

BOOK REVIEWS

COLONIAL LAWS

E.P. Wolfers, *Race Relations and Colonial Rule in Papua New Guinea*. (Sydney, 1975) K6.95, 181 pages.

One reads a historical account of colonial administration written by a national of the metropolitan power with some reservations. Certainly when I started to read Mr. Wolfers' book, I thought that he was going to be either very defensive about the colonial policies and practices or else over-critical of the Australian and German rule in Papua New Guinea. It is, in my case, always difficult to write in the present about the past as we always presume the present to be more enlightened and hence the judgement on the past tends to take on a somewhat unenlightened perspective.

What emerges from Mr. Wolfers' book is not altogether news. Many of us nationals, even today, after we have taken political control of our nation still experience the "strangeness" or the alienness Mr. Wolfers speaks of. This is a direct result of the paternalistic policies of both the German and the Australian rulers.

Paradoxically, and because of or in spite of the colonial policies, Papua New Guineans are slowly emerging as a people in their own right. The over-protective policies which are normally described as "paternalistic" have more or less kept much of our traditions intact. The discriminatory laws which made sure "blacks" and "kanakas" did not become intimate with the "mastas" and the whites have meant that the majority of our people are Melanesian, undivided in loyalties and very much committed to the traditions of the past.

What is new about Mr. Wolfers' book is that it approaches colonial rule from legal perspective. How did the subject race relate to the master races? Can one discern a common theme of human relationships through government policies and the enacted laws? The overwhelming answer is "yes" and it is not altogether an enlightened or a progressive picture until relatively late in the colonial history of Papua New Guinea.

Mr. Wolfers' book is the first book on Papua New Guinea which shows beyond dispute that law can be used systematically as an instrument of obstruction to progressive economic development. It is little wonder that after political independence, the national economy is still an extension of the Australian economy controlled by Australians and the Chinese.

The whole picture can be illustrated by an incident in 1973 when the elected members of the Constitutional Planning Committee were touring the nation to prepare a "home grown" Constitution. In Kainantu the members were refused admission to the guest house on the pretext that they did not wear shoes. Elsewhere when the members of the Committee spoke of the need to "give a fair go" to the nationals by not encouraging too many foreigners, especially Australians to become citizens, they were shouted down with cries of "racialism". Indeed one described the Committee's proposals as being "worse than the apartheid of South Africa".

What is attractive about Mr. Wolfers' book is that it is relatively short. Most of his assertions are supported by well documented historical evidence. It is a good source book for legal and political historians. However, it is written for the general public. To get a full account of the information the reader should go to other sources. The main theme of the book is set out on the first page of the introductory chapter in two rather lengthy sentences. The book is about understanding the prevailing patterns of inter-racial relations in the past, thus providing invaluable insights into the roots of present tensions. The descriptions of government policies in succeeding chapters in both the British New Guinea (later re-named Papua) and German New Guinea reveal changes only in detail and approach. On the whole it can be said from the point of view of the colonised that one master is as good or bad as the other.

Australians in Papua emerge as persons who - under MacGregor - were engaged in persistent unilateral intervention in Papuan village affairs. Under Murray, while being paternalistic and protective towards the Papuans, they were at the same time strongly preservative of European interests, standards and society.

The Germans in New Guinea come out as being extremely commercially minded, interested primarily in what money can

be made in the colony. Under Bismarck, the German flag followed trade, but the Germans even at that stage made sure New Guinea was 'self supporting'. If the British or the Australians were protective in favour of their lot, then certainly the Germans were even more conscious of their economic interests, especially in land acquisitions (chapter 5).

The Australians in New Guinea were no more enlightened. They pursued most of the German policies, even although the Australians on the Papuan side preferred to believe they were more progressive than the Germans. The Pacific war is certainly a watershed in the development of race relations. The natives were now seen as human beings with sometimes equal, sometimes superior and sometimes inferior qualities to those of the colonisers. The anti-colonial protests all around the world, and the experiences of the war, set the stage for the inevitable changes in policy after the war. The changes started with the "New Deal" of the Labour government, and, curiously enough, were later consummated by another Labour Government of Mr. Whitlam, when Papua New Guinea finally took her place as an independent nation (Chapters 9, 10, 11 and 12).

Whatever we might say of the unjust, inhuman and the paternalistic policies of the Australians, I certainly have to be honest to say that Papua New Guinea is one of the few colonies that has attained independence without force, without violence and even without much trying. This surely speaks in favour of the Australians and our own people. Some colonials of the "*taim bipo*" may be offended when they read this book. Naturally some would say - "so what; we did what we thought best for them. You cannot blame us for that surely!" Others might even say "the good old days are gone! The native won't make it and before the century is over, they'll be back to their savage attacks upon each other!"

I certainly think the book is an accurate recording of the colonial history. I do not think it is an unfair interpretation of the colonial chronicles. On the whole the book takes a fairly liberal and sympathetic attitude towards the colonisers.

The book is in my view worth reading if for no other reason than to re-inforce the knowledge already known about Australians, Germans and Papua New Guineans. It does not claim to tell the whole story and I believe there is much more that can still be said.

It is only recently that the first Papua New Guinea Law Reform Commission was established to review the legal system as imposed upon us with a view to making changes. A programme is under way to abolish the last vestiges of discriminatory laws in the Native Regulations. One regulation, for example, decrees that adultery is a criminal offence for the natives. It is not an offence for Europeans. This kind of law cannot be tolerated in an independent nation. Yet, whilst in Mount Hagen recently (February 1976) I received almost unanimous submissions from the nationals that the vagrancy laws, which make it an offence for anyone to be without lawful or visible means of support, should not be abolished. My reply that vagrancy laws were part of the colonial device to keep towns for the whites met with a blank "No!" One elderly lady put it vividly: "In the good old days, we knew who we were. We were natives. We could not come into towns. We knew clearly where we stood. Now, you [the indigenous government] make things difficult. We do not know where we are."

Clearly then, colonial policies do have an unalterable impact on the lives of modern Papua New Guineans. Mr. Wolfers' book, from the legal historical perspective, is a timely book, commencing the long tale of "what they did for us". I hope that not a decade will have elapsed before a national will write a book on what we did for ourselves after them! Some of the colonial laws and regulations can be abolished or rewritten to suit our needs. However, much of the unwritten law and practices of the legal system will continue into the distant future. At the making of our first independent constitution I was pressing for the abolition of the English common law. I was supported by a clear majority of the national lawyers. However, the final outcome of the constitution entrenched the position of the common law in our country. A concession was made so that where appropriate the judge can depart from the English common law.

Mr. Wolfers' book is certainly a chronicle of the colonial laws imposed upon our lives without our choosing. Those laws, even if dead, still rule us from the grave.

- Bernard Mullu Narokobi.