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PRESS STATEMENT FOR IMMEDIATE RELEASE

Transparency Required as Risk of Constitutional Breach Looms

Sunday 8 May 2022, Port Moresby – Transparency International Papua New Guinea (TIPNG) is sounding the alarm on the risk of an inadvertent breach of both the election laws and the Constitutional requirements pertaining to the conduct of the 2022 National General Elections (NGE). Key information from the PNG Electoral Commission (PNGEC) has not been forthcoming in spite of several attempts made by TIPNG.

Chairman Peter Aitsi said “Two weeks ago Electoral Commissioner Mr. Sinai published an announcement of the revised election schedule issued by Head of State, Governor General Sir Bob Dadaï. On Friday 6th May 2022 PNGEC officials were unable to produce a gazettal notice, giving effect to this announcement.” This is a serious concern he went on to say.

“TIPNG understands that the delay in the commencement of an election is the administrative prerogative of the PNGEC. Our concern is that the Constitution is quite clear on the deadline for the return of writs, which is the fifth anniversary of the last return of writs. In the 2017 NGE, writs were returned on the 29th July 2017. It is important to take note that the NGE must be viewed as a holistic process. It commences with the issue of writs, and is completed when the writs are complied and returned.

Mr. Aitsi elaborated: “The Organic Law on National and Local Level Government Elections prescribes time frames for the scheduling of elections within the 3-month period before the anniversary of the return of writs. For instance, the nomination period has to be 7 days, the polling cannot start less than 8 or more than 11 weeks after the issue of writs and the return of writs has to take place no more than 21 days after the close of polling. The Organic Law sets a hard limit that if in special circumstances the PNGEC wanted to extend the polling period, they are still legally bound under s177(2) of the organic law to return the majority of writs, 5 days before the fifth anniversary of the current Parliament.”

“Fundamentally the issue is that we believe that both the Organic law on National and Local Level Government Elections and the Constitution, may not have contemplated an extensive delay in return of writs, thereby breaching the 5th anniversary deadline, and this is where we envisage a constitutional crisis may emerge,” said Mr. Aitsi.

Further to this, the law requires the formal appointment of Returning Officers for 118 districts (electorates) must be made and gazetted immediately. Then each RO must be in place to receive nominations on Thursday 12th May 2022. Undue delays continue to place immense pressure on the staff of the PNGEC.

To retain public confidence the PNGEC needs to provide regular and clear information on the plans and actions they are taking to ensure the 2022 elections adhere to Constitutional requirements, TIPNG calls for:

1. The PNGEC to publish in the National Gazette the Election Schedule;
2. The PNGEC to publish the gazette of the Appointment of Returning Officers and Assistant Returning Officers;
3. The PNGEC to ensure formal media statements are issued regularly with weekly press conferences open to all media outlets;
4. All stakeholders to respect the independence of the PNGEC as it fulfils its constitutional mandate to deliver for the people of Papua New Guinea a free, fair and safe elections.

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What is TIPNG?

TIPNG is a member of Transparency International a global anti-corruption movement committed to fighting corruption. TIPNG is an independent organization in PNG known as a Chapter of the international movement. The PNG chapter advocates against corruption and promotes transparency, good governance, honesty and accountability both in private and public sector dealings. TIPNG tries to assist strengthen the integrity systems of our country such as the police, the parliament, the public services and the judiciary.