



## *Inclusion, participation and representation: Papua New Guinea as a case study*

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Recognising that PNG's experience relies heavily on constitutional amendment through parliamentary processes, how legitimate are elected Members of Parliament (MPs) for this purpose in the eyes of the public?

The legitimacy of elected Members of Parliament is overall highly questionable, due in large part to the abuse of the electoral process. Elections in Papua New Guinea (PNG) usually come under intense public scrutiny and criticism for lack of transparency, and not being free, fair and safe for candidates and voters alike, and more so for women, to compete on a level playing field and to vote as individuals. The practice of bribery and fraud is widespread and when voters become captured by candidates with money and undue influence, this leads further to compromising the mandates of MP. These, amongst others, are structural and systemic challenges in PNG's electoral system.

The voting public may bear some responsibility for the weak legitimacy of MPs, by allowing themselves to be captured by the short term gains offered by MPs. By and large, however, MPs (most often men) are responsible for failures in the electoral process. "Big men" politics and money politics in PNG are masculine constructs.

The role of MPs is often found to be wanting. In practical terms, members of the PNG Parliament would be hardly described as serious legislators that connect with the issues that need to be addressed at the political level. Often times, MPs are keen to stack-up their cards for the next election by playing patronage politics with their constituents, and hardly spend enough time to pursue public concerns, and much less issues that can be categorised as gender issues or concerns around promoting gender equality. Self-preservation is rational behaviour, and that in itself affects their legitimacy, evidenced by the high turnover of MPs in general elections.

Unless political parties in PNG become democratic institutions and vehicles for channelling constituency issues and concerns, and take on a more serious role in legislative functions, the behaviour of politicians will remain focussed on individually driven agenda rather than on political party policies and visions for a collective stand on issues of national importance. In the recent past, the Organic Law that sought to regulate political parties which would require MPs to vote along party lines was ruled unconstitutional by the Supreme Court. Fluid party affiliations and lack of party allegiance is the norm in PNG politics.

Have there been specific problems relating to constitutional reform that have arisen due to the limited representation of women in the National Parliament and other key decision-making bodies? How have or could these problems be addressed?

Constitutional reform has been immensely challenging for women with a Parliament that has been, in the past largely, and currently solely, dominated by men. With only 2.7% of the parliament women (3 out of 111 MPs) in the last Parliament (2007–2012), it was almost impossible to secure majority votes in favour of a constitutional reform to secure more seats for women. Constitutional reform was intended to address the persistent gender gap in PNG's Parliament, which in three consecutive terms of Parliament (1992–1997, 1997–2002 and 2002–2007) had only one woman MP. The first stage of the reform sought to introduce four regional seats for appointed women. The legislative reform required bi-partisan parliamentary support to effect the change, but the opposition at the time saw the reforms as politically favouring the coalition government, as a means of boosting their numbers, and opposed the change. Furthermore, politics amongst women leaders to secure the appointed seats for themselves caused fragmentation, leading to loss of public support and confidence. The second stage of the reform sought a more substantive constitutional amendment to introduce a mandatory provision for 22 seats for women (one for each province) to ensure equal provincial representation.

The constitutional amendment, called the 'Equality and Participation Law' was successfully passed in 2011. The law amended the constitutional provision relating to the composition of parliament, to include "a number of women elected from single-member women's electorates as defined under an Organic Law" (Constitution s 101(1)(d)). However, there was not sufficient support in the Parliament for the passage of the enabling laws (namely the Organic Law on Provincial and Local Level Government and the Organic Law on National and Local Government Elections). Hence, the Equality and Participation Law has sat dormant in the Constitution for almost a decade and efforts since early 2019 to activate the law remain unclear. This scenario demonstrates the practical difficulty of securing majority support on the floor of Parliament for improving women's representation. As it turned out, the parliament voted against the reform to introduce 22 seats for women as a temporary special measure in 2010.

Another challenge is the required number of votes to secure support for constitutional reform. In contrast with Acts of Parliament that require a simple majority for passage, constitutional reforms require greater majority of votes (two thirds or three quarters of MPs in support) to pass proposed changes in law. It is understood that this is purposely to protect constitutional integrity and maintain the stability of the overall legal framework by making it less amenable to arbitrary change by legislators.

The following are some ways in which these problems have been or could be addressed:

- The Integrity of Political Parties and Candidates Commission, a constitutional body established to regulate political parties, has attempted to tie MPs to their respective parties so that with regard to constitutional reform, MPs are required to collectively support their party position or choice, rather than vote as individuals in Parliament. This legal provision was ruled unconstitutional and therefore is not longer applicable.

- Gross under-representation of women in PNG's parliament is a persistent issue. Given the context of a male dominated Parliament in PNG, initiatives for changes include:
  - A long-term sensitisation campaign and advocacy strategy to change the attitudes and perceptions of male MPs, the media and the public is required.
  - The Parliamentary Committee system is in need of an overhaul to make it more responsive, informed and relevant to addressing the issues and interests of women and other marginalised groups. Working through the Parliamentary Committee system may help open up parliamentary processes to becoming more in touch with issues affecting the lives of women and other marginalised groups, and show how these impact on the overall well-being and progress of the nation.
- Since numbers play a critical role in PNG's parliamentary processes in relation to legislative matters, working towards making the parliamentary process more gender sensitive may help to secure majority support amongst MPs.

### Reflecting on processes to amend the PNG Constitution, are other mechanisms used to promote inclusion and participation, including of women, in discussions of constitutional change?

Working with political parties to promote gender equality, through training of party executives and officials has been one way in which PNG has sought to address gender inequality in national politics. This initiative has sought to educate political parties to become more gender sensitive and apply principles of gender equality. This initiative has been actively driven through the Registry of Political Parties operating under the Integrity of Political Parties and Candidates Commission, which has women's equal participation firmly on its agenda. It is currently proposing a 20% quota for party endorsement of women candidates in general elections.

The Constitutional and Law Reform Commission has provided another avenue for practical steps to promote greater representation of women. There is a constitutional reform process underway for a submission to Parliament for the inclusion of women and special groups with no 'physical' presence in the current national Parliament. If Parliament supports this reform, it will mean special seats will be made mandatory for the representation of women and special groups.

### What lessons can be learned from the constitution-building processes in the Autonomous Region of Bougainville, in particular in relation to the inclusion and/or participation of groups, including women, who might otherwise be underrepresented?

A key lesson from Bougainville relates to the use of a mandatory number of reserved seats (three for women) in the Bougainville legislature. This has been relatively successful to-date. However, it has had the unintended result of making it difficult for women to win seats in the open seats. Thus far, only one woman has been elected to an open seat, following two post conflict elections in Bougainville. Male dominance in open seat contests remains a challenge for the Region.

In addition, the Bougainville Community Government Act s 6(i) passed in June 2016 mandates that one female and one male member are elected by the voters for each ward (the community government). This parity law gives men and women equal representation in decision-making. This is a significant success in constitutional reform.

## What insights can be drawn from PNG's experience for the dynamics of increasing the inclusion and participation of women and ensuring that it is effective?

PNG's experience shows the need to:

- Provide long term support in terms of resources for work around ensuring inclusion and participation is crucial to enabling advocates/activists to articulate and mobilise support around reforms.
- Identifying champions, especially men in positions of power/influence (eg cabinet Ministers and the heads of government departments and agencies and leaders in the private and corporate sectors) to support reform initiatives.
- Build and strengthen partnerships amongst women's organisations and towards ensuring an "inclusive women's voice" to avoid fragmentation and division amongst women. A collective stance or voice is often a challenge in PNG due to weaknesses in the women's movement.
- Political parties remain a male dominated space. Parties have yet to embrace women and other marginalised groups to help build their democratic base, and towards making them inclusive and participatory.

The support received from external development partners to enable technical support around drafting of the reform bill, carry out a nation-wide campaign, and lobby and garner political support in the milestone reform around Equality and Participation Law was highly effective and successful. The reform initiative galvanised women nation-wide to stand together and exert a stronger collective voice on increasing women's representation in Parliament and placed the issue on the national agenda. The drawback from this experience was that the government became more dependent and had little incentive to support and fund a costly national campaign. And as the legislative process unfolded, conservative sectors of society and within Parliament alleged foreign influence in the reform initiative to increase women's representation, hence downplaying the importance of PNG women having a stronger voice at the highest level of decision-making.

The aftermath of the reform process has also resulted in the emergence of more women-led civil society organisations, from observation, spurred on by donor partners giving more prominence to economic empowerment and gender-based violence, and much lesser direct attention to political representation. Women in decision-making is now increasingly integrated into economic empowerment and gender-based violence programs, to avoid the backlash mentioned regarding alleged foreign political influence in the space of women's political representation.

## What have been the positive and negative aspects of the use of representation in Papua New Guinea? And what have been the implications for the success of processes of constitution building?

**Positive aspects:** Representation strengthens the democratic idea of popular participation, without which the opposite will result (oligarchic trends). The existence of under-representation becomes a political agenda for reform towards inclusion and participation.

**Negative aspects:** The request for representation has led to unforeseen challenges such as:

- i. Backlash against women in terms of their private lives being exposed to public scrutiny and verbal intimidation and abuse from conservative sectors of society regarding women's marital status and their personal lives
- ii. Reinforcing traditional gender roles to suppress women's effort to promote gender equality in political representation by making reference to women's place as being in the home, and not as leaders in the national legislature.
- iii. This has in turn also led to divisions and fragmentation amongst women, between those with a conservative or traditional orientation and the reformers.

**Implications:**

The politics around women's representation and participation brings to the fore the diverse views of people, and begins a process of sensitisation in society. It results also in backlash against women, leading to confusion, disempowerment, fragmentation, and the risk of women's collective voice being suppressed.

Self-interest or vested interests of women leaders have been another unintended outcome. This is when women leaders of key women's organisations see reform processes as their opportunity to seize power rather than making it open for all women. Such rent-seeking behaviour of women leaders has impacted on the overall outcome of the constitutional reforms pursued in PNG. Self-interest has had a negative impact on efforts to achieve a positive collective result.

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