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PAPUA NEW GUINEA

SPOTLIGHT

WHY A TEMPORARY SPECIAL MEASURE IS NEEDED IN PAPUA NEW GUINEA'S PARLIAMENT

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Volume 12, Issue 12
www.nri.org

Key Points

- Papua New Guinea (PNG) has a political history of very low representation of women in parliament, which demonstrates that it is difficult for women to contest national elections as candidates and more difficult for women to win.
- Women face immense challenges when contesting elections in PNG and these make it harder for them to get elected.
- Temporary special measures (TSMs) are implemented in many countries to compensate for structural barriers such as laws, systems and traditional norms that discriminate against women and prevent women from getting elected.
- It is high time that the PNG government implements a TSM to address the underrepresentation of women in parliament.

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October 2019



WHY A TEMPORARY SPECIAL MEASURE IS NEEDED IN PAPUA NEW GUINEA'S PARLIAMENT

By Mary Fairio

This paper is based on a desktop review and findings from a study carried out by Fairio and others on women in the 2017 national elections and women in the local-level government elections. The study finds that women face immense challenges when contesting elections. The continuous trend of underrepresentation of women in parliament is a major concern for PNG as a democratic nation. Without any interventions to address the gender gap in parliament, this trend is likely to continue for the next 40 years too. A holistic approach, especially political will and support, is needed to improve the underrepresentation of women in parliament. This paper emphasises the need to implement a TSM to address the long-standing underrepresentation of women in the PNG parliament.

Temporary special measures

TSMs are temporary rules put in place to create opportunities for women in formal decision-making processes and these rules can be quotas, reserved seats or targets. Furthermore, TSMs are implemented to compensate for structural barriers that prevent women from getting elected such as laws, systems and traditional norms that discriminate against women. The concept of TSMs comes from Article 4 of the Convention on the Elimination of All forms of Discrimination against Women. This states: "Adoption by State Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved."

Globally, TSMs are implemented in countries that have a trend of underrepresentation of women in parliament. Some countries with similar levels of development to PNG have adopted TSMs to address this trend. For example, Rwanda's parliament is now made up of more than 60 percent women. This is because of its quota system introduced in 2003 which ensures 24 of 80 seats in the Chamber of Deputies are reserved for women. In Timor-Leste, legislated candidate quotas were introduced in 2006 with women now making up 32.3 percent of the national parliament. In the Pacific Region, Samoa practises the 'safety net' model whereby the Constitution requires that the parliament must have 10 percent women (5 of 50 members must be women). Closer to home, Bougainville's Constitution (2004) allows three reserved seats for women to be voted by both men and women. Some women there who had occupied reserved seats, such as Honourable Francesca Semoso, later contested for open seats and won through election. Motu Koita Assembly in the National Capital District also has two reserved seats for women (East and West Motu Koita), voted for by women.

Experience has shown that TSMs work successfully in implemented countries. TSMs give women an opportunity to demonstrate their valuable contribution towards national development, and improve their chances to contest in open seats and get elected.

Why a TSM is needed in the PNG parliament

- *PNG has a history of very low representation of women in parliament:* Three terms have had no women elected to the parliament: 1987–1992, 1992–1997 and the current parliament (2017–2022). The highest number of women elected to parliament has been three, and women have not exceeded 3 percent of total members in parliament. Nor have women exceeded 5 percent of total

candidates since independence (1975). The low number of women contesting and being elected indicates that it is difficult to stand for election as a woman candidate and more difficult to win in elections. Women will continue to struggle to get elected in future elections. Introducing a TSM will provide an opportunity for women to be elected to parliament.

- The 'unequal playing field' of politics:* Respondents in our study on women in the 2017 national election conducted in Huon Gulf and Lae districts of Morobe Province, highlighted *hanmak* as the most important factor for voting a candidate. *Hanmak* refers to a candidate having tangible impact in the community such as contributing to provision of basic services, for example schools and roads. Other important factors that people vote for are leadership qualities, voting along bloodlines, affiliation to political parties and policies. Women candidates in Lae and Huon Gulf districts are seen to lack many of these qualities because of common challenges such as gender-stereotyped sentiments of women as not capable, lack of financial and logistical support to carry out an extensive and effective campaign, lack of cooperation between women voters and candidates, and parties not endorsing women. Female candidates must prepare 5 to 10 years before election to implement *hanmak*, fundraise and build their support base.
- Continuous electoral irregularities:* When there are few women candidates, electoral irregularities such as names of eligible voters not on the common roll, bribery, multiple voting, intimidation and manipulation influence their outcome. This was shown in the 2017 national elections and resulted in women candidates not performing well (Fairio & Nasengom, 2017). Figures A and B capture the responses to the question of whether the 2017 election was free, fair and safe. Over 50 percent of respondents (Lae n = 100/145, and Huon Gulf n = 29/54), perceived that the 2017 election was not free, fair or safe and alluded to it as the worst national election to date. With 80 percent of the population living in rural areas, there is a need for thorough education on electoral processes, implications for

those causing electoral irregularities and effective regulating of these processes.

Figure A: Lae voters' views on whether the 2017 election was free, fair and safe.

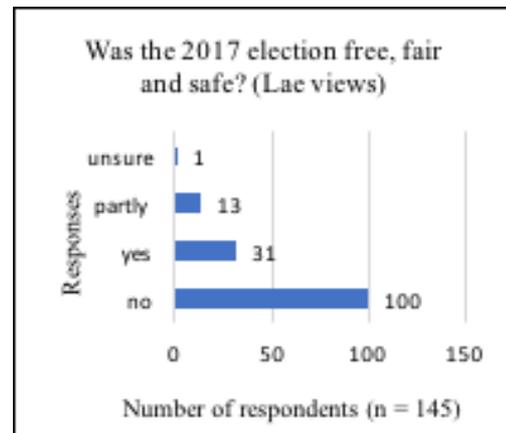
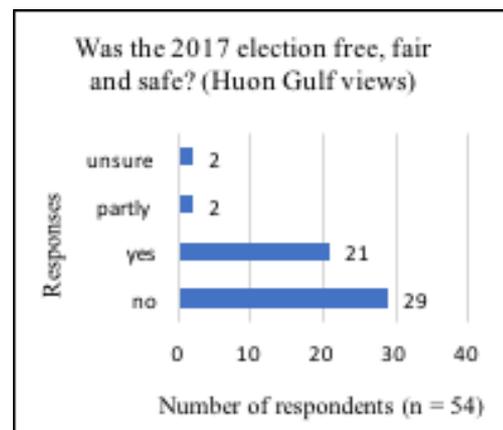


Figure B: Huon Gulf voters' views on whether the 2017 election was free, fair and safe.



- PNG as a traditional society:* There are deeply embedded traditional norms and perceptions that negatively impact women's chances of winning elections. These embedded traditions include big-man mentality, perceptions of 'politics as a man's game', 'women's place is in the kitchen' and so on. To a large extent, these perceptions influence who people vote for.
- There is limited legislation to promote women's political participation:* The only existing law that promotes women leadership is the *Organic Law on Provincial Governments and Local-level Governments*. This ensures a woman representative

is part of the provincial assembly (Section 10e) and two women are appointed at the local level (section 29d). However, appointment is not the same as being ‘mandated’ through election. In addition, the appointment process is unclear when the appointment can be made by the provincial administrator. This is in conflict with the Provincial Council of Women’s appointment under the *National Council of Women Act 2013*. The National Council of Women (NCW) is an important network established in 1979 to represent women’s ‘voice’ in PNG. Yet, less recognition has been given to NCW in terms of political support and necessary funding to implement programmes. There is no specific law to promote women’s participation at the national level, only proposals. This allows us to consider a TSM as a practical avenue to address women’s underrepresentation.

- *Lack of women representation at all levels of government:* Despite the Organic Law on Provincial Governments and Local-level Governments promoting women’s representation at the local level, there is still a gender gap at all levels of government. At the sub-national level, PNG has 319 local-level governments and 6,190 wards with elected women occupying just 1.4 percent of the seats. This is a decrease from the last election term when PNG had three elected women in parliament (2012–2017) and 10 percent elected women in local-level governments and wards (2008–2013). The data clearly shows that PNG is not improving the number of women at any government level.
- *Previous attempts to introduce TSMs:* Three previous attempts (2009, 2012 and 2017) to introduce TSMs at the national level have failed, largely because the proposals did not get the necessary political support on the floor of parliament. The first was in 2009 when the then Minister for the Department for Community Development, Dame Carol Kidu, proposed for the amendment of the *Constitution* to allow for three appointed women representatives to sit in parliament. However, the proposal did not get the bipartisan support to move the motion.

The second attempt was put forward again by Dame

Carol Kidu before the 2012 election to have the Equality and Participation Bill passed by parliament and 22 women representatives in parliament by the 2012 elections. This too did not get the sufficient political support in the second reading. Finally, before the 2017 national election, the Office of the Integrity of Political Parties and Candidates’ Commission proposed to amend the Organic Law on Political Parties and Candidates to have a mandatory quota of 20 percent women candidates endorsed by registered political parties. But this proposal was dropped and not considered by the parliament. While the unsuccessful proposals resulted in disappointment, the experience should be a good lesson for the next proposal to be strategic, practical and applicable to PNG’s context.

Is now the appropriate time to implement a TSM?

The direct answer is yes. Government recently directed the Constitutional and Law Reform Commission to review the Organic Law on National and Local-level Government Elections, which includes a reference on women representation in parliament (National Government, 2018). The current review provides the avenue to:

- link Sections 101 and 102 of the *Constitution* to implement a TSM. Sections 101 and 102 allow for the appointment of no more than three people to be nominated or appointed members of parliament. A timeframe needs to be included as a ‘sunset clause’ to remove the TSM when the period lapses;
- use the Organic Law review to influence the Equality and Participation Bill that supports the proposal on the 22 reserved seats for women in parliament; and
- propose a model that is appropriate, practical and can be adapted to PNG’s context. For example, it does not have to be appointed seats or promote ‘tokenism’, but elected seats for women who will be voted by men and women and seen as ‘mandated’.

Conclusion

Deeply embedded and multifaceted factors constrain women’s success in elections in PNG. Based on past

experience, a disappointing outcome for women candidates in the next national elections is predictable. Now is the time to consider special measures to provide the opportunity for women to be elected into parliament. TSMs work successfully in many countries; PNG too can come up with a TSM model that will work in our setting.

Reference

- Clark, L. and Rodrigues, C. (2009). *Utilizing Temporary Special Measure to promote Gender Balance in the Pacific Legislature: A guide to options*. Fiji. UNDP Pacific Centre.
- Fairio, M. and Kaut-Nasengom, S. (2017). Technical issues: The impact on 2017 election results for women. Message posted to <https://pngnri.org/index.php/blog/103-technical-issues-the-impact-on-2017-election-results-for-women>
- Fairio, M. (2019). We need Temporary Special Measure to address women representation in PNG Parliament. Message posted to <https://pngnri.org/index.php/blog/113-we-need-temporary-special-measure-to-address-women-representation-in-png-parliament>
- Government of Papua New Guinea. (2018). *Constitutional and Law Reform Commission Reference No. 1 of 2018: Review of the Organic Law on National and Local-Level Government Elections and related Laws and Systems*. (Gazette No: G163). Port Moresby. Government Printer.
- The International Institute for Democracy and Electoral Assistance. (2019). Gender Quotas Database. Retrieved from www.idea.int/data-tools/data/gender-quotas

Acknowledgements

The author would like to thank the Australian Department for Foreign Affairs and Trade for its financial support. The author also acknowledges valuable comments from Dr Elizabeth Kopel and Dr Fiona Hukula, Program Leaders, Gender Program, PNG National Research Institute.

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