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Historical Perspective of Decentralisation of Government in PNG

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Introduction

Provincial Governments in PNG make up the second of the three levels of government in what the Constitutional Planning Committee (CPC) in 1974 described as the “unitary system of government”. It was considered the suitable form of government to usher in a new “united nation” comprising of many pre-existing independent tribal nations.

This paper provides an historical perspective of the “decentralisation project” as it unfolded immediately before Independence (1972 - 1975), soon after Independence (1975 – 1995) and continuously through to this day (from 1995). The CPC accepted that Papua and New Guinea had “the most centralised and bureaucratic administrative system anywhere in the region”. And on independence, the centralised system should be replaced by a decentralised form of government government. The objective of the paper is to provide the background context to assist in informing the current discussions on Autonomy and Decentralisation.

Background

Decentralisation has been defined as provincial government (1977) and provincial governments and local level governments (since 1995). It is now forty-eight (48) years from the time of tabling the Final Report of the CPC to the House of Assembly in 1974 and fifty (50) years since the establishment of the bi-partisan CPC by the House of Assembly, after the Territory-wide general election in 1972.

Pangu Pati with its “Independence Now” slogan formed the embryonic coalition government of the Territory. Michael Somare, the Leader of Pangu Pati, became the first and only Chief Minister. The House of Assembly appointed the CPC Chaired by the Chief Minister and Deputy Chairman Fr John Momis to report on and draft the Independence Constitution. Self-Government was attained on the 1st December of 1973. The term of the House of Assembly was extended from 4 years to 5 years. The CPC completed its Report in 1974 and the Constituent Assembly, comprising of the House of Assembly accepted the Report

Unitary System of Government

PNG, the land of a thousand tribes was moulded into a nation by a highly centralised and bureaucratic colonial administration. There was uncertainty on whether a new independent nation would last. The CPC Report recommended a unitary system of government. The unitary system of government involves the power of the central government being shared with and exercised by other levels of government.

Constitutional Entrenchment versus an Act of Parliament

The CPC recommended the entrenchment of provincial governments in the Constitution. The Constituent Assembly preferred it be provided for in an Ordinary Act of Parliament. The Draft Constitution before the Constituent Assembly included the provisions on provincial government and local level government. The Constitution approved by the Constituent Assembly was without the provision on provincial government and local government.. The Independence Constitution was drafted and approved on 25th August 1975, just under 1 month before Independence on 16th September 1975.

Tensions emerged when the Constitution was approved without inclusion of provisions on provincial government. Bougainville leaders spearheaded by John Momis, disappointed that provisions for self-governance through a decentralised government arrangement was not included in the constitution, declared unilateral Independence on 1st September 1975. Papua Besena declared independence for Papua just few days before Independence.

Decentralisation

In order to appease the Bougainville leaders, the constitution of PNG was amended for the first time in 1976 and PART VIA, Sections 187A to 187J was inserted. It provided the constitutional basis for Provincial Governments and Local Level Governments to be established. The system of provincial government was given form and structure with the enactment of the Organic Law on Provincial Government and the Provincial Government Administration Act and related enabling legislations, by the National Parliament.

System of Provincial Government 1975 – 1995

The main features of the system of provincial government under the 1976 Organic Law of Provincial Government included:

- Each province having its own provincial government constitution,

- An elected provincial government assembly chaired by a speaker elected from among the elected members to the provincial assembly and
- Provincial executive council led by the premier elected mostly by the provincial assembly but also depending on the provincial constitution, could be directly elected by the people
- Members of the Provincial Executive Council were known as Provincial Ministers.
- The Provincial Government was served by the Provincial Government Secretariat led by the Provincial Secretary.
- The Provincial Administration was led by the Administrative Secretary.

System of Provincial Governments and Local-level Governments – From 1995

In 1995, the system of provincial government was replaced by that of provincial governments and local-level governments. The Constitutional Development Commission comprising of Members of Parliament concluded that the previous system was not effective in delivering services and too costly. The main features included;

- Existence of provincial governments became dependent on the prior existence of National Parliament representatives and Local-level Governments.
- Establishment of a common local level government system as the third level of government whose President became members of the provincial governments assemblies.
- Members of Parliament from respective provinces became key members of the provincial government assemblies.
- The Provincial Member became Governor of the province, Chairman of the Provincial Assembly, Chairman of the Provincial Executive Council, Chairman of the Joint Provincial Planning and Budget Priorities Committee.
- All Open Members became members of the provincial assembly, members of the provincial assembly committees, chairmen of Joint District Planning and Budget Priorities Committees later to become District Development Authority and members of Joint Provincial Planning and Budget Priorities Committee.
- Heads of Local Level Governments in each Open Electorate became members of the Provincial Government Assemblies together with appointed members and members of the respective DDA.

Prevailing Dissatisfaction

In 2014, the National Parliament amended the Organic Law on Provincial Governments and Local Level Governments by repealing provisions on JDPBPC and replacing them with District Development Authority. The Member of Parliament is the Chair comprising of LLG Presidents and three nominated members who decide on projects and district service improvement activities. The District Administrator is the CEO of the Authority and the District Administration implement many of the programs and activities of the DDA.

The National Parliament authorised the Constitutional and Law Reform Commission (CLRC) to review the Organic Law on Provincial Governments and Local Level Governments. The CLRC in 2015 recommended the repeal of the current Organic Law to be replaced by a Proposed Organic Law on Decentralisation. The proposed changes would;

- Entrench DDA as a level of government without describing it as such,
- Confine Provincial Members of Parliament as Governors and not members of the National Parliament,
- Open Members to be Chairman of DDAs but removed as Members of the respective Provincial Assemblies.
- Local Level Governments would be abolished and the constituencies of the Local Level Governments become the constituencies of the Provincial Government Assemblies.

The Parliament to date has not dealt with the proposed changes.

Conclusion

Effective Delivery of Basic Services continues to be a challenge. The Members of Parliament through the Provincial Governments (22), District Development Authority (89) and JPPBPC (22) provide the leadership and oversee the system of government throughout the country. Local Level Governments have been denied their roles due to inadequate to nil funding for development purposes.

What seems to be obvious is that project decentralisation has increased greater central government control. Provincial governments and DDA dominated by members of Parliament have become dominant players in the systems of government in PNG. PNG has systems, policies, funding, personnel but it lacks consistent and effective implementation for service delivery.

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