

15 February 2023

The Chairman

Special Parliamentary Committee on 2022 General Elections

PNG National Parliament,

Post Office, Parliament House, Waigani, Port Moresby,

Dear Sir,

RE : PARLIAMENTARY INQUIRY INTO THE 2022 GENERAL ELECTIONS

-INDEPENDENT AND PRIVATE CITIZEN SUBMISSION

INTRODUCTION

I make reference to your public advertisement on the Post Courier Newspaper of 10 February 2023 concerning the special Parliamentary Inquiry into the conduct of 2022 General Elections. You state your inquiry terms of reference as follows:

1. Powers, functions and responsibilities of PNGEC and related matters;
2. Process involved in the conduct of the general elections; with focus on updating of the common roll, campaigning, voting, the counting, declarations, disputed returns process and related matters;
3. The expenditure of electoral funds and related matters;
4. The security provided by the Police and Defence Force and related matters

Your TOR is not clear as to whether a reform would be undertaken as a result of the inquiry. While I commend the Government for undertaking this Inquiry, I encourage a holistic approach be adopted as issues are more complex than just PNGEC and its Election processes as our democracy and nation's well-being is at great risk. Quick fix methods won't last. I therefore would like to include other critical related areas in my discussion paper apart from making my observations on the specific TOR.

There are three general problem areas:

1. Social Capital and the lack thereof;
2. Operations of PNGEC and failure of its processes in conducting Elections;
3. General Corruption and lawlessness across the nation that undermines any attempt to resolve points one and two above.

SOCIAL CAPITAL

Regionalism, wantok system, nepotism has diminished nationalism over time. There is lack of social capital. By this I mean there is lack of widespread understanding and commitment by the people of PNG toward seeking and ensuring the common good and well-being of the whole country. This is the number one fundamental core issue. Governments, Churches, NGOs and leaders at all levels have failed miserably to address this issue over many years. Sports and Churches have not unified the country. We don't have a sense of being a one single country rather see ourselves as regions, provincial

boundaries and tribal groups which will never see ourselves coming together on big and important national issues that will ultimately determine our economic, social and political well-being.

For example, Australians. They see themselves coming from a certain State and have State Governments but they have a sense of national identity. "One country, one nation, one people" slogan is not working out practically in PNG. Without a sense of being united as one country and one people, we will never get to focus on the national welfare and well-being issues of a national education system that works, a national health system that works, a national public service system that works and all the other societal issues where the national government is intended to work to serve those national aspirations. If we had such a social capital, it would be reflected in the quality of people elected into the Parliament. At the moment we don't because the community is not committed to the cause rather, it is focused primarily on its little part or tribal area of the country.

This issue should be addressed by churches, various NGOs and leaders across the nation working together building a national approach to thinking and thereby building a social capital that works. It could come through extensive education and awareness and EMERGENCE OF LEADERS WHO HAVE AN OUTLOOK THAT GOES BEYOND THEIR OWN SELF-AGGRANDISEMENT- we preach it but nothing showing on the ground. Unfortunately, this is where corruption and bad management creeps in to hinder access to education, transport, communication and other infrastructure development. In the early years of our government - in the first two to three Parliaments - we saw leaders with little education but high moral standards in the public service and in Parliament. Today, the Parliament and the public service is filled with educated elites but little regard to moral values.

I served under all the Prime Ministers except the current. I say without any hesitation, only the late Sir Mekere saw what was happening to the country and showed strong leadership and the guts to do something about it in his short time as PM. I challenge the Parliamentary Committee to approach this holistically and lead by example because the next generation of leaders want to see some real role models.

OPERATION AND FUNDING OF PNGEC

I am sure the Committee has access to **Commonwealth Observer Groups** previous Election report 2017, its recent 2022 Election report, **Transparency International** report and other independent reports so I will not go into details on issues related to operations of PNGEC. The Committee should seriously consider the various recommendations in these reports. I will therefore be general on the specific issues in the TOR and say something on the restructure of PNGEC.

1. Strong leadership and good management of operation of PNGEC across the nation is required;
2. Availability of voting papers – was an issue;
3. Isolation and poorly protection of voting booths;
4. Counting Stations – proper security and facilities, late payment of allowances and meals for counting officials;
5. Comprehensive electoral roll – a very big issue. Many 18 years old who registered were not in the rolls. In some instances, names of half of the community were missing;
6. Lack of enforcement of rules and laws that apply in safeguarding voters, funding candidates, illegal access to ballot boxes, intimidation of electoral officials etc
7. Coercion;
8. Blatant buying of votes;
9. Funding of Elections should be made one year in advance;
10. Not enough security personnel.

11. Late arrival of ballot boxes and Electoral staff in remote areas;
12. Highlands region is a class on its own in terms of blatant and open abuse of Electoral rules and laws. The leaders, churches and community leaders in the region must work with the PNGEC in the next two years on how to minimise violence and abuse of electoral laws in the next NGE.
13. Re-training of existing staff and proper training of temporary recruits during NGE is necessary.

There is great need to restructure and reform the Electoral system and its institution and I make the following proposals.

Powers and Functions of PNGEC

In order to secure donor funding and technical assistance, a truly independent Electoral body and good governance processes are critical.

A truly efficient and independent Electoral office and Commissioner is of paramount importance. I suggest a full 10 year tenure for the full time Commissioner assisted by 2 part time independent Associate Commissioners with a term of 5 years. These persons do not have to be former "kiaps" or from the system. The Commissioner should be a person of good repute, have a minimum of 10 years of senior executive and management experience in the national public sector, has been in charge of a large government department and familiar with good governance processes. Either a background in law or political studies and government would be an advantage. Can be someone from overseas. Age limit up to 70 years old. The position is well remunerated so there is no room for bribery. Level 6 position or higher with special security and other appropriate allowances be accorded.

Removal only through legal process of Courts.

The part time Associate Commissioners should be independent members and citizens of PNG attending all Commission Board meetings including special meetings. They should be professionals and any work they do for the Commission Board should be on consultancy basis. They should be familiar with the public service and the National and Provincial government systems. A background in law or political studies and government as well as some experience on management and good governance practises would be an advantage. Age limit up to 70 years.

Their appointments should be done by an independent panel ; Ombudsman Commission ; Public Service Secretary ; Prime Ministers Department, Transparency International (avoid direct involvement of PM and Opposition Leader)

Funding to be legislated so it is not politicised. Election budget must be made available one year before the Elections.

The Commission only gets its Policy direction from government- PM's department – however, its day to day functions including operation of Elections is independent and not to be dictated by the government of the day. If this is the current case then it should strengthened.

Timely completion of yearly audit is necessary and each year it must submit its report to Parliament including its Election reports 6 months after the return of writs.

Good strong professional leadership in a truly independent Electoral body with good governance systems and processes and adequate funding, free from political interventions, can make a difference in the way NGEs are conducted.

CORRUPTION AND GENERAL STATE OF LAWLESSNESS

People of PNG deserve good leaders through a trusted electoral system hence, radical reform is needed or it will greatly affect our democracy and future of this nation. We should learn from the experience of the people of Bougainville. There is already much talk about provincial autonomy and State Governments because the current system is not serving the nation well. Papuan (Southern Region) sentiments are being re-ignited again because of land grabbing, lack of equal distribution of wealth and distrust. Only one region seem to be dominating the government and wealth of this nation. Can we develop a real sense of social capital that is shared across the country amid this scenario? This issue will help address corruption and general lawlessness. This is a long term issue but must be addressed with some urgency as I already mentioned above – this is an interacting issue with quality of people we elect to Parliament thus ensueing the integrity of the overall electoral system.

In the short term Government should introduce extensive education of general population, radical reform in the Electoral system -PNGEC and its processes of governance - and in the long term work on a social capital that can be shared nationwide that would help address issues on corruption and lawlessness.

SUMMARY/CONCLUSION

We can spend time in the inquiry to discuss improvements of PNGEC, providing them with adequate funding, enforcement of electoral laws etc but to have a lasting system, we need a holistic approach to make real progress.

Australia has a relatively sophisticated process in checks and balances of managing their Election process. They have benefitted from the social and pollical reforms of the 19th and 20th Century. They have built up a common perception of who they are thus the concept of Social Capital in which they all have an interest in preserving and improving on for their children and grandchildren is taken for granted. Therefore the Electoral Commission of Australia, appeals and general court processes, that manage their Elections and election of parliamentarians and public officials etc all hangs together for the common good.

PNG tasted this scenario during self government and early part of post- independence. The late Sir Mekere captured the problems and issues well during his term of Parliament. Unfortunately, he only had a short stint as PM and never had a chance of making further reforms in other areas. I was one of those who had the privilege of implementing his reforms concerning SOE governance. Successive governments never took the opportunity to build on it. During his reform period there was a sense of social capital emerging and we hoped for further reforms in electoral and other areas but there was no political will.

We need the Churches, women's groups, NGOs and leaders to educate our population so not to loose sight of the big picture otherwise the nation will disintegrate.

Thomas D Abe

(Former CEO – Independent Consumer Competition Commission; Former CEO – IPBC, Petromin, Kumul Consolidated Holdings)

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