1. Through the Window

The question

In more than 40 of the 54 nations of the Commonwealth, homosexual activity is illegal, even when conducted in private between consenting adults. The ‘white’ dominions and a few others have got rid of these laws, and many of the attitudes they reinforce. But in the ‘new’ Commonwealth, they remain resolutely in place. Likewise, laws and policies on prostitution. Getting fresh thinking on these topics is very hard.

Michael Kirby, former judge of the High Court of Australia, 2011.¹

Papua New Guinea (PNG) is one of those ‘new’ Commonwealth nations referred to in the epigraph above which ‘resolutely’ retain the criminalisation of homosexual activity and prostitution. In this book, I explore the effect of this criminalisation, in an attempt to provoke and support some of the ‘fresh thinking’ which is desperately needed. Like Justice Kirby, I also make a connection between the two ‘topics’ of homosexuality and prostitution. This is not new. The ‘proscribed forms of “deviant” sexuality—homosexuality and prostitution’ have lent themselves to many studies of state regulation and control of sexualities.² In nineteenth-century England, the linkage of the two was the result of the construction of the wanton prostitute as the ‘other’ to the virtuous woman, and the homosexual as the ‘other’ to the heteronormative man.³

As one schooled and experienced in the legal system of Papua New Guinea, where I lived and worked for many years in government advising, law reform and legislative drafting, I was already familiar with the plight of such people. Although they were consenting adults involved in sex in private, they were adjudged criminals under PNG law. In 2001–2002, I worked for the Australian government-funded PNG National HIV/AIDS Support Project (NHASP), preparing legislation for the management of HIV. This drew my attention to the

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³ Ibid., 108–09.
role of poverty, discrimination and human rights abuses in spreading the HIV epidemic, and much of the focus of my work was on the incorporation of human rights and anti-discrimination principles into the draft.

Two factors impelled me to undertake this study. The first was news of an incident which took place in the PNG capital Port Moresby in March 2004. The police raided a guesthouse which operated a bar and served as a venue for sexual networking, on the grounds that it was a brothel and prostitutes there were spreading HIV. The raid was accompanied by violent abuse inflicted on those present by the police. The incident, I have termed the Three-Mile Guesthouse Raid, was notified internationally on several email discussion-group lists. Locally, it featured over many days in the PNG daily newspapers. I was greatly shaken by the news, and resolved to study the challenges and issues it presented.

The second factor, consequent on the first, was my recollection of a friend, a long-time Australian resident in PNG, requesting me many years ago while I was working in the PNG Law Reform Commission, to ‘do something’ about the ‘sodomy law,’ adding that expatriates can leave, but the nationals have nowhere to go. They must endure discrimination and abuse everywhere, he told me—bullied and even raped by police, open to blackmail, thrown out of home, sacked from work, forced by custom into marriage.

In my HIV work, I had relied on the existing work of international bodies to support my view that management of the HIV epidemic would only succeed if an enabling legal environment was provided. But I needed hard evidence on the ground in PNG. I determined to research the effect of PNG’s state legal system on social perceptions of and attitudes to sex-selling and sodomy. I would study the reasons for the retention of these state laws controlling sexuality, and then examine current moves towards decriminalisation and resistance to the moves. Although at first glance it may seem strange to combine ‘prostitution’ and ‘sodomy’ in one study, they do have one outstanding feature in common—both involve sex between consenting adults in private; they are both ‘victimless’ crimes.\[4\]

\[4\] There is however a long tradition for this combination: for example the 1957 Report of the Committee on Homosexual Offences and Prostitution, London: HMSO, Cmdn. 247 (Wolfenden Report).

\[5\] This is not to say that sex-selling and sodomy may not involve the participation of minors, forced sex, or other forms of violence, but that is not my focus. Sex with minors, forced sex and physical abuse are another matter, and the law is capable of dealing with them in other ways.
PNG as home and workplace

I have spent more of my adult life in PNG than anywhere else. I come to this research from a BA (Hons) degree from Sydney University in the 1960s, which included a major in Anthropology, although my Honours field was Indonesian and Malayan Studies. This was followed by some nine years of living, working and studying in PNG before and during Independence in 1975. During this period, I obtained a law degree from the recently established University of Papua New Guinea (UPNG). Nearly all the academic staff was expatriate. Only a very few students were not Papua New Guinean, and I was one of those. This era, from the early- to mid-1970s, was one of major experimentation and enquiry in the field of law reform, and although relations between lawyers and anthropologists were not generally good, some attempts were made to enlist anthropologists in the reform project. A Law Reform Commission was established at Independence and given the statutory mandate to review the law with a view to modernisation, simplification and ‘the development of new approaches to and new concepts of the law in keeping with and responsive to the changing needs of Papua New Guinea society and of individual members of that society.’

Later, I spent most of the 1990s working first in this Law Reform Commission and then in the Attorney-General’s Department. In 2001–2002, as Policy and Legal Adviser to NHASP, I was largely responsible for drafting the HIV/AIDS Management and Prevention Act of 2003 (HAMP Act). In 2006, I worked for three months with the United Nations Development Programme Pacific Sub-Regional Centre in Fiji, reviewing the HIV-related laws of fifteen Pacific countries and preparing instructions for rights-based law reform. In all, I have spent over twenty years living in the Pacific, working mainly in the field of law reform.

My early associations with PNG differed somewhat from those of most other pre-Independence expatriates. I fell into none of the three usual categories of government, mission or private sector. My first years were spent working with and for the fledgling Pangu Pati, PNG’s first political party, which gave me an insight into Westminster-style parliamentary processes, a deep aversion to racism, a readiness to spring to the defence of the underdog and considerable

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6 See Patricia Mary Reid, 2005, ‘Whiteness as goodness: white women in PNG and Australia, 1960’s to the present,’ Ph.D. thesis, Brisbane: Griffith University, 78–84, for an analysis of the changes already taking place in this ‘de-colonisation era.’


8 For example, in the project to reform the criminal law: see Marilyn Strathern, 1975, ‘Report on questionnaire relating to sexual offences as defined in the Criminal Code,’ Boroko, PNG: New Guinea Research Unit.

fluency in Tok Pisin. At the same time it earned me the distrust of many in the colonial establishment, to the point where (as I was to learn years later) my application to study law at UPNG in 1972 was very nearly rejected for political reasons.

This was a time of great change, as the colony moved rapidly towards self-government and Independence. V. Lynn Meek describes how the establishment of UPNG helped spark dramatic changes in the relationship between ‘white’ colonial expatriates and ‘black’ indigenous students, who in those early days constituted the privileged few, and were regarded with extreme distrust by the colonial establishment. So also were many of the academic staff, who were recruited internationally from a wide range of countries and strove to develop high standards for the university. Most of them were far more closely associated with students and emerging indigenous politicians than with the administrative and commercial colonial establishment. At the same time, however, many were also involved in assisting the moves towards self-government and independence in various fields: politics, law reform, structural rearrangements, education curricula and so forth. These were heady days in the colony, a time of equal rights, anti-racism, freedom and feminism. As one academic described this milieu:

We were, in the early ’70s, a happy, busy, enthralled with PNG, devoted to the shining ideas of a better non-colonial life for its peoples, and therefore an independence-fomenting group—we’d come from everywhere—PNG, Kenya, Tanzania, Northern Ireland, England, the U.S., even a few from Oz—we included just about every Papua New Guinean with a university degree—a rare thing in those days, when the Australians had kept education from so many—though, given they were the leaders of Our Gang, I guess the colonizers had made a wise self-interested choice…. Meetings all the time—so much work to do—so much conversation about principles and policies and philosophy and goals and history and even a little anthropology.¹¹

The site of struggle

Like many of those expatriate UPNG teachers, I have been and continue to be involved, sympathetic and ready to offer my services and assistance to causes I consider to be just. During fieldwork, I was several times asked to assist with the preparation of background papers and awareness materials on legal matters

affecting my ‘subjects.’ I let those interviewed know my views on the human rights abuses I had noted in my studies and research. I make no apology for this personal bias. In so doing, I am reminded of Ruth Behar’s exposition of the objective/subjective dilemma confronted by anthropologists, and Nancy Scheper-Hughes’s declaration that ‘anthropology must exist on two fronts: as a traditional, disciplinary field and as a force field, a more immediate and reactive site of struggle and resistance [emphasis in original].’

My ‘site of struggle and resistance’ is that of working towards bringing to public attention the situation of sex sellers and gays in PNG. Recently, the HIV epidemic has thrown a fierce spotlight on sexualities in the country. We hear calls to ‘ban prostitution’ as a means of prevention; explanations which blame it all on ‘those pamuks or gelis,’ or which say that homosexuality is a foreign import; we know that gays face continual harassment in public and sometimes from their own families; we realise that the economic situation forces more and more people, male and female, young and old, into selling sex for survival.

Many international aid organisations and United Nations bodies consider that an approach to the HIV epidemic based in human rights is essential. Failure to protect human rights fuels the epidemic by driving people underground through fear of detection and punitive measures, thereby inhibiting care and support and blocking achievement of the desired goals of preventing new infections. The impact of the epidemic on those infected or presumed to be infected is increased, by depriving them of economic and social support. Even the ability of civil society to respond to the epidemic is hindered by criminalising or otherwise curtailing their outreach activities.

Hence the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Office of the United Nations High Commissioner for Human Rights have resolved that, globally

criminal law prohibiting sexual acts (including adultery, sodomy, fornication and commercial sexual encounters) between consenting adults in private should be reviewed, with the aim of repeal.…

With regard to adult sex work that involves no victimization, criminal law should be reviewed with the aim of decriminalizing, then legally

14 Derogatory terms for ‘prostitute’ and ‘effeminate gay’ respectively (see Glossary).
regulating occupational health and safety conditions to protect sex workers and their clients, including support for safe sex during sex work.\textsuperscript{16}

Despite these exhortations, it is proving exceedingly difficult to implement these reforms in PNG. Regardless of private sentiments, public opinion is outraged by reports of sex between males, and many are opposed to any moves towards decriminalising sex-selling. However, upon her appointment as Minister for Community Development in 2002, Dame Carol Kidu launched a multi-sectoral effort to seek a review of the criminal laws on sex-selling and sodomy. In 2009 this effort was re-cast as a Reference Group, comprising civil society organisations and public and private sector representatives, working to seek decriminalisation.\textsuperscript{17} This was the group that assembled in the Ministerial office, that sultry day in 2010, to create a ‘perfect storm.’

But is decriminalisation the answer? Why not just attempt to influence the discourse,\textsuperscript{18} train and sensitise the public, the law-enforcers and the media, change the thinking, overcome the stigma? If the laws are not enforced, or in any way relied upon, won’t they simply cease to matter?

This way of thinking has been called the ‘enforcement principle’: the belief that if proscriptive laws are not enforced, they are harmless. Both commentators and courts have long relied upon it to dismiss arguments for decriminalisation. One example is the US Supreme Court in \textit{Bowers v Hardwick}, a case which upheld the constitutionality of the sodomy law of the State of Georgia.\textsuperscript{19}

The enforcement principle has been challenged by several writers. In 2001, American lawyer Ryan Goodman contended that as long as such laws remain on the statute books, they operate to form and inform social norms. He believed that to understand the effects of law in general, and laws which criminalise sexual conduct in particular, one must take into account the law’s role in a wider social context. He used empirical data from fieldwork to support his challenge, comparing information gathered from South African gays and lesbians before and after sodomy was decriminalised there in 1998. He learned that various social institutions operate in life, working both for and against the law, to shape identity, regulate social relations, and influence personal behaviour.

\begin{footnotesize}
\item[18] I use this term in the Foucauldian sense, to refer to historically produced, loosely structured combinations of concerns, concepts, themes and types of statement which establish systems of knowledge.
\item[19] 478 U.S. 186 (1986); overturned in 2003 by \textit{Lawrence v Texas} 539 U.S. 558, 578, 123 S.Ct. 2472, 156 L.Ed.2d 508 (2003).
\end{footnotesize}
Criminalisation reinforced antagonism in other institutions of cultural ideology, such as medical and religious discourse, and decriminalisation effected clear changes. Individuals felt a heightened sense of placement and acceptance in the community, a sense of relief that their primary legal burden had been removed, and new feelings of freedom in public spaces and in interactions with police.\(^{20}\)

Although Goodman was primarily concerned with the criminalisation of same-sex conduct, much of what he has had to say is applicable also to the criminalisation of the selling of sex. I was delighted to discover Goodman’s work, and situated my own in relation to his critique of the enforcement principle, a critique which I consider reinforces the case for decriminalisation in PNG.

Goodman based his approach on the theories of twentieth-century French philosopher Michel Foucault, who studied the organisation of knowledge and power in the modern world through case studies of the history of medicine, psychiatry, penal systems and sexuality.\(^{21}\) Although Foucault’s theories have spoken directly to a multitude of scholars of colonialism, he himself rarely directed his gaze beyond Europe.\(^{22}\) Others however have applied his work to colonial situations, tracing the multiple ways in which colonists exerted power through control of sexuality. But to what extent can Foucault’s analysis of Europe be extended beyond the European colonists to the colonised and the formerly colonised, and to their own post-Independence laws governing sexuality? This is crucial to the question I set out to explore.

My goal, then, is to research the criminalisation of the selling of sex and sex between males under PNG’s state legal system, and the effects of that criminalisation on perceptions of and attitudes to these two sexual behaviours. If I agree with Goodman’s opposition to the enforcement principle and accept that proscriptive laws, even if they are not enforced, nevertheless continue to have an effect on the lives of those whose behaviour is proscribed and the attitudes of others to them, then I must also accept that the law is not operating in isolation from other normative discourses, but in interaction with them. Thus, I aim in the first place to study the operation of these discourses upon the colonised in pre-Independence PNG, and then ask whether this process has persisted into the era of Independence. I then ask what are the effects on those still criminalised, and on the moves towards decriminalisation prompted by the spread of HIV.


PNG as field

It seems most useful to us to attempt to redefine the fieldwork ‘trademark’ not with a time-honored commitment to the local but with an attentiveness to social, cultural and political location and a willingness to work self-consciously at shifting or aligning our own location while building epistemological and political links with other locations. [emphasis in original]

Akhil Gupta and James Ferguson, 1997.23

The nature of the field

This book is not the result of a classic live-in study of a static, spatially fixed group of people. My fieldwork, like much other anthropological work conducted today, subverts many of the conventional anthropological concepts of ‘field.’ Rather, it is concerned with a set of behaviours, practised nation-wide, by people with little in common other than their sexual practices, their self-images, and the insistence of PNG society on viewing them as discrete and coherent groups, both de jure and in practice. As Akhil Gupta and James Ferguson point out, the classic assumption of the ‘spatialisation of difference’ which relies on constructs of ‘home’ and ‘abroad’ can easily be upset by gender and sexuality studies, which start from the opposite premise: that ‘home’ may be a place of difference.24 A fieldwork site need not be geographically bounded: rather, it can be constructed upon a point of unequal power relations, a ‘political’ location.25 The entire nation of PNG bounds my ‘field.’

In this, I adopt the reasoning of Tom Boellstorff who, in his study of gay and lesbi culture in Indonesia, points out that the dominance of anthropological studies grounded in ‘ethnolocality’ means that there is virtually no ethnography of Indonesia as a whole, but only that confined to individual ethnicities. He suggests that this ‘mode of representation’ shares a genealogy with the colonial project which tried to block the emergence of ‘translocal spatial scales’ inherent in nationalism and anti-colonial religious movements. His own study defies such traditional boundedness. His respondents are scattered throughout the nation, their sites embedded in a national ‘Indonesian’ culture.26

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24 Ibid., 32–33.
25 Ibid., 35.
PNG can be viewed in much the same way. Most ethnographies focus on one particular ethnic group of the many hundreds in the country. But the post-Independence era has seen a melding of local ethnicities to the point where Tok Pisin has become creolised, many city dwellers of all classes claim ‘mixed’ parentage and do not speak the language of one or both parents, and despite a multitude of ethnically based activities (traditional dance performances, weddings and funerals, church activities and so on) many of them locate themselves in day-to-day socialising through common interests and lifestyles, rather than through kinship. Sex-sellers and gays are no exception. Many of the women involved in the Three-Mile Guesthouse Raid were of mixed parentage, and many local sex-worker groups around the country see each other as united in their efforts to survive, as evidenced by their careful choice of names for themselves. Many of my gay respondents claimed both the same mixed parentage and ‘sister’ friendships with those of different ethnic origin—in fact my first group interview was conducted with three ‘sisters’ each from a different part of the country.

Nowhere is this melding more prominent than in the major coastal towns, Lae and the capital Port Moresby. Freedom of movement throughout the country is a right guaranteed to all citizens under Section 52 of the Constitution, as a reaction to colonial laws which from time to time restricted movement, particularly into towns, and PNG’s independent citizens have taken full advantage of this right.

If my field does have a spatial location, it has been the capital city of Port Moresby. The reason for this limit was purely pragmatic. Whereas Boellstorff moved around Indonesia with comparative ease, and was therefore able to select various sites for his study, I was less advantaged. Finances prohibited much inter-province travel, which in PNG must be undertaken by air, boat or foot, and I was told that research conducted outside Port Moresby required additional clearances from the relevant Provincial Governments. I also needed to carry out archival research in the National Archives and the National Court Archives. So I submitted to the need for some boundedness to my site and confined myself to the spatial field of Port Moresby where I had lived and worked for many


28 In the sense that their parents came from differently identified places or ethnic groups in PNG.

years. Within it I studied a specific habitus, ‘a cluster of embodied dispositions and practices.’\(^{30}\) Research in Port Moresby was made easy for me by the many friendships and associations I have established over the years. Doors were open to me which might have remained closed to other outsiders. Rather than needing to spend time tracking down contacts, I found that many were already waiting for me.

My experiences in PNG have served to minimise the distinction between ‘field’ and ‘home’ which persists as the traditional criterion for good fieldwork.\(^{31}\) Anthropologist friends have gone into the field to meet subjects, and emerged having made friends: I was obliged to restructure many friends as subjects, at least temporarily. This positioning has also coloured my perceptions and understanding to the point where I am often unable to distinguish what I have learned from research and reading from what I have absorbed over the years. I can ‘know’ something to be true, without being able to locate an academic reference to support it. I can recall many conversations and events which have subsequently become relevant to my research. Where I refer to such matters in my work, I can only propose them as ‘personal knowledge.’

**Mosbi, an urban site**

Port Moresby is girt with mountains and is beautiful with its lake-like harbour.

*Captain John Moresby, 1873.\(^{32}\)*

Here in the dusty streets is the most polyglot town population…. Here the new order is being born; and this is the germ of the new nation. The melting in this pot … is limited to the indigenous groups for the most part; and the Australian sauce on top does not melt officially.

*Charles Rowley, 1966.\(^{33}\)*

Port Moresby’s ‘discoverer’ was right about the beauty afforded by the great sweep of Fairfax Harbour. Unfortunately, however, he arrived in the middle of the wet monsoon season, when the hills were lush with long green grass, and it never occurred to him that the reason for the absence of tall trees and jungle

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was the local rainfall pattern. An exceptional rainshadow along this part of
the coast means that only scrawny sclerophyll eucalypts dot the harbour slopes
and the plains beyond, and by the end of the dry season even the grass is dead.

The town grew on a peninsula separating harbour from ocean, flanked on both
sides by a line of Motu-Koitabu villages strung along the coast from west to
east. The Koita were originally an agricultural people who moved towards
the coast from the foothills of the ranges to the east, while the Motu were fishing
and trading immigrants. Intermarriage and mutual gain saw former enmities
transformed as their villages joined forces in symbiotic relationship.

Map 1.1. Port Moresby today, showing the harbour at upper left, the
original town site on the peninsula, the steep slopes of the coastal hills,
the urban and suburban development inland to the east and the airport to
the far right on the eastern edge of the city.

Source: Google Earth V7.1.2.2041. (16 October 2013). Port Moresby, Papua New Guinea. 9° 28’ 39.62”S,

Nigel Oram describes how topography, land tenure systems and legislation, the
self-serving wishes of the colonial administration and subsequent piecemeal

34 Stuart, Port Moresby Yesterday and Today, 18.
35 Cyril Shirley Belshaw, 1957, The Great Village: The Economic and Social Welfare of Hanuabada, an Urban
planning have combined to produce a scattered and formless city, with residential and commercial areas interspersed with undeveloped land, much of it too steep to build on, and too high for the water supply to reach. To this list, Alan Rew has added the colonial policies of racial segregation which divided even the indigenous immigrants into ethnic groupings.

The harbour is bounded on its southern side by a long peninsula on which the original township was built. The Motu and Koita villages dotting the harbour’s edges hindered expansion along the shoreline to the north and west, so the town spread eastwards along the ocean shore past the canoe anchorage at Koki Point to Badili where, during much of the colonial era, most indigenous town workers were confined in barracks after the 9:00pm curfew excluded them from the town and confined them indoors. Curfew regulations and other laws restricting the movement of Papua New Guineans to and in towns, probably the most stringent in the world outside South Africa at the time, were gradually relaxed through the 1950s and finally repealed in 1959 following criticism from the United Nations.

Despite its poor climate and limited local agricultural resources, Port Moresby went from southern administrative headquarters to base for the Allied Forces in the southwest Pacific during World War II, to capital of the joint territory of Papua and New Guinea. After World War II, the town spread over the steep coastal hills and inland to the east. Extensive residential suburbs sprang up, including that of Hohola, the first experiment in indigenous housing. Urban development in colonial times followed a western pattern, predominantly by and for non-indigenous people, and the implementation of municipal management processes lagged well behind town growth. The repeal of laws restricting movement around the country and into towns led to a vast increase in urban migration during the 1960s, with permanent residence starting to replace temporary urban migration and the sex-ratio imbalance starting to even out, so that by the mid-1960s, according to Oram, migrant workers and their families had increased to an estimated 80 per cent of the population. The rate of urban population growth has continued to be high. Charles Rowley, however, pointed out that the sex ratio was by no means equal. In 1956, there

39 Wolfer, Race Relations and Colonial Rule, 50–54.
40 Ibid., 45, 127–32.
were four thousand single men living in labour compounds, and he assumed that this number must have increased in the following ten years, influenced by the wage structure which was incapable of supporting a family in town. In his view, this situation provoked an increase in sexual offences, prostitution and homosexuality.  

When I first arrived in PNG in the late 1960s, expatriates shopped in ‘Town’ on the peninsula, where the Pacific-wide trading companies Burns-Philp and Steamships operated department stores close by the main wharf, and the Hotel Papua and its adjacent movie theatre were the principal focuses of colonial social activity. Another retail centre complete with Burns-Philp supermarket at Boroko, one of the inland suburbs, competed with ‘Town,’ while the former site of the native-worker barracks, the Koki-Badili area with its market, tradestores and industrial area, had become the indigenous commercial centre. Increasing numbers of Highlanders were joining the ranks of urban migrants, and village ties were gradually being loosened by many urban settlers, although this process has not progressed to the extent anticipated by writers of that period. At that time, the unskilled migrant majority of the population was largely invisible to expatriate officials and academics, their settlements hidden in the hills, their comings and goings barely noticed.

The Motu-Koitabuan resentment of these immigrants grew as the newcomers began appropriating the informal sector economy. Percy Chatterton attributes the origins of the Papuan separatist movement of the early 1970s to the smaller size and compact character of this former British territory compared to that of New Guinea, and the impact of Sir Hubert Murray’s long rule as a paternalistic and protectionist Lieutenant-Governor. These facilitated the growth of a concept of Papuan unity in a way which did not happen in New Guinea, a growth which was then reinforced, as immigration increased, by the economic neglect of Papua brought about by the adoption of World Bank policies of the 1960s.

Port Moresby of the decolonisation era has been described as

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45 Oram, *Colonial Town to Melanesian City*, 105.
46 Ibid., 111.
hung in a state of endless becoming, caught midway between its earlier role as a small, European center with a surrounding galaxy of native villages and labor compounds, and the more integrated role its apologists would wish for it in the future … no longer, as it was between the wars, a small European town with a fringe of native villages and compounds. It is now a complex network of functional and spatial positions creating distinctive settings for social life while it gathers a culturally highly diverse population to fill them.\(^50\)

Everyone lived in the town, or wanted to—but no-one owned it.

Gina Koczberski and others consider that the colonial control of the urban population has been replicated in contemporary times, often in more draconian form such as police raids and the bulldozing of informal housing.\(^{51}\) Attempts to provide low-cost housing failed to satisfy the accommodation needs of the influx of migrants, even before Independence. A substantial proportion of the population, which, in 2014, has been estimated as anywhere between 300,000 and 800,000,\(^{52}\) now lives in comparatively unplanned, unstructured locations known as ‘settlements.’ John Connell estimated that there were over eighty informal settlements around Port Moresby in 2003.\(^{53}\) Keith Barber describes one such settlement, composed mainly of related families from an area in the north of the country, who deliberately moved from formal housing dispersed around town to a reproduced ‘village’ in a settlement area, which enabled them to be together, carry out a little gardening, intermarry and provide their own internal security.\(^{54}\) Anou Borrey describes another, with a multiplicity of ethnic groups and less internal cohesion—inhabitants from one section of the settlement do not move freely through another part, especially at night.\(^{55}\) But these settlements are not segregated from the rest of the town. Outsiders may see a city divided in simple spatial and socio-economic terms, with a working...

51 Koczberski, Curry and Connell, ‘Full circle or spiralling out of control?’ 2032.
55 Borrey, Understanding Sexual Violence, 74–78, 88. Anou Borrey, despite many years of living in Port Moresby and her close associations with many grassroots, was nevertheless unable to stay overnight in her field site, the settlement of Morata, because of her hosts’ disquiet regarding her safety. This was confirmed in conversation in May 2006 with a PNG friend of mine who lived in the same settlement. She told me how she must insist that a taxi taking her home at night drops her right at her door, rather than leaving her at the end of the street.
population living in ‘legitimate’ housing contrasting to an underclass of the uneducated, the unemployed and the criminal; but closer investigation reveals a city of complex social organisation, with regional enclaves established in many areas, and complex degrees and forms of socialities pervading the entire town—Michael Goddard’s ‘unseen city.’

My impression of Port Moresby over the years since the 1960s has been one of space both resisting and adapting to attempts from on high to manage and control it. These adaptations can sometimes happen with remarkable speed. A retail centre is developed, or grows around a major retail enterprise (usually a supermarket/variety store). Gradually it becomes a hunting ground for pickpockets, bag-snatchers and carjackers; its storefronts provide an outlet for the venting of frustrations in demonstrations and riots, requiring extensive boarding-up and security grilles. The colourful thronging crowds through whom I once threaded my way thin and disappear; eventually, the centre becomes a ‘no-go zone’ for most shoppers; commercial enterprises relocate elsewhere; the crowds migrate there and the cycle repeats itself.

Unofficial roadside markets selling *buai* (betelnut), fresh produce and second-hand clothes spring up and many are eventually ‘legitimised,’ achieving official recognition from the city’s governing body, the National Capital District Commission (NCDC). Residential suburbs, originally planned as spacious single-family accommodation, are transformed into multi-residential compounds with houses and their colonial domestic quarters converted to communal hamlet-style residences, offices, professional suites or ‘guesthouses’; at the same time, industrial and commercial yards in other suburbs include small living quarters originally intended for single security staff but today occupied by extended families. Roads, even the main highways, are prone to develop alarming potholes in the tropical climate; mounds of refuse compost quietly along their verges; flamboyant gardens flourish everywhere; and the most noticeable change I observed when returning in 1988 after an absence of twelve years was that all the tree saplings planted and nurtured in the dustbowl of the pre-Independence town had grown strong and tall, greening the ever-growing city.

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56 Michael Goddard, 2005, *The Unseen City: Anthropological Perspectives on Port Moresby, Papua New Guinea*, Canberra: Pandanus Press, 3–8. In a twist of supreme irony, recent times have seen a reversal of the concept of settlement as the ‘breeding ground’ of criminals: a 2008 newspaper report told of the concerns of Lae police that gangs were now active in settlements ‘prey[ing] on innocent people because of regular police presence in the main city centres.’ ‘Gangs turn to settlements for crime,’ *Post-Courier*, 3 September 2008.
The informal sector is everywhere evident, constantly defying efforts to manage and curtail its activities. Itinerant vendors roam the streets offering cold drinks and tourist artefacts. Increasingly these days, goods offered for sale include Asian imports of pencils, bootlaces, razors and so on. In the morning, these pedlars are joined by men (and recently, the occasional woman) selling the daily newspapers. Stationary vendors of food, iceblocks, cigarettes and most ubiquitously, *buai*, are to be found everywhere. Security issues have seen many vendors shift from the pavements outside their houses back into their front yards where they continue their business through wire-mesh fences. Inside many yards too are makeshift shelters for pool tables, dart boards and ‘black-market’ beer supplies. Or a tiny store constructed against the front fence sells basic tinned and packaged foodstuffs through a weldmesh security screen.
Most of the steep hillsides are still under direct government control. They are ribbed by garden plots built in the Highlands style, with downhill drainage which suits a high rainfall climate and contributes to soil erosion in Port Moresby’s rain-shadow climate. Once considered impossible to build on, the slopes are increasingly leased to land developers, particularly where water views are involved. This often involves ‘eviction’ of settler housing and destruction of food gardens.

An important feature of the city is its remarkably effective public transport system. A bus service was already operating vehicles of doubtful quality in the 1950s. In the late 1960s, the Port Moresby bus service, which provided huge vehicles on limited routes, was largely superseded by a local company, Buang Taxi Trucks, which operated a fleet of flat-top trucks with canopies and bench seats. Similar vehicles still operate rural services out to those Central Province villages which are served by road. In town today, however, the twelve- to twenty-seater passenger motor vehicles (PMVs) swarm everywhere. Most of

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these are operated as part of large fleets belonging to prominent businessmen; registration, routes and fares are controlled by a statutory body, the Land Transport Board. Taxis are more often individually owned and operated, and most are of dubious trustworthiness. Attempts to regulate their presentation, roadworthiness and fare charges are consistently foiled or ignored. Regardless of appearance and even safety, though, the PMVs and taxis of Port Moresby enable even the poorest of the population to move readily around the city. Meanwhile, the elites drive in air-conditioned four-wheel-drives, with windows rolled up and all doors locked, along ‘safe’ routes between destinations which are modelled on modern global lifestyles—supermarkets with fenced car parks patrolled by security guards with their leashed guard-dogs, five-star hotels, air-conditioned restaurants with elaborate security measures, apartments in walled guarded compounds.

![Image of high-covenant houses and apartments](photo.jpg)

**Figure 1.3.** High-covenant houses and apartments built to take maximum advantage of the spectacular ocean views. The houses are owned by politicians and other elites, and the apartments are mainly rented to expatriates.

Source: Photo by Christine Stewart, 27 January 2006.

The elites are not, however, completely insulated from their surroundings. Complex kin and ethnic networks continue to bind them into ongoing relationships which cross spatial and class boundaries. For example, a prominent lawyer friend once told me that she numbered many raskols among her relatives.
Another friend of mixed ethnicity often found herself hosting visiting relatives from the home villages of both her parents, along with those of her husband who came from a different province again. Port Moresby has flung itself together, it belongs to everybody and nobody, and the process of its self-determination and self-definition is ongoing. This then is the site and setting for my study.

**Methodology**

I have employed a range of methods in my project: fieldwork interviews and group discussions; and textual historical, legal and archival research.

**Fieldwork**

Several factors inhibited my field research in PNG. Within the city, movement and personal security were issues. I was doubly disadvantaged as a white woman. From the outset, this limited my accommodation options—rental properties and hotel/motel accommodation of a sufficiently secure standard are priced for the business and international aid market, and were far beyond my finances, while cheaper accommodation presented real dangers. I was lucky to be able to stay with friends, but I had to purchase my own car, as nowadays it is not safe for white women to use public transport—in fact, any women travelling alone in buses or taxis are liable to be robbed and even raped, and white women are an even more conspicuous target. I was limited too in the locations I could visit for talk and ‘hanging-out.’\(^{58}\) I should have liked to spend more time for example in the urban-fringe village of Hanuabada observing the day-to-day life of the gay households there, and at nightclubs while the sexual networking process was operating, but personal security was always at issue, and I could go there only in the company of friends or outreach workers. I was able to persuade friends to drive me around some settlement areas in the daytime, for purposes of viewing and photography, but they were not entirely comfortable with this. On the other hand, my large range of friends and acquaintances, and familiarity with the city itself, enabled me to pinpoint destinations and get myself there safely, and to network swiftly and effectively.

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\(^{58}\) I am not alone in this. Even PNG women researchers experience such inhibiting measures. Fiona Hukula, a PNG researcher with the National Research Institute, was advised by her peers to recruit a male research assistant when interviewing convicted rapists at Bomana Prison outside Port Moresby. Fiona Hukula, 2012, ‘Conversations with convicted rapists,’ in *Engendering Violence in Papua New Guinea*, ed. Margaret Jolly and Christine Stewart with Carolyn Brewer, Canberra: ANU E Press, online: http://press.anu.edu.au?p=182671, accessed 28 March 2014.
Interviews

I conducted interviews with ‘background respondents’ and ‘subject respondents.’ Although I contacted many respondents through an NGO, Save the Children’s *Poro Sapot Project* (PSP or Poro Sapat), this project was not my only source of interviews. Moresby is not so large that people can disappear completely, and it is easy to locate and connect with those from all walks of life. What helps most are the kinship and pseudo-kinship networks which operate throughout the city and beyond. Some of those I interviewed were friends of long standing, others were contacted through a snowballing process. Limitations of time and finance precluded any form of exhaustive, quantitative surveying of sex sellers and gays, even in the circumscribed locale of Port Moresby, and besides, I was more interested to hear my respondents speak for themselves. My interviews were thus largely unstructured.

Despite my long acquaintance with PNG, or perhaps because of it, I was acutely sensitive to the possibilities of my status as the ‘other,’ on several counts—as an expatriate, as an older woman who had never sold sex, as a woman interviewing gays, as a comparatively well-off, highly educated researcher from overseas. I realised that this would probably affect my interviews in various ways.

I was aware that women who sell sex had been intensively surveyed for at least a decade in PNG, principally for the purposes of behavioural research related to HIV. I felt uneasiness at the prospect of approaching these women to ‘study’ them yet again, so I held off seeking interviews until I had established some measure of friendship. My contacts were limited mainly to those I contacted and learned about through Poro Sapat. They were representative of the freelance women of the streets and guesthouses. Although I was able to observe women and girls at various nightclubs on site visits, these visits were conducted for outreach workers to establish and confirm early contact, conduct awareness discussions and encourage them to visit the Poro Sapat clinic. I did not want to disturb this valuable work by trying to arrange or take interviews.

By contrast though, while I had thought that I would encounter serious difficulties and embarrassments interviewing gays and transgenders, I was quite wrong. The fact that I was a woman and an expatriate seemed to make it easier, not harder. The floodgates opened, and I was treated to detailed descriptions of the first love affair, the greatest love affair, ‘the worst event in my life,’ ‘how I came out to my family’ and so on; not to mention several requests to me to source an expatriate partner. I think I became viewed as a kind of *mama* and my subjects were more than comfortable to treat me to their

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59 Contrast the difficulties encountered by Fiona Hukula in interviewing male prisoners convicted of sexual offences. Hukula, ‘Conversations with convicted rapists.’
confidences. This in itself said a lot about their place in society, how outcast and rejected they often felt, how much they needed someone, anyone, and especially surrogate ‘family,’ to confide in, even to use as a mouthpiece:

When people doing a research, what are you coming out with? what’s the whole idea of the research? you trying to let people … you trying to let the government, even let the leaders know that we exist?… I don’t mind about people doing research, when people doing research, we are happy, because at that time that we be coming out. When people make a research on MSM … let’s go there, give information … they can work for us, because we can’t work and talk for ourselves (Timothy).

Another difference is that between identity and behaviour. Same-sex attraction, often though not always acknowledged as an identity, is what one can or may feel, whereas selling sex is something one does. The gay community of Port Moresby has learnt how to conceal identity in public spaces, so there is less to lose in coming out in a safe space to a sympathetic companion. By contrast, women selling sex in PNG may be ‘clerks, betel-nut sellers, housewives, collectors of firewood, struggling widows, girls doing Grade 8, job applicants, and women seeking to marry expatriate boyfriends,’ and it is these identities, not that of ‘sex worker,’ which predominate. Selling sex is what many women do, whether short- or long-term—and they must advertise themselves, however subtly. In situations where women are identified as ‘sex workers’ or ‘prostitutes’ and are being questioned as such, the stigma and discrimination that they anticipate can cause discomfort and embarrassment.

By contrast, while there is a wealth of information, study and public debate on sex-selling, there is little on issues of homosexuality. These differences are part of the reason why I ended up with numerous interviews with gays and far fewer interviews but more other data on selling sex.

In order to discover what adverse consequences gays in Port Moresby faced due to the criminalisation of anal sex and ‘indecent dealings’ between males, I interviewed and talked with gays of various ages, from various social and class backgrounds, both within PNG and from overseas. I cannot state definitely that my sample of gays was representative of all gays in Port Moresby, much less throughout the country. Sexuality must be concealed in public, and there is a large measure of denial. For example, of the grand finalists in a drag competition in late 2006, all of whom came out openly about their sexuality during the

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61 I was interested to observe at a sex workers’ forum organised in Port Moresby by the Australian Sex Workers Association Scarlet Alliance in 2006 that the predominantly street-work women attending were largely reticent and very casually dressed, while the Palopas present were gorgeously attired, carefully made-up, and cheerfully forthcoming about selling sex.
event, five were married men who had male partners for casual sex, but kept a low profile so as to hide their sexuality from their wives.\textsuperscript{62} Elites had more to lose and proved harder to contact than, for example, impecunious grassroots. Nevertheless, as many of my interviews were arranged via networks of friends from many walks of life, I was able to obtain a reasonably wide sample. I have seen a study conducted under the auspices of the PNG Institute of Medical Research (IMR),\textsuperscript{63} purportedly using a sampling method (respondent-driven sampling, RDS) which if properly used should result in a sample which is representative of the target population with respect to key indicators.\textsuperscript{64} I consider that the sample derived for that study is more limited than mine, but I still cannot claim that my sample is truly ‘representative’ of all groups in Port Moresby. However, I do know that the gay community of this city, which is in reality a small post-colonial town, is close-knit, with long-standing interwoven relationships, and I can guess that I have covered a reasonable range.

My gay respondents fell into three broad categories: the self-identified transgenders who corresponded to those in the IMR study, many of whom were unemployed; gays, usually employed, who may or may not be open about their sexuality, although all have identified to some degree and formed or joined networks of both nationals and expatriates; and expatriate gays who have lived for a considerable length of time in PNG and have long-standing associations (not only sexual) with PNG men. As my research is not behavioural or related to HIV, I was not concerned with enquiring about sexual behaviour or HIV status, and I made a point of explaining this from the outset. Nevertheless, occasionally these matters would come up spontaneously.

Sex sellers, however, were less accessible—those working in clubs were subject to continual scrutiny by the management, and I was only able to talk with the street workers who came to the safety of the PSP drop-in centre. But still, informal meetings in safe spaces were one thing—finding a private space and going through the formalities of obtaining consent for a recorded interview were another. Even where this process had been completed, I still learned as much if not more during casual conversation with those interviewed, while driving, sharing a meal or meeting in other such informal circumstances. I was however able to observe other forms of sexual networking, for example in nightclubs, but deliberately kept a low profile there so as not to jeopardise the HIV awareness work of the outreach workers who took me to these sites, or the operations of the clubs themselves, which have come under repeated attack.

\textsuperscript{62} Poro Sapot Project database 4 October 2006 (from fieldnotes). These events are held in ‘safe’ clubs with heavy security.


\textsuperscript{64} Ibid., 8.
from politicians and other leaders in recent years.\(^{65}\) By contrast, however, there was a wealth of documentary material relating to selling sex. In addition to the Three-Mile Guesthouse Raid interviews, I found debates of decriminalisation and legalisation spanning decades in the daily newspapers, reports and publications stemming from behavioural surveys in connection with HIV, and so on. While the sale of sex was over-studied and commented upon, gays were largely invisible. This contrast moulded my own methods.

I was also aware that much of my sampling, both of gays and sex sellers, was skewed towards the least educated and most socially disadvantaged, those with the least to lose by agreeing to exposure to the extent of being interviewed by me.\(^{66}\) This was truer in the case of the women I interviewed who sold sex, as many of the gay respondents contacted through my own networks were of significantly higher social status: employed, sometimes in very good positions. The more socially disadvantaged, however, were more forthcoming and more relaxed in large groups.

The subject positions I detected or assumed in my respondents may also have placed some constraints on what they told me. I was aware that much of the information I received was given for a reason. Whites in PNG are highly visible and assumed to be very rich. Indeed, despite my financial constraints, I was well-off in comparison with most of the people I mixed with. This perception introduced a ‘victim’ discourse into many interviews. Gay interviews for example often elicited declarations such as ‘it’s hard being a gay man in PNG,’ etc. I was sometimes expected to provide a high level of financial and other support (for example, money for the purchase of costumes for the drag shows which I was invited by participants to attend). My interviews with women who sold sex all elicited the reason for their situation as being that of abused or rejected wife, eventually obliged to take to the streets to support herself and possibly her children—the narrative of the events leading to their current situation was told in great detail, but little was said about their daily lives selling sex. However, the abused-wife narrative may not be the only one available to them: rather, the ‘victim’ narrative is usually the first and easiest to reproduce; the expectation of stigma following an admission of selling sex provokes the wish to avoid it.\(^{67}\) This contrasted with the group of male sex sellers I interviewed who were quite happy to describe where, how and to whom they and their friends sold sex.

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\(^{65}\) One site visit in 2006 involved our group (some eight people, including two field staff from USAID) waiting for at least half an hour outside the door while the PSP outreach workers talked us in—the management was very nervous after a recent public attack on nightclubs by politicians, reported widely in the press.


\(^{67}\) Pers. comm., Friends Frangipani outreach worker, Port Moresby, 23 August 2008. Friends Frangipani is a sex worker network for PNG established by Scarlet Alliance, the Australian Sex Worker Association.
I was also aware that the statements made by the women involved in the Three-Mile Guesthouse Raid, being made for a specific purpose (a possible court case for damages), were for the most part deliberately lacking any outright admission of selling sex, while at the same time dwelling at length on the injuries they sustained. Only one or two of those making statements admitted to selling sex, and then felt obliged to proceed to explain the domestic circumstances which compelled them to follow this course. This stand reflects not only the fact that they were advised to conceal their allegedly criminal activities, but also illustrates my point that they were simply ordinary women and girls engaged in earning some form of living from PNG’s extensive informal sector.

**Interviews—language and translation, names and textual references**

Most interviews were conducted in English, sometimes mixed with Tok Pisin. Many of the negotiations and informal conversations were conducted in a mixture of English and Tok Pisin. I am comfortable using Tok Pisin or a mixture of Tok Pisin and English in written and verbal contexts, and all translations are my own, unless otherwise specified. As English was usually not a first language for most respondents, many of the interviews were disjointed, with words or phrases repeated or altered. I have omitted these repetitions and hesitancies, indicating them only with ellipses. Spelling and grammatical errors in interview statements and original texts, particularly those in English, have been reproduced uncorrected, as have disjointed statements in interviews. Where I offer a translation or an alternative for a term, or an explanation of a matter in a quote, it appears in square brackets.

Names of ‘subject respondents’ have been changed where appropriate or requested. All respondents were given this option, and many chose their own pseudonyms. However, many of my respondents did not fully understand the implications of confidentiality. Some gays chose obvious nicknames, ‘stage names’ from drag shows, or the fairly identifiable ‘girl’ names they used amongst themselves. In these cases, I have altered and re-coded their names. A list of respondents with their names (or pseudonyms), date of interview or document receipt and other relevant matters is given at Appendix 1.

I have used the generic term ‘outreach worker’ to refer to the various officers, workers and volunteers involved with organisations and bodies in PNG which are involved in some capacity with sex-sellers or gays. Unless permission to use a name was specifically given and its use is appropriate, ‘outreach worker’ is used for purposes of confidentiality. Third persons named in interviews have all been referred to as X, unless the person referred to is a public figure and/or
has given permission to be referred to by real name. All places are referred to as Z, where it was thought necessary to conceal a place-name for the protection of respondents.

Regarding names appearing in cases and case files, etc., I have proceeded on the following basis: written case judgements, whether Reported, Unreported or Unreported and Unnumbered, are in the public record (the first two categories may be found on the shelves of The Australian National University Law Library, and more recently, online at www.paclii.org). Records pertaining to cases for which no written judgement was made or is extant are nevertheless (in principle, at least) accessible to the public at the PNG National and Supreme Court registries. It would be absurd to change names and then be obliged to cite the real name in a case or file reference. I have not therefore altered or concealed any names in case materials except for names of witnesses where they do not appear in judgements.

Textual materials

Legal materials

Case decisions are in the public domain and comparatively easy to access, being the foundation upon which the law of the courts is constructed. PNG case decisions may be located in hard copy in various libraries, and in digital form online at the Pacific Islands Legal Information Institute or via the digital database pngInLaw. Statistics on trials and convictions may be compiled from Annual Reports. But the case files themselves, which often tell a far more intriguing story than the bare bones of the law reports and statistics, can be much harder to discover. The court files were undergoing restoration at the time of fieldwork and very little could be located there. I relied principally on legal files held in the PNG National Archive. In the main, these were Crown Prosecution files dating from before Independence, preserved in Australia and subsequently returned to PNG in the 1980s.

One of the principal constraints that I encountered was in locating information on prostitution cases in the courts. While charges relating to sex between males

68 But see Jean G. Zorn, 2010, ‘The paradoxes of sexism: proving rape in the Papua New Guinea courts,’ LAWASIA Journal, 17–58, 44n70, where she explains why ‘one can never be quite sure that one has found every Papua New Guinea court decision.’
71 For a relevant example of this process see Robert Aldrich, 2003, Colonialism and Homosexuality, London & New York: Routledge, 251.
72 I am deeply grateful to the National Court library and archivist staff who did their best to assist me.
are brought in the superior courts,\textsuperscript{73} charges for prostitution are brought in the lower District Courts. Although some magistrates have recently begun reporting their decisions, I was advised that general District Court records are most unlikely to have survived. Apart from two significant appeal cases in the National Court, I have had therefore to rely on random accounts of prosecutions, such as newspaper reports.

Research in the National Archive proved difficult. Archives are in a sorry state in PNG, either uncatalogued, poorly indexed or vanished forever. Unfortunately the National Archive proved the least cooperative and most inaccessible of repositories. In 2006 when I conducted most of my fieldwork, it opened only three days a week for limited hours. Justice files were all stored in a separate and run-down building to which I was denied access, and items I wanted had to be ordered at least half a day in advance, a fairly standard practice, but in this case the requirement sometimes led to mix-ups in requests, and some files when finally delivered proved to be empty. I was not allowed to photograph documents, as I was told that the Archive relies on making money through the sale of photocopies.\textsuperscript{74} Here again, mix-ups occurred: many files had to be sent back for re-copying several times before the correct versions were obtained. All this was time-consuming. And last but not least, the Archive building itself is in a dangerous location, and friends constantly warned me to take particular care there. The town-planners of the more easy-going 1970s had decided to conceal such buildings as the Archives, the National Library and the Arts Theatre in hollows between artificial hillocks, which these days provide perfect cover for Port Moresby’s notorious raskol gangs bent on armed robbery. I would arrive in the morning, scuttle from my car into the safety of the heavily fortified building, out again when it closed for the lunch hour, back again afterwards for two more precious hours of work, and then out again. These anxieties about my personal security provided an ironic backdrop to my scholarly search for records of old crimes.

Other documents

As well as reviewing the historical and anthropological literature on sexuality, colonialism and the Independence era in PNG, I combed newspaper and magazine records held in the Australian National Library, Canberra, and the PNG National

\textsuperscript{73} Termed the Supreme Court before Independence and the National Court after Independence: see Table 3.1.

\textsuperscript{74} The same income-generating principle applies in other places, for example the National Research Institute library, but I was always allowed to photograph documents there and in other library and archive collections in PNG. The National Archive was an unfortunate exception.
Research Institute (NRI). The two current PNG dailies, the Post-Courier and the National, have become available online in recent years. The Pacific Manuscripts Bureau has been particularly helpful in tracking down documents and images.\textsuperscript{75}

I obtained further assorted materials from various sources. These have included a detailed personal account of the circumstances surrounding Mala’s Case; a compilation of accounts of blackmail and accompanying violence provided by a gay friend; a broken series of an annual compilation ‘Summary of Sentencing’ for most of the 1990s, provided to me by the National Court judge who compiled them, and which show the number and type of ‘unlawful carnal knowledge’ cases coming before the National Court; the Poro Sapot Database for the years 2005–2007, which records the activities of outreach volunteers (OVs) in distributing condoms and promoting HIV awareness among sex sellers, their clients, gatekeepers and receptionists at clubs, guesthouses etc., and includes background comments by workers on issues raised; various reports and publications prepared in connection with the management of the HIV epidemic in PNG; items posted to electronic mailing lists, chiefly concerned with anthropology or HIV; and other documents in my personal possession, collected over time. Much of this material was only accessible through the contacts I have referred to above.

The Three-Mile Guesthouse Raid materials include accounts in the PNG daily newspapers of the time; statements made by those caught up in the raid for the purposes of mounting a claim for damages for infringement of human rights;\textsuperscript{76} accounts from interviews with social workers involved in assisting those arrested; and background information from others involved. Materials on selling sex in general in Port Moresby consisted of interviews with past and present street workers; observations at brothels, nightclubs and known sex-selling venues in Port Moresby; notes which I took upon attending a forum organised under the auspices of Scarlet Alliance, the Australian Sex Workers Association, in 2006; and further material obtained from officers of the international organisation Human Rights Watch, who visited PNG in 2004 after calling in at The Australian National University.\textsuperscript{77}

\textsuperscript{75} The Pacific Manuscripts Bureau is based in the College of Asia and the Pacific at The Australian National University, Canberra. It is a non-profit organisation sponsored by an international consortium of libraries specialising in Pacific research, online: \url{http://asiapacific.anu.edu.au/pambu/about.php}.

\textsuperscript{76} These statements were later verified by the makers who gave permission for their use in my research.

Key concepts

Papua New Guinea

Throughout its colonial history, the now Independent State of Papua New Guinea underwent several name changes, effected by the legislatures of the metropole: from British New Guinea to the Territory of Papua, and from New Guinea to the Territory of New Guinea; the two amalgamated first as the Territory of Papua and New Guinea, and then as the Territory of Papua New Guinea. Ultimately the name Papua New Guinea was adopted upon Independence. For simplicity’s sake I use the term Papua New Guinea (commonly abbreviated as PNG) throughout, regardless of the precise name pertaining to the period under discussion (except where the context requires otherwise). I also follow Edward P. Wolfers in using the term ‘Papua New Guineans’ to refer throughout to the indigenous inhabitants of the two territories and the subsequent nation, whether before or after the Independence era of the 1970s when the term came into general use.78

The term ‘Papua’ has undergone some dramatic changes. Until Independence, it was used to describe the southern part of the country, and the boundary between it and ‘New Guinea’ was that drawn up in 1899 between Britain and Germany to demarcate their respective spheres of influence.79 At Independence, this division was abolished, but de facto differences of cultural tradition, languages etc. have remained. Recently, the name has been applied to the Indonesian province of the western half of the island. Where I use the term however, I intend it to apply to the region formerly constituting the Territory of Papua to the south, and particularly those coastal areas bordering the Gulf of Papua.80

Prior to Independence, the divisions of the country were termed ‘district’; this was changed to ‘province’ at Independence. I have used ‘district’ when talking about pre-Independence times, and ‘province’ thereafter. Some names and spellings were subsequently altered too, so that ‘West Sepik’ became ‘Sandaun,’ and ‘Chimbu’ became ‘Simbu.’ The legality of the name changes has been questioned, so I have used the name most commonly in use today, except where directly quoting text.

78 Wolfers, Race Relations and Colonial Rule, 10n1.
80 The situation is further complicated by the use of ‘Papuan’ to denote language family, ethnicity and political division.
Selling sex

The terminology used for transactional sex is highly problematic. Terms have been imported from overseas, derived from various PNG languages, and invented (both as applied by others and for self-application). Many terms in common use are rejected by those to whom they are applied. Localised groups may invent their own terminology.

The familiar English terms ‘sex work’ and ‘prostitution’ and their variants are not universally accepted in PNG. ‘Prostitute’ and its variants are the language of the law, and still used frequently in the media. Similarly, the term ‘brothel’ is used in the law but rarely appears elsewhere, except in newspaper reports intended to excite and scandalise. Only very recently have establishments appeared which may truly be termed brothels.

In many countries including Australia, the term ‘prostitute’ has fallen into disrepute due to its connotations of immorality and unworthiness. To represent the discursive shift from moral to economic terms, ‘sex worker’ is preferred instead. For example, in 2004 the then Coordinator of the Global Network of Sex Work Projects, an informal alliance of sex worker rights’ activists working within sex work projects around the world, posted a defence to the network’s eForum of the term ‘sex worker’ in preference to the stigmatising ‘prostitute.’ The term ‘sex work’ implies a modern form of freely-chosen employment whereby money is exchanged for a sexual service of some kind, thereby focusing attention on the economic rather than the moral aspect of the activity, and assuming individuated agency on the part of its practitioners.

But there are those who do not agree. The term ‘sex worker’ is shaped by specific (and for PNG, foreign) cultural assumptions regarding the purpose of selling sex and the agency or lack of it involved. In third-world situations, there are many other forms of sex-for-money and the sale of sex is not necessarily seen as a profession, but as a means of survival. ‘Terms such as ‘survival sex’ or ‘transactional sex’ seem more appropriate in the PNG setting.

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Holly Wardlow challenges all of these, however, pointing out that although the Huli passenger women of the Southern Highlands whom she has studied exchange sex for money, their ‘initial motives have little to do with material necessity and everything to do with anger and resistance.’ And Martha Macintyre challenges the whole culture of devising ‘harmless’ terminology:

Calling them ‘sex workers’ seems to me to be a bit ludicrous in all societies—changing the name is an especially middle-class liberal response that confuses the subject of the hostility—which is selling sex—with a word. If the sex worker is still selling her body, she’s still stigmatised.

The HELP Resources report on the commercial exploitation of children in PNG also queried the term and its implications of agency when it is applied to children and young people. In this situation, it fails to take into account the reality of their experiences in selling, or being sold for, sex. The report preferred to use the term ‘child prostitution.’ In 2008, UNAIDS supported this limited use of the term ‘prostitution,’ and proposed the terms ‘commercial sex,’ ‘sex work’ or ‘the sale of sexual services.’ In 2010, stakeholders in the Askim na Save survey of sex-selling and associated violence in Port Moresby agreed on the term ‘people who sell and exchange sex.’

A variety of terms from Tok Pisin is used in PNG to describe commoditised sexual conduct, depending on the person talking, the nature of the conduct and the locality in which it is carried out. For example, pamuk [slut], raunraun meri [lit. mobile woman], and tukina [two kina, a reference to the long-standing price standard] are common; pasinja meri [passenger-woman] has displaced the

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85 Holly Wardlow, 2001, “‘Prostitution’, ‘sexwork’, and ‘passenger women’: when sexualities don’t correspond to stereotypes,” paper presented at the 3rd IASSCS Conference, Melbourne, 1–3 October: 1018; Wardlow, ‘Anger, economy and female agency,’ 1037; and see also the testimony of Kuragi Ku in Monika Jon and Others v Dominik Kuman and Others (unreported), N253, 8 August 1980 (Monika Jon’s Case).
86 Pers. comm. with Martha Macintyre per email, 25 January 2009.
89 Angela Kelly et al., 2011, Askim na Save (Ask and Understand): People who Sell and/or Exchange Sex in Port Moresby, Sydney: Papua New Guinea Institute of Medical Research and the University of New South Wales, 6. This survey sampled people nine years of age and older, and at a community feedback pre-publication session in Port Moresby to which I was invited, we were told that ethics approval for sampling minors without parental consent took a year to obtain, and required the construction of a category of ‘liberated minors’ (field notes, 4 Nov 2010).
90 Pamuk comes originally from the Samoan pa’umutu (slang pronunciation pa’umuku) where it referred to a girl who lost her virginity without the appropriate ceremony in pre-Christian times, but has come to mean a prostitute or slut in modern Samoan parlance. It was probably introduced into PNG either by labourers returning home from work on German plantations in Samoa between 1880s and 1914, or by Samoan LMS missionaries—pers. comms, Penelope Schoeffel, 27 February 2005 and 2 March 2005; and the Reverend Latu Latai, Canberra, December 2011.
former haiwei meri [highway-woman]; and in the Highlands, fô’kopi [4-coffee, a reference to the fourth or lowest grade of coffee] has recently come into use.\textsuperscript{91} All are highly derogatory. Variants on the term ‘sister’ (asidua, sista-sista) are used by sex-seller women themselves;\textsuperscript{92} and another term currently in use in several places is ‘problem mother,’\textsuperscript{93} referring to the fact that most women on the streets are there because they have fled, or been cast out from, abusive marriages, and consequently live with problems.

I decided wherever possible to refer to the process rather than the practitioner and have used variants on the terminology of the Askim Na Save report, which uses ‘selling or exchanging sex.’ I use ‘sex worker’ in the context of international movements, and ‘prostitute’ where appropriate, particularly when discussing the law. On occasion, I also refer to ‘the sex trade.’\textsuperscript{94}

**Homosexuality**

The terminology in respect of male-male sex is similarly problematic. The connections between the social constructs of ‘sex’ (a person’s biological sex determined from genital attributes), ‘gender’ (the social dimension of personhood) and ‘sexual orientation’ (the direction of sexual or affectional desire) have long been the subject of intense scrutiny and debate in the West,\textsuperscript{95} where this categorisation is constantly changing and evolving.\textsuperscript{96} The distinction between identity and action, so crucial in the law, is blurred. Moreover, the standard accepted categories and the terminology applied to them are not

\textsuperscript{91} Holly Buchanan et al., 2010, *Behavioural Surveillance Research in Rural Development Enclaves in Papua New Guinea: A Study with the WR Carpenters Workforce*, Port Moresby: National Research Institute, 39.

\textsuperscript{92} The provincial groupings of the Friends Frangipani network have chosen names involving ‘sisters’: ‘Sky Sisters’ for Port Moresby, ‘Paradise Sisters’ for Goroka, and so on.

\textsuperscript{93} I have heard ‘problem mother’ in Port Moresby, and was informed by a friend that it is also used in Wewak, on the northern coast of mainland PNG. See also Elizabeth Reid, 2010, ‘Putting values into practice in PNG: the Poro Sapat project and aid effectiveness,’ *Pacificurrents* 1.2 and 2.1, (April), online http://intersections.anu.edu.au/pacificurrents/reid.htm/, accessed 9 August 2010.

\textsuperscript{94} While it may be argued that this refers to the entire scope of commercial sexual activity (see for example Anne McClintock, 1993, ‘Sex workers and sex work: introduction,’ *Social Text* 11 [Winter]: 1–10, 2), I use it here in its PNG context.


necessarily applicable in non-western countries such as PNG. Nor is the presumed direct and immutable connection between behaviour and identity. Much is borrowed, but much also is adapted.

I will deal first with the localised terminology of homosexual identity. As with sellers of sex, a range of names and terms is applied to non-heteronormative men in PNG: manmeri [manwoman]; geligeli [girlie-girlie]; askan [arse-cunt], also abbreviated to AK; suckers; vavine or kekeni (Central Province language terms for woman, girl). Some of these appellations are derogatory.

The internationally recognised terminology ‘men who have sex with men’ or ‘males who have sex with males’ and its acronym MSM describe behaviour, not identity, but is becoming accepted in many countries and cultures, as an identity appellation. The term ‘encompasses a range of identities, networks, behaviours and collectivities, and includes sexual behaviours of those who do not self-identify as practicing sex between males at all.’ It has been imported into PNG as part of the HIV discourse, and is most commonly used in NGO settings. But it has encountered a measure of disfavour:

Even when used as a description of persons with a particular behaviour, rather than an ascription of identity, it is obfuscating in a culture where the sexual practices of the men may include regular and transient sex with women as well as men, the sale and purchase of sex with both women and men, and non-commercial sex.

I found that in Port Moresby, MSM is rarely used outside the NGO working environment—the only occurrence in interview that I came across was a tentative,

I got into high school and then I was introduced to—what do you call it? MSM? Then I didn’t know what it was, and why I was getting involved’ (Fred).


100 Definition used at the ‘Risks and responsibilities male sexual health and HIV in Asia and the Pacific’ International Consultation, New Delhi, India, 23–26 September 2006, and set out in Pukaar 56, January 2007, 15.

101 Hershey, ‘Reflections on Poro Sapot,’ 6; Elizabeth Reid, ‘Putting values into practice.’

102 Elizabeth Reid, ‘Putting values into practice’; and see Maibani-Michie and Yeka, Baseline Research for Poro Sapot Project, 20.
The term *geligeli* is sometimes used but usually carries similar negative connotations to those attaching to *pamuk*; *geli* as an adjective however is often used by gays for ‘effeminate.’ Many respondents prefer the term *gay*:

When people say ‘gay,’ then I put myself into that category (Len).

I don’t like being called homosexual or *geligeli*. The word I like is ‘gay’ (Douglas).

The gay and transgender people of Port Moresby have formed strong bonds. In the absence of any established categories or indigenous names such as can be found in Polynesian countries to the east, they are constantly inventing their own terminology. While I was doing fieldwork, they were using one such invented term, *Palopa*, which I was told was derived from ‘Jennifer Lopez.’ They developed a complex system of ascriptive and descriptive terms for themselves:

*Palopa* is the general term, but ‘sister-girl’ refers to the ones that are so obvious, any time you see them you know that sister-girls are transgendered, ‘open flowers.’ ‘Closed flowers’ are the ones at the moment you cannot tell…. ‘Sister-girls’ refers to … all the pretty ones. *Palopa* is just a big term for all of us (MSW).

‘She,’ ‘girl’ and ‘sister’ are often used by gays to refer to each other. ‘Sister-girl’ has replaced *Palopa* for some. Other terms have come and gone.

Categorisation in itself is problematic. As Carol Jenkins points out, ‘Sexual identity has little meaning in PNG,’ although some have tried. As Len explained,

I never got myself involved with the gay people from the village [Hanuabada]. And when I say a gay person from the village, I would normally refer to those who are feminine. And so those are the people that you would call *geligeli* in the village. Some people would see me as I’m not gay, because I don’t get myself involved with…. I’m not feminine, I’m not dainty-dainty, so they wouldn’t put me in the same category as the ones that they call *geligeli* in the village.

Timothy had been to international meetings and conferences, and was grappling with all he had learned there:

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104 Despite my avoidance of acronyms, I have used ‘MSW’ (male sex worker) to denote an unidentified participant in one group discussion where no names, real or pseudonym, were used, see Appendix 1.
Sometimes we have tags on…. I have a special kind of a tag, it’s a permanent tag on me, meaning that I’m a gay … gay meaning that I have sex with men, some gays may be a bisexual, they are playing both ways, or some sex can be insertive-receptive, they can give and they can take, but they come under one tag … when you open it, there are lots of colours coming up. Sometimes it’s very hard to identify a straight man but he’s a gay … it’s a gender problem!… We know where we are going to, we know how we are playing…. But sometimes I confuse myself, I sometimes sit down and think, what am I?… I’d like to know why people don’t understand people—because of inability in gender, or otherwise … people put people into boxes … that’s my identity, anyway … I cannot change overnight to become a ‘real man,’ it takes time to … you know, to come to a stage where we think we need to be stable…. I will never become a real man.

Or categorisation may be rejected altogether:

To be honest, I don’t like labels, like ‘you are gay.’ I’ll categorise myself as a man who likes other men. Even though I’m straight-acting, most girls they like going out with me, but I don’t prefer them, I prefer going out with guys. I don’t like to call myself like, I’m gay. I just like going out. If when someone finds me attractive, that’s it. I don’t like to identify myself (Colin).

Many gays, both expatriate and Papua New Guinean, borrowing from practice overseas, have assumed female nicknames which they use amongst themselves:

We do have geli names, ‘she’ names, just for fun, when we’re sending emails or sms, calling up, then we use these names (Barry).

I have used ‘gay/gays,’ ‘Palopa,’ or ‘sister-girl’ as appropriate to the context throughout. I prefer not to use the term ‘gay men’ as many gays do not always identify as ‘men.’

The labelling of behaviour is similarly fraught with confusion. Until 2003, when significant amendments were made, the Criminal Code as adopted from Queensland used the arcane term ‘carnal knowledge against the order of nature’ for anal sex, whether involving a male or female person or an animal. ‘Carnal knowledge’ is used in reference to other sexual acts in this version of the Code (incest, sex with a child, defilement and so on) and has been understood to refer to sexual penetration,\(^{106}\) though it is nowhere defined as such—the only explanatory provision states:

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\(^{106}\) ‘Carnal knowledge’ has been replaced by ‘sexual penetration’ by the 2002 Criminal Code amendments.
When the expression ‘carnal knowledge’ or ‘carnal connection’ is used in the definition of an offence, the offence, so far as regards that element of it, is complete on penetration (Section 6).

The consequence of the ubiquitous use of this term has been that the usual court and legal office classification system of criminal cases categorises all such cases under ‘carnal knowledge,’ making it difficult to separate out cases of sex between males, as I found when consulting the indexes in the PNG National Archives.

‘Carnal knowledge,’ however, is a term confined to legal circles. Common parlance in PNG (and elsewhere) has resorted to the Biblical ‘sodomy,’ although exceptionally, in a 1972 Full Court judgement, one of the judges, an Australian, made repeated reference to ‘buggery.’

The term ‘sodomy’ has had an interesting journey through PNG English. It was used from earliest times when homosexual behaviour and practices were suspected or discovered by early administrators, unless coy circumlocutions were employed. Gradually, ‘sodomy’ in media and urban middle-class discourse has acquired new meanings. A long string of cases dealing with male rapes and sex with boys has dominated the legal discourse, to the point where factors of age and consent are no longer taken into consideration. In addition to its broad meaning of anal sex irrespective of the gender of the recipient, it has come to be applied to any form of sex between males, irrespective of age and questions of consent or force. The Post-Courier front-page headline of 21 January 2006 heads a story of forced sex with and between juveniles in prison (Figure 1.4):

107 Prentice J, in R v M.K. [1973] PNGLR 204: 210. At 211, he applied the same term to a United Kingdom case of bestiality involving a dog.


For non-anal sex between males, the Criminal Code at Sections 211 and 212 uses the terms ‘indecent treatment,’ ‘indecently deal with’ and ‘act of gross indecency.’ Although the 2002 amendments to the Code replaced ‘carnal knowledge against the order of nature’ with the term ‘sexually penetrates’ (and its variants) and repealed Section 211, the language of Section 212 remained undisturbed.

My use of terminology throughout this work is similarly confused, and strongly reliant on context and associated quotations. I have in the main used ‘gay’ when referring to identities, ‘homosexual’ when discussing theory, the relevant specific terms when discussing case law, ‘male-male sex’ or ‘sex between men’ as generic terms for activity, ‘MSM’ in the context of modern international activism, and so on. In this confusion, at least, I am on a par with my respondents.

The goal

I ask whether the law has had an effect on PNG society’s perceptions of and attitudes to these two forms of criminalised sex between consenting adults in private. Do those who sell sex and males who have sex with other males suffer adverse consequences due to this criminalisation, as Goodman found in South Africa, and if so, what are the consequences? What other influences affect them? Should these acts be decriminalised, and relegated to the sphere of private and
personal morality? If so, how and to what extent should the law’s control be relaxed? These and related questions form the major concerns of this book. Sex worker Elena Jeffreys asks, why should a researcher research sex workers? If so, my own answer in relation to my research on both sex sellers and gays in PNG is this: I want their stories told. I want to expose the effects of criminalisation, I want people to know how the laws and the rhetoric which keep these activities criminalised is dramatically influencing the collective future of PNG.

This chapter has provided an introduction to the theme and approach of this book. It describes the setting of Port Moresby the capital, my long association with PNG, and the personal knowledge and experience which I bring to my work. I outline my reasons for the goal I have set myself, and summarise my terminology, methodology and materials.

Chapter 2 sets out the theoretical framework to my research, based in Foucault’s theories of societal sexual self-regulation and the deployment of discourse, and then presents the PNG background as it relates to my question: colonial regulation of sexuality, the development of the PNG police culture and human rights; the religious and medical discourses of sexuality in PNG; the development of a middle class and some effects of modernity.

In Chapter 3, I introduce some recent commentary on Foucault’s theories, and arguments which uphold a view that in Foucault’s modernity, law has not disappeared, rather it has retreated to police the boundaries of the societal norms. Through its fixed nature, law maintains the boundaries and works to constitute the norm. But its responsive aspect enables it to be re-constituted by changing societal norms, which compel it to alter the form and limit of those boundaries in the law-reform process. The chapter looks at the ways in which sex sellers and gays have been and continue to be disadvantaged by the law. It describes the PNG system of state law, its relationship to customary legal systems, its development and its composite nature, and special features of the criminal law. Laws criminalising sexual minorities are still on the statute books. Through the lens of specific court cases, this chapter studies how their parameters have been developed through case decisions and legislative intervention over the years: how they have been altered and adapted but not repealed.

I extend the discussion of Foucault’s law in Chapter 4 by considering the operation of law at the boundary of the norm. I give a brief historical outline of selling sex and homosexual relations in PNG. Then I summarise my fieldwork findings on the ways in which the lives of sex sellers and gays are constructed, played out and viewed in modern-day PNG.

The operation of the laws which criminalise sexualities is focused on in Chapter 5. By recounting tales told to me by various individuals, I expose some of the effects of criminalisation which they have experienced. Today's police culture, and the positioning of the police as the lead enforcement agency of the state, has led to abuse and violence far in excess of their legal powers, but which can be exercised unchecked by law.

Chapter 6 sets out the results of textual investigations—surveys, studies and media reports—which demonstrate the ways in which the elites of PNG society today have formed their opinions and attitudes to criminalised sexual minorities. It poses some puzzling questions emerging from the data, and then deploys some concepts from intersectionality theory, as developed in feminist legal studies, in an attempt to explain them.

In Chapter 7, I return to my original goal: to discover, present and attain an understanding of evidence which might further the arguments for decriminalisation. It canvasses successful law reforms overseas, by legislative intervention and through landmark case decisions, and traces the history of activism in PNG to date. The fundamental issue, it appears to me, is that of the relationship of law to morality, the understanding of morality, and how Christianity in PNG today is often deployed to justify the law's intrusion into the realm of the private. This enables me to ask, and present some answers to, the main question: what are the chances for decriminalisation of consensual sex in PNG?
This text taken from *Name, Shame and Blame: Criminalising consensual sex in Papua New Guinea*, by Christine Stewart, published 2014 by ANU Press, The Australian National University, Canberra, Australia.