
Papua New Guinea



*UNDP Lessons Learned Workshop on
the Nominated Seats for Women in
the Papua New Guinea Legislature:*

**‘Lessons learned, looking into the
future’**

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UNDP Conference Room, Deloitte Tower***

Facilitated by: UNDP and the Joint Partners Technical Working Group on Nominated Seats for Women

Summary

Papua New Guinea has a long history of under-representation of women in Parliament. Despite large increases in the number of women contesting national elections, there is still only 0.9% of women in the unicameral Parliament, making it one of the lowest representations globally. The Beijing Platform for Action emphasized that “women’s equal participation in decision making is not only a demand for justice or democracy, but can also be seen as a necessary condition for women’s interests to be taken into account. Without the perspective of women at all levels of decision-making, the goals of equality, development and peace cannot be achieved.” (Para 181). The Convention on the Elimination of All Forms of Discrimination against Women, to which Papua New Guinea is a signatory, in its Article 7, called upon States parties “to take all appropriate measures to eliminate discrimination against women in the political and public life of the country”. This implies that States parties are under obligation to take all necessary measures, including temporary special measures, to achieve the equal representation of women in political and public life.

In order to redress women’s representational imbalance, a strategy to move ahead on temporary special measures was put in place following the 2007 UNDP Diagnostic for Women and Elections. The Minister for Community Development, Dame Carol Kidu put forward to Cabinet a submission to nominate three women in accordance with the PNG Constitution. This was the first move by an independent Pacific country to fast-track representation and met with mixed reactions: supported by those who recognised the need to take affirmative action to increase women at the highest level of decision-making and opposed by advocates for an elected rather than appointed process. UNDP provided assistance to the Minister by establishing a Joint Partners Technical Working Group (TWG) of national and international experts which advised on strategies and procedures to ensure that the nomination process was fair, transparent and in keeping with constitutional requirements.

To ensure that evaluation of this historic process was undertaken and to inform the way ahead, UNDP conducted a ‘Lessons Learned’ workshop to examine strategies, processes, mechanisms and procedures that had been adopted. This Report presents a summary of the evaluation exercise, and may serve as a guide for other regional countries considering special measures for women’s parliamentary representation, as well as an evaluation model.

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Background to Nominated Seats for Women (NSW)

During the 2004 Pacific Island Forum meeting, and the 38th Pacific Island Forum Communiqué in October of 2007, the Prime Minister made commitments along with his other colleague leaders of the Region to address the low levels of women's representation in the respective national legislatures.

In line with this commitment Minister Kidu took the initiative by way of several NEC submissions. As a result Cabinet gave its blessings to utilize the National Constitution provisions of Sections 101 and 102 to invite women citizens to submit their Expressions of Interest on 26 October, 2008. The NEC decisions No. 106/2008, No.175/2008 and No. 232/2008 was of historical significance in achieving equitable representation. The public tender for Expressions of Interest for national women to contest were called for to be considered for the three (3) nominated seats and an establishment of the screening panel representing a broad spectrum of society and chaired by National Council of Women based on a TOR. The task of the Screening Panel was to shortlist six (6) nominees for a final screening by the PM and the Leader of Opposition before presentation to Parliament for endorsement.

Prior to this, the UNDP National Diagnostic Workshop held in November 2007, a follow up to the Gateway Hotel Report, brought together 100 women candidates and the NCW network to identify issues and concerns that hindered the success of the female candidates during the National General Elections held a few months ago. It was notable that women did not perform well due to a number of factors. Low performance rates were linked to their capacity, low public support that often related to public opinion that culturally women's place was at home and not in a public arena, personal security and lack of Political Party support for campaigning costs.

The impetus of the UNDP sponsored Diagnostic Workshop was "learning from the past, taking action and moving forward", that enabled a positive response from the Government that by the end of 2008, four women MPs would be endorsed by Parliament. This was the Government's response to the commitment made regionally with other Pacific Government's in the Pacific Plan of 2004 and the Revised Pacific Platform of Action for Women 2005-2015 that also recommended governments take affirmative action in enhancing gender parity to redress the current parliamentary gender imbalance.

Coupled with the ongoing work with the Diagnostic Workshop, the Pacific Island Forum Secretariat with the Secretariat of the Pacific Community, UNDP Pacific Centre, the International Development Law Organization and UNIFEM with support from AusAID convened the *Melanesian Sub Regional Workshop on Special Measures for Women* in Port Moresby in September 2008. With the heightened interest in PNG and the Pacific for women's entrance now possible, the Minister for Community Development was able to convince the NEC to agree with her in supporting the affirmative action through the utilization of the Constitutional provisions.

Rationale and Process of implementing the Nominated Seats for Women

The rationale for these Seats is based on national and international commitments to redress barriers to women's representation. This affirmative fast-track option to appoint 3 women to Parliament is an interim measure until elections of 2012 and will facilitate preparation for women's reserved seats. Section 101 subsection (c) of the constitution states that "not more than three nominated members, appointed and holding office in accordance with Section 102 (*nominated members*)." Section 102 of the Constitution states that "The Parliament may, from time to time, by a two-thirds absolute majority vote, appoint a person (other than a member) to be a nominated member of the Parliament".

The formal process for Nominated Seats got underway in 2008 after Minister Kidu's Parliamentary submission at end of 2007 soon after the Deputy Prime Minister, Sir Puka Temu announcement at the UNDP sponsored Diagnostic Workshop of women candidates recommending four (4) nominated female MPs in conjunction with longer term measure of Reserved Seats. The National Executive Council approved 3 nominated seats for women in Parliament on the 26th October, 2008

Joint Partners Technical Working Group



Figure 1 TWG Members meeting with the Prime Minister of PNG, Grand Chief Sir Michael Somare on March 10, 2009 at Parliament House, Waigani. The members are: Dr. Jacqui Badcock (UN Resident Coordinator, Dame Carol Kidu (Minster for Community Development, Gayle Misionyaki Tatsi (First Secretary for Gender and Development (DFCD), Betha Somare (PM's Press Secretary), Sarufa Haro (Hansard, Parliamentary Servces), Enaha Kwa (Gender Specialist, Coffee International), Julie Bukikun (NPO/UNIFEM), Dr. Orovu Sepoe (National Coordinator GEPG/UNIFEM) and Margaret Lokoloko (Gender Analyst/UNDP)

A Joint Partners Technical Working Group (TWG) was established by the UN and co-chaired by United Nations Resident Coordinator and Dame Carol Kidu to support the process of affirmative action of women in parliament. The aim of the TWG was to support the endeavors of the Government of Papua New Guinea to increased representation of women, with the United Nations system. The objectives were to coordinate resourcing of initiatives to support the establishment of the three (3) nominated seats; to broaden special measures for women's seats in parliament and to raise awareness of the need for special measures for women in parliament.

The TWG provided hands on technical support for the screening process and donor collaboration demonstrated good practice with mobilization of significant donor funds. With the authorization from the Secretary for Community Development, Mr. Joseph Klapat the TWG was provided technical assistance when needed to as backup to Dame Carol's efforts and hence a consultant on a retainer basis was recruited to avoid the long process of recruitment for up to 9 months. However, the speed of response meant that the TWG could not do everything, as its mandate did not include lobbying with the MPs and clearly there was a lack of concentration on the political process for Nominated Seats, plus an inability to run an awareness process. However, a brochure outlining why women MPs should be voted was circulated to all MPs, courtesy of the Office of the Minister for Community Development and other TWG members with contacts in the Parliamentary circles.

It was recommended that the TWG required a clearly defined role with a review of membership that included other stakeholders as well. It incorporated its planning of the UNDP Women In Leadership programme, UNIFEM – Gender Equality & Political Governance and AusAid – Democratic Governance Programme and developed a long term plan for the work

Appointment and Recruitment of the Screening Panel and the Human Resources Firm

The Screening Panel for Nominated Seats

The National Executive Council (NEC) in its landmark decision of 232/2008 set an unprecedented move to invoking the Constitutional provisions of Sections 101 and 102 to enable three (3) women MPs into Parliament in 2009. This decision endorsed a process for the selection of the 3 positions and Terms of reference as Independent Members of Parliament. In addition, a Selection Panel comprising the following was established, comprising representatives of organizations from a broad cross section of all sectors of PNG society. These included:

- ✚ National Council of Women (Chair of the panel);
- ✚ PNG Council of Churches;
- ✚ Evangelical Alliance;
- ✚ Public Employees Association;
- ✚ Public Services Commission;
- ✚ Employers Federation;
- ✚ National Academic Staff Association of the University of Papua New Guinea.

The Minister issued invitations to the 7 organizations and requested a female representative to participate in the screening of the EOIs and have them shortlisted for consideration by a bi-partisan committee made up of the Prime Minister and the Leader of Opposition before being tabled in Parliament for voting. The objectives of the Panel were:

- Sign a Code of Conduct
- Review and make adjustments to the established procedures where necessary
- Review the EOIs following a matrix prepared by the HR firm
- Prepare a list of the top 12 candidates for interviews
- Conduct interviews of the 12 candidates and compile a recommended short list of women

- Submit a short list and recommendations to the Prime Minister and the Leader of Opposition in the presence of the Minister for Community Development
- Assist the HR firm to document all proceedings of the selection process.

The chairperson of the National Council of Women was identified as the Convener of the Screening Panel.

The Human Resources Firm

Public advertisements for quotes for HR companies to apply for the task of the HR support to the Screening Panel. The services of the HR was to support the selection process of the EOIs and to provide an independent and objective human resource inputs and advice into the process including advice to the screening panel, support documentation, including ranking and short listing and receipting, opening and registering all the EOIs. It also included secretarial services, photocopying and taking minutes of discussions. At the end provide a comprehensive report detailing the whole process and outcomes with all relevant documentation attached.

The criterion for the selection of the HR firm was based on its long term operational standing in the country as well as presenting its HR expertise and ability to provide secretarial services. It had to show its capacity to undertake the task, secretarial support and the accountability structure for the staff who would be assigned to the task. In addition, the HR firm had to provide its financial quote for the work and the capacity and management structures clearly outlined.

Out of the 3 firms that applied, only 2 responded to the invitations and submitted their quote and interest. An interview panel comprising of the Department of Community Development, the National Council of Women, the Office for Development for Women and UNDP interviewed the applicants. It was evident from the presentation that Vanguard International came prepared with more than 3 representatives each with their clearly defined roles and responsibilities of the different roles each would contribute to the process of the Screening Panel's task of screening the EOIs for the NSW. In addition, the HR firm had a clear line of accountability from the management to the staff on the ground with specialist HR support. and the specialist support that would be provided for the staff on the ground. Vanguard International was selected unanimously as the interview panel.

The Methodology Applied to Support the NEC Decision for the Nominated Seats for Women

The Technical Working Group working with Minister Carol Kidu compiled and finalized the relevant documents that included the following (*annexes*);

- Advertisement calling for the EOIs by the Prime Minister;
- Code of Conduct of the Screening Panel and the Human Resource Company;
- Terms of References for the above members;

- Selection criteria for the selection of the nominated women.

A public invitation was made on 25th November 2008 by the Prime Minister, Grand Chief Sir Michael Somare for women citizens to tender their Expressions of Interest. A total of 79 women submitted their EOIs and were lodged to the UNDP office or the National Parliament Post Office at Waigani. The deadline was extended from 19th December 2008 to 19th January 2009 to allow for more women to submit their applications. With the closure of the EOIs, a screening panel was tasked to take up the challenge of short listing and conducting the interview process to reduce the numbers from 79 to 6. The Prime Minister in his public statement recognized the nature of the difficult task that lay ahead for the women appointed through this approach and many would question the value of such a process as they were not elected MPs. But he assured the women and the public that this was a temporary measure to enable women's entrance into politics that would otherwise not be possible through the normal process of election. The election results in the past have been dismal with very insignificant presence of women over a long period of time, this has been well documented.

At the closure of the EOIs, the Screening Panel of the 7 members were officially sworn in January 2009 to ensure the integrity and confidentiality of the process maintained. The ceremony was conducted by the Chief Magistrate, Mr. Steven Oli at Parliament House in the presence of the TWG and the Minister, Dame Carol Kidu. The sworn members then presented themselves to the Governor General, Grand Chief Sir Paulius Matane who reiterated in his statement that a very transparent and fair process envisioned by the NEC decision was instituted.

The Screening Panel spent 10 days of closed session at unidentified locations to ensure security of the members and the logistics team from the HR Company. Its task as set out under the TOR included short listing the applicants and then presenting the short list from 12 to 6 to a bi-partisan committee headed by the Prime Minister and the Leader of Opposition to select the final 3 for endorsement by Parliament.

The selection criteria required by the Screening Panel were based on the following minimum requirements:

- The HR firm will ensure evidence of the following minimum requirements exists for the 12 short listed candidates before their interviews:
 - Evidence of endorsement by a recognized women's organizations;
 - Evidence of correct enrolment on the Electoral Roll;
 - Evidence of citizenship;
 - Evidence of minimum age of 25 years as of 1st January 2009;
 - Has full capacity;
 - Is not under sentence of death or imprisonment for a period of more than nine months.
- The Screening Panel must assess these criteria during the interviews for the 12 short listed women candidates and from documented evidence:
 - Proven leadership and ability to network with women's and other organizations;
 - Literacy levels sufficient to understand legislative, policy and development issues;

- Proven experience and competency in communication skills beyond community level;
- Assessment against the Terms of Reference for Nominated Women endorsed by the NEC.

The HR report on the outcome of the process of screening was presented to the Prime Minister, Grand Chief Sir Michael Somare MP in February 2009 at his Parliament Office, Waigani by the Screening Committee and witnessed by Minister Carol Kidu and the TWG members. The contents of the report has not been published as it remains the property of the Prime Minister and remains confidential to safe guard those women who applied for the positions.

A copy of that report remains in the UNDP CO until vetoed by the Prime Minister for circulation.

Purpose of the workshop

The purpose of the UNDP Lessons Learned workshop was to document lessons learned from the Nominated Seats for Women process and to discuss the way forward for this agenda. Particularly, because those countries around the world who already have special measures in place for women to increase their roles in decision making have not yet documented the actual process by which individual governments took to place women in Parliaments. The workshop was very important as it was be the first time for a country to document the actual process in trying to get women into Parliament.

The workshop also provided an insight into the Nominated Seats for Women process and a way forward for the July session in Parliament, as well as the Reserve Seats for Women in 2012.

The Panel members worked really well together during the selection process. There were a few things during the process that did not work well including duplication of some Expression of Interest because two advertisements were advertised in the papers. The second advertisement had some additional information thus some women sent a second application to address those additional criteria which resulted in duplication of EOIs. The role of the HR firm and the screening panel in the selection process was not clarified which created confusion and tension between them. The criteria for marking the candidates should have been done by the HR firm but the HR firm did not provide the criteria thus the screening panel formulated the criteria themselves. The Screening Panel was never given the mandate to include a NCW member on one of the 12 short listed candidates which created tension. The Panel felt the names of the 12 shortlisted candidates should have been released

Outcomes

Parliament voted for three nominated women on March 10 but defeated by 60 to 16, 13 votes short of the number required. The main reasons forwarded by Members of Parliament were that *reserved seats should be created for women to vote in their representatives (Theo Zurenuoc)*; and *whether these women representatives would get to “enjoy the privileges that we elected MPs enjoy”?* There were also objections raised by the Opposition Leader that *“There is simply no law which establishes the process to*

be followed to invoke Section 101 and 102. In the absence of such a law, the process is subject to legal challenge not only by anyone of the 93 unsuccessful applicants but by any aggrieved citizen.”

Full-page advertisements for and against the motion, news articles and broadcasts and even meetings between women groups disputed the process. The public debates on the transparency of the process focused on who the three women were and why the selection process had not been made public—especially to MPs before the vote. The move was also opposed outside of Parliament with the National Council of Women and some women leaders wanting seats reserved for women, and then contested by elections, rather than having women simply appointed to the House.

There were also other weaknesses identified in the process which were the timing, with the Prime Minister meeting quickly with the Opposition Leader before the motion was put to the floor of Parliament and assuming he had the support from the Opposition Leader. The fact that MPs were looking at what they would gain from voting this motion and supporting the women, the Opposition regarding this as a historical achievement and political mileage for the Government, did not want to contribute leading to its defeat. By the same token, the Opposition was of the view that the Government was using the opportunity to gain political mileage. See the proceedings of Parliamentary session recorded by Hansard (Annex 1)

Strategies for the next Parliamentary session were recommended including the identification an organization to sign advertisements in the media to show their support for the NSW motion. Identified organizations were the PNG Council of Churches; the Employers Federation and the National Council of Women. Dame Carol Kidu sent a letter to all MPs before the next Parliamentary session and made a Statement on the floor of the House.

Public Responses

Much of the public criticisms were leveled against the use of the Constitutional provisions citing the actions of the Government as unconstitutional and discriminatory. Hence the views are outlined below:

The Governor-General, Sir Paulias Matane (annex 2) was most encouraging when receiving the sworn members of the Screening Panel at his official residence at the beginning of the process of screening the applicants. He informed them that their deliberations required to be transparent as their decisions would eventually be scrutinized by the public on the selection of the short listed candidates. He also reiterated that their professional integrity would be publically scrutinized as well adding that their task was not an easy one.

In view of the Prime Minister, Grand Chief Sir Michael Somare, the appointments of the 3 women were in order and constitutional. In this respect, the actions of the Government recognized the following that the:

- a. the nature of these appointments to Parliament using the provisions of the National Constitution were valid;
- b. the fact that this was a temporary measure to enable women to enter Parliament;
- c. its historical significance

In this context, he was unequivocal of the transparent and fair process that the Screening Panel had exercised in their deliberations of the 79 women candidates and having them shortlisted to 6. He was confident that the Leader of the Opposition would have supported the motion, but the response was disappointing for the women to have made the historical step forward.

In the opinion of the Leader of Opposition, Sir Mekere Morauta MP, the process was flawed and questionable and cited 3 objections:

- d. the process to be meaningful needed a sizeable number of women rather than 3 to enter Parliament;
- e. the process was not proscribed by law and should not have been subjected to the discretion of any Prime Minister or any Government;
- f. and that the process needed to be based on the premise that membership of Parliament was an elected office

Since the process was flawed, and not in compliance with the 3 principles it had no legal basis and therefore not binding for the MPs to vote on and consequently, failed to acquire the numbers falling short of 16 votes of the 73 required. The Opposition then had 13 members.

A member of the public, Mr Paul Masta of 5 Mile Settlement in Port Moresby had quote “*following the latest happenings and events with much interest since this idea was introduced in the history of our political democracy*” unquote from a newspaper article, agreed with Sir Mekere on the ‘under-privileged’ sectors of the community not given the opportunity like the women. However, his support of the Government’s move was necessary to fill the gap at this time and needed support by all the MPs, to ensure equality for women especially in complying with CEDAW Article 7 calling for women’s rights to take part in the public and political life of a nation.

Other women leaders who were in support such as Mrs. Maria Ibai Hayes, the President of the PNG Women In Politics welcomed the move by the Government using the provisions of the Constitution to appoint in 3 women an called on the Government to work with the 3 women MPS AND Dame Carol to legislate for the 22 Reserve Seats for women for the 2012 National Election.

In response to the Leader of Opposition and the general public on the questioning of the process and the legal issues, the TWG with technical advice from its own legal team had these comments to make on the 3 key issues raised:

1. *The Process must be meaningful in that it must lead to sizeable number of women in Parliament*

Response: The initiative was meaningful since the appointments of the 3 women MPs had gathered national and international momentum and that having this number would have meant considerable mileage since Independence for this country;

2. *The Process must be proscribed by law and must not be subject to the discretion of any Prime Minister or any Government*

Response: The process did not require an enabling law to exercise an existing power since the Constitution was silent as to the process to arrive at in the appointment of the MPs by citing the case of **Kaseng v Namaliu** where a Constitutional provision did not require an Act of Parliament to fill a gap but left it to the discretion of Parliament. This meant that nothing would have prevented Parliament by endorsing the NEC decision on the process taken.

3. *The Process must be based on the premise that membership of Parliament is an elected office*

Response: With the constraints that women face in the past elections, where results have been disappointing with no critical mass of women able to make it into Parliament, the TWG upheld the media response that supported special measures taken by Government through the provisions of the National Constitution. The powers of the Constitution to appoint members from any sector of the community who did not have significant representation, were validly applied when the Government invoked Sections 101 and 102 to appoint women MPs enabled the process to invite

women citizens to submit their Expressions of Interest for the 3 positions. The positions would have a temporary life until the next National Elections in 2012, by which time, the Reserve Seats legislation would have been enforced allowing for a number of seats for women to contest in.

A legal perspective was presented by the TWG to members of the Parliament who were invited to a luncheon hosted by the Prime Minister which gave an opportunity for the Screening Panel and the TWG members introduced at the event in Parliament. The report is separately attached.

Strategies

As a result of the defeat of the Prime Minister's Motion in March, the Technical Working Group embarked on a communication strategy to raise public awareness spearheaded by Minister Kidu and a team of external experts legally and politically on a number of radio talk shows. The aim was to inform the public of the NSW process, and how far it had proceeded and that the May session of Parliament was another opportunity for the Prime Minister to reintroduce the motion again.

The TWG also networked with women who were supportive of the NSW and had them speak on the radio shows. Other strategies includes writing letters to the MPs who supported the Motion and thank them for their support and for those undecided, the aim was to seek their support in the coming session in May. It was also considered that 3-5 MPs who were supportive of the Motion and write letters to them asking them to advocate to other MPs to gain their support. Suggested MPs were Luther Wenge (Morobe Governor), James Marabe (Tari Open), Timothy Bonga (Nawae Open) and Havila Kavo (Gulf Governor). The TWG members met with the Governor of National Capital District, Powes Parkop and his wife over lunch at Parliament House. The Governor agreed to write letters to his colleagues and letters were drafted for him by the TWG.

The Churches Council also issued their public support of the NSW and reiterated that it was a morale responsibility of the MPs to support the Government. They cited the many instances of violence and aggravations directed at women socially and economically and their participation in politics was timely. The call by the churches also signaled the timeliness of ensuring equal representation in an all dominated male Parliament that often did not adequately address the issues of social injustices that plagued PNG for a long period of time with communities experiencing unprecedented levels of violence and social disorder. Adding an additional 3 women MPs meant more voices that would produce a more healthy approach to debates affecting the lives of the majority of the women whose voices are unheard in a public arena.

Public Discussions

In addition to the ongoing media debates that the MPs and the women's organizations took to the public, the National Research Institute conducted a Seminar on 2nd April 2009 and launched its Spotlight volume 3 No. 3 on the '*Options for Increasing Women's Representation at the National and Local Level; Government: the need for a Comprehensive Analysis*'. The main

presenter, Dr. Ray Anere a Senior Fellow of the Institute was most encouraging about the fact that although the Motion was defeated, it nevertheless propelled the level of prominence for women to be considered serious partners in politics nationally. He further stated that women with their human rights enshrined in the National Constitution of PNG under Section 55 guaranteed equality for women at all level of legislature both nationally, provincially and locally.

His paper provided possible electoral options available for increasing women's political participation and highlighted each of them. He further argued for a need to undertake a comprehensive analysis and an independent research into these options so that women can ultimately have the opportunity to make their choices on the levels they choose to contend.

Conclusion

Despite the lack of numbers required to pass the Motion, the debate whether there should be special seats of women and not other marginalized groups picked up momentum both in the media and the public circles with the talk of the town that women were serious in their endeavor to enter the political arena. Within the Parliamentary corridors, the debates continued outside of the Chamber to the public with the Regional Governors convening a public summit in August and publically endorsing the Morobe Communiqué which contained a resolution for 22 Women Seats in the National Parliament for 2012. A high level meeting was held that brought in women MPs from Uganda and from one of the LLG Councils in Papua New Guinea who shared their experiences as Reserved Seats MPs. As a result of this meeting a Road Map for the Reserved Seats for the 2012 National Elections was agreed with stages of development expected to take place from 2009 till 2012. A separate report is forthcoming.

The process for the NSW is unprecedented and marked a significant contribution of the partnership that evolved over a period of 9 months between the State Minister, the stakeholders and technical and financial support from the Development Partners through the work of the Technical Working Group and convened by the UN Resident Coordinator, Dr. Jacqui Badcock. Most importantly, the Minister for Community Development, Dame Carol Kidu MP was consistent advocator and go-between in providing the team with valuable information from the Government through the Deputy Prime Minister, Sir Dr. Puka Temu MP.