
Pacific Women Annual Learning Workshop
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Grand Papua Hotel, Port Moresby, Papua New Guinea.

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Outline

- Introduction
- Background
  - CLRC
  - Legislative review program
- Current review on National and LLG Election laws
- CLRC’s approach to the review
- Way Forward
Like many other jurisdictions the Constitution of PNG promotes equality and participation. The Preamble of the Constitution, for instance, contains the fundamental guiding policy which calls for equality and participation of all citizens in the development of this country. Section 55 of the Constitution specifically provides for equality of all citizens irrespective of sex or gender.

BUT, regardless, there still exists barriers including legislative barriers that do not close in on the gender disparities, allowing for discrimination at various levels in the society. So as law reformers, our job is to propose legislative changes that do so. Many say law is not the key to change; but we see it as one major ways of contributing towards addressing gender issues.
Background: CLRC

- CLRC is a constitutional office
- Comprises Commissioners (x 7)
- Secretariat – Secretary and PS staff
- Constitutional Directive – PM/GG
- Terms of References – Justice Mtr/Parliament Speaker
- Advisory & drafting on law reform matters
- Primary function – review laws of PNG
- Constitutional mandates – SCR, UL
Summary of review programs

- Of the 4000 laws, about 370 are colonial laws
- Legislative review program – 150 (labour laws, family laws,
- Working on just below 50 laws
  - GBV: repeal of the Sorcery Act 1971
  - FSV: family laws (FPAct)
- 2 Const Directives and 12 terms of references.
- GESI desk has assisted in bringing gender perspective into the law reform discussions
2018 Constitutional Directive to review the OL on electoral laws, processes and systems of PNG.

2017 national elections were held, 10th Parliament formed, no women elected.

O’Neill led Government went to Alotau to develop their 5 year development plan – women representation was included.

Translated into a CD for CLRC to review the entire electoral process.
The Constitutional Directive contained 12 specific terms of references to guide CLRC.

1. Electoral roll system (voter registration & management of it)
2.Polling system (including polling method, period & places)
3. Electoral boundaries
4. Women and special interest representation in Parliament
5. Nomination fees
6. Eligibility for nomination
7. Election petition filing fees & period of filing
8. Voter identification system
9. Local-level Government elections
10. Electoral offences
11. Powers, functions and composition of the electoral commission
12. Decentralisation of election responsibilities (Prov. Govts.)
13. Such other matters that may arise during the review.
**Approach/Methodology**

- External Secretariat to manage the review process – 6 key agencies
- 22 provincial consultations (NCD & ARoB).
  - Political reps, PMT, PESC, Schools, women’s groups, youth groups, PLwDs, public forms, district visits,
- Got NRI and UOG to run seminars on specific TORs.
- Invited written submissions.
- Survey questionnaires.
- Media – mainstream and social
- Specific stakeholder meetings
Women rep at Parliament is lacking – concern.
Nomination – NO. This option though may be available but does not have the support of the people, women included.
Reserved Seats – YES/NO. Those who understand TSM support. Those who oppose are considering ‘mandate’ & ‘full political and financial powers.
Contest through normal method – YES.
Composition of Nat Govt/Parliament

Section 101: the PNG National Parliament is a single chamber legislature consisting of a number of members elected from:

- A single member open electorates (89), and
- A single member provincial electorate (22), and
- Not more than 3 nominated members as per Section 102, and
- A single member women’s electorate as defined under an *Organic Law*
A single member women’s electorate as defined under an *Organic Law*

- 22 reserved seats?  
  If so, then the constitutional limit imposed by the law (120) will be exceeded so another constitutional amendment will be required (s35, OLPGLLG)(Bougainville example).
- 4 reserved seats?  
  Constitutional argument above will not apply, but HOW, will be the biggest question.
Quota Systems

- Quota systems are practiced around the world and is also an option.
- In PNG, under the current OLIPPAC (s83), PPs that endorse women candidates are eligible to refund certain % of campaign expenses if the women received 10% of votes casted for that electorate.
- Revised OLIPPAC, this will change. Instead, it will now be mandatory for all PPs to endorse at least 20% women candidates or face penalties.
- Practised in Indonesia – 30%.
Parliamentary quotas

- Parliamentary Quota system – Samoa provides a fine example.

- The Samoan Constitution provides for women to constitute a minimum of 10% of the MPs. The 10 per cent quota enables women to be in Parliament.

- These are all options forwarded to CLRC by individuals and groups. They do not form the position of CLRC; merely sharing them as options available.
CLRC’s approach to the Review

- Review of the whole electoral system including the laws, practises and processes.
- TOR 1 is on improving the “electoral roll system”. This is about voter registration, storing & updating the electoral rolls in the most effective manner.

- TOR 8 is on “voter identification system”. If these two systems can be improved and made to work effectively, citizens will not worry about specific measures to women as there would be a LEVEL PLAYING FIELD, at least.
Administration equally important

- Electoral roll and voter identification system are and women representation are just 3 of the 12 TORs.

- CLRC is also reviewing the eligibility for nomination criteria, composition, powers and functions of the PNG Electoral Commission, among others.

- Improving the systems and processes is one thing, but having a properly resourced and equipped (funding, personnel, know-how) is equally important.
Way forward

- There are TSM available, but the current OL review into the NLLGE provides greater opportunity to address the entire electoral process and system with a view to creating some friendly environment (level playing field) for our women to be involved in politics at the national level.

- The current Government seem to be in support but with its own proposal.

- CLRC will assist by giving its views based on its review. The report in its draft stage and should be finalised and presented by June/July 2019.