Motu Koita. The NCD has traditional villages in the same location as Centuries ago, and is governed by an indigenous government, Customary Landowners, a municipal authority, national government, churches, non-government organisations, and the private sector. Adding to the huge complexities are issues related to the 40:60 land ratio, that is often stated by public officials, in reference to 40% of land owned by the State of PNG, and 60% currently held by the Motu Koita Customary Landowners in NCD.

During “*Gavamani*<sup>1</sup>” introduced by colonial British and later Australian administrators, they experimented with local participation in a government system in several Districts of PNG. The British introduced Local Councils. The three main early ones in the NCD area were called *Hanuabada*, *Fairfax* and *Hiri*, which were a trial of amalgamations and de-amalgamations, and the *House of Assembly* in the 1960’s. These were the basic foundations of self-government. In the 1970s and 1980’s, the national government’s decentralisation policies, given effect under the Organic Law on Provincial Governments and Local Level Governments, led to creation of new, semi-autonomous governments in different Provinces, except for Port Moresby. The Motu and Koita were promised some sort of “Special Status,<sup>2</sup>” which is a term still used today in public statements. This is a historical snapshot history of the Motu Koita Assembly and why its people have wanted to make itself distinct, including its right to self-determine, from the National Capital District Commission.

What had continued from our colonial legacy towards PNG’s independence was a pattern, where territory was first claimed by the colonial administrators, and then State, with a divergence of opinions and positions over claims (land and off-shore) and the ‘territory’ under national government authority.

### **Alternative Territoriality**

Competing interests and contested jurisdictions have grown. And the question: “*whose governance shall hold sway?*” is increasingly relevant today in recent discussions on re-distribution of electorates, allocation of the Goods and Services Tax (GST), and devolution of functions from national departments to local authorities like, *Health* and *Education*.

By the 1950’s, Port Moresby was governed under a hybrid, jurisdictional arrangement – one for Motu and Koita, as a collective political entity with their own cultural subsidiarity and broadly, limited sovereignty, and another system which was predominantly for Europeans (expats). This has been adapted as the mode of contemporary power-sharing between the Motu Koita and the municipal authority. With decolonisation in top-gear in the 70’s, the new PNG government’s, based on the theory of decentralisation, agreed to shift responsibilities away from a centralised authority - *Konedobu*, now *Waigani*, to legitimate, self-governing authorities, operating side-by-side each with their own cultural legitimacy. The right to self-determination was the topic of the period.

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<sup>1</sup> An introduced Motu word for “government” authority with power in the new political order.

<sup>2</sup> Pursuant to Section 4 (NCD) of the Constitution - National Capital District Commission (NCDC) Act 2001 (certified on 14/12/2001) establishes a special type of ‘provincial government’ for the city not covered by the Organic Law of Provincial Governments and Local level Governments (LLGs).

The Government system of the NCD shall comprise –

a) The National Capital District Commission; and  
b) The Motu Koita Council

This map (see slide)<sup>3</sup> shows the indigenous Motu Koita traditional communities that are under the Motu Koita Government in the city - the Motu Koita Assembly. These are the “alternative territory” within the NCD “island” in relation to a much larger neighbour - Central Province.<sup>4</sup>

This hybrid model is a shared, over-lapping space with traditional areas, State and private land and unplanned settlements. In a recent interview, a person who I interviewed described them as ‘pockets’ within the city. Another person had described one of these ‘pockets’ as a ‘police no-go zone.’ (Adam – private interviews for PhD research 2022). These are the “territorial islands” that exist and are struggling to adapt to new problems and circumstances. You may recall, in my introduction, I had mentioned the Government’s impetus to resort to new modes of governmentality – new tools and processes - to ensure its power and authority over the alternative “governable spaces” recognised by the State. I depict these in the ‘brown circles’ in the diagram. These are the “ports”; the decision-making processes, where the Motu Koita see that the principals underlying how “self-determination” is to be realised are often contradicted in practice by the State’s mentality over power and authority. This is an area of growing discontent.

An underlying principle within these governable spaces (e.g. Incorporated Land Groups, Customary Land, Port Moresby Ports Precinct) is the due exercise of *Free, Prior, Informed Consent* (FPIC) which is an important international commitment contained in the *United Nations Declaration on the Rights of Indigenous Peoples* (adopted in 2007 by the United Nations General Assembly). How is this being done?

### **Governing rights and interests**

I mention here two key principals (self-governance and subsidiarity) related to the conference themes of decentralisation, governance and sub-national administration. Using my Motu Koita positionality, I’ll just talk on ‘Subsidiarity’ (Daniell, K and Kay, A (eds). 2017. Sullivan 2007, Hunt, J., and Smith. D. 2006) which also has a lot of bearing on *Jurisdictional Devolution* (Smith 2002).

*Subsidiarity is being shown to be a particularly important principle in developing regional models for governance, posing as it does the possibility that federalised systems of Indigenous governance can be decentred and accommodate inter-dependent layers. The precise form of dispersed regionalism that is being developed by some organisations on the ground appears to come from their negotiation of subsidiarity in terms of the distribution of roles, responsibilities, shared resources, and areas of retained autonomy. (Hunt, J., Smith, D. 2006: 20)*

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<sup>3</sup>The original maps used in the presentation for illustrative purposes are not included in this paper. They are in the process of being finalised for the author’s PhD Thesis.

<sup>4</sup>I understand that the boundaries are contentious and currently subject to review and agreement.

Simply, subsidiarity infers that national government's decision-making control and related interventions be restricted to matters of national importance and in this instance, is under the jurisdiction of the municipality – the National Capital District Commission. A system of decision-making that the Australian administration knew well from the “*Canberra model*” – where the Australian Capital Territory (ACT) Government and the Commonwealth exercise their power and authority, in accordance to relevant laws and policies, that are supported by the majority of the population.<sup>5</sup>

*Subsidiarity* in Port Moresby is grounded on an important distinction of protecting *Motu Koita* cultural values and their governance environment. The co-existence of their government – *the Motu Koita Assembly* – and the extent to which it can perform its authority and responsibilities to achieve the purposes of *the Motu Koita Assembly Act (2007)* is impacted upon by political factors - how it gets its financial resources; the legislative grounds to influence future activities, and investments in human development and infrastructure. In other words, re-building their capabilities through a coherent relationship with the National Capital District Commission (NCDC).

The relevant question is whether in fact there is a clear subsidiarity in the NCD? Is it one agreed upon and accepted by all the players? Or is it in fact a hierarchy that marginalises and diminishes Motu Koita governance within the NCD and impinges on their efforts to rebuild a nation within the NCD and with kin-Motu Koita outside of the NCD? Motu Koita are Landowners of, reportedly, around 30 to 40% of NCD land area under their custodian. Their understanding, from my research, is that their aspirations, plans and decisions are not subservient. Decision-making for communal benefits is a core value and balancing local autonomy with their cultural and social relationships is important. (Adam – PhD personal interviews 2019-2022).

### **Paradox: Right to self-govern**

Image copyright © Motu Koita Assembly

The ‘right to self-government’ is not questioned in other parts of PNG. In Port Moresby, how this is to be exercised raises different things to different people. For example, in planning, the use of words like; ‘relocation,’ ‘re-settlement,’ ‘modernisation’ and ‘urbanisation.’



Whilst the separation of the Motu Koita jurisdiction from the structure of the NCDC was seen largely as a successful step towards self-determination and taking away the myth of sovereignty as being exclusive to the domain of National Government - it remains incomplete. There is a need to redefine the neo-colonial arrangement in governance and consider the historical relationships that have existed between people across NCD, and the other provincial boundaries, but also to protect the Motu Koita indigeneity, their rights, as well as the

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<sup>5</sup>The author explores this further in his thesis.

participation and well-being of the diverse population now living in Port Moresby. For subsidiarity to work effectively, and for stability, there is a need to seriously consider how State authority underpins and undermines the rights of Customary Landowners. For the State to literally proceed and develop a *Port Precinct* in the harbour, for example, it begs the question of how the principal of *Free, Prior Informed Consent* as required by the Motu Koita Assembly Act (2001) and accepted by the United Nations, was actually undertaken with Motu Koita in the NCD? This is an important pre-requisite for good relationships, wide support for projects and programs and agreement for joint authority.

I wish to leave you with some thoughts and *questions* which I would welcome your views. The first is, to what extent do these existing governance structures represent the expertise and capabilities to govern the ‘alternative territories’ in an urbanising city? How would we view Motu Koita “traditional areas” in the future? Would they be integral parts of the ‘city jurisdiction’ wherein, as the city modernises, those in power act to ensure their Customary Landowner rights and self-determination to own and govern decision-making processes, improve service-delivery and culturally-sensitive safeguards?

I will conclude my presentation with a quote from the NCDC Governor, Hon. Powes Parkop, that appeared in a PNG media organisation and another from internationally-recognised, Australian academic, Dr Diane Smith, about gaps in our knowledge on self-government.

*“The Motu-Koitabu people should always be respected and given recognition and consideration in every development and change taking place because they are the traditional landowners of the land in which the capital city Port Moresby is sitting on.”*

*Governor Powes Parkop.*

[\(https://www.thenational.com.pg/parkop-plans-to-modernise-motu-koitabu-villages/\)](https://www.thenational.com.pg/parkop-plans-to-modernise-motu-koitabu-villages/)

*“Self-government is arguably a key to delivering sustained transformations that will improve peoples’ lives in ways they choose, there are gaps in our knowledge about how people actually go about the initial steps of establishing it, and then sustaining and adapting governance arrangements over time.”* (Smith, D. In: Smith, D., Cornell, S., Wighton, A., Delaney, A. (eds) 2021).

### **Reconfiguring governmentality - renewed dialogue**

I hope that my research and conferences like this will bridge this gap and that today I have made more visible the situation of the indigenous Motu Koita of Port Moresby. I wish to make a call-out for anyone with archives or resources that I may use. I would very much welcome your contribution. Thank you all for your attention.

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