



SUMMARY PAPER

on the 2022 National General Election



KEY POINTS

- The 2022 National General Election has continued the trend of deterioration in the quality of elections in PNG.
- This was evident across the preparation, conduct, and the delivery of the election.
- Preliminary key issues TIPNG identified during the 2022 national general elections were:
 - frequent instances of roll inaccuracy,
 - lack of enforcement against election offences,
 - non-compliance with Constitutional requirements,
 - disturbances in the conduct of the ballot counting,
 - confusion on the declaration of seats; and
 - widespread election-related violence.
- These electoral issues further undermine the principles of democracy and the rule of law.
- Therefore, restoring confidence in the electoral process, ensuring transparency and integrity of elections, must be a priority going forward towards improving the next elections.
- Strategies to improve the conduct of National Elections in Papua New Guinea should include focus on promoting transparency and integrity throughout the entirety of the 5-year electoral cycle.

INTRODUCTION

Transparency International PNG (TIPNG) as Papua New Guinea's leading anti-corruption civil society organisation has recently concluded its 4th consecutive Domestic Election Observation of the National General Elections (NGE) of Papua New Guinea. It is clear from our preliminary findings that the accumulated failures in the preparation, conduct, delivery and conclusion of the 2022 NGE have resulted in a severely flawed electoral process. Large swathes of the country could not freely, fairly or safely exercise their democratic right to vote and consequently are not represented in the 11th National Parliament.

Media outlets report that there have been at least fifty deaths across the country due to the conduct of the 2022 NGE; that is simply too high a price to pay for any election. The democratic mandate in PNG is as weak as it has ever been, with the country being taken to the verge of multiple constitutional crises during the 2022 NGE process. Legislators need to prioritise national interest over personal ambitions, if meaningful change is to occur within the next 5 years.

Administrative failings during the 2022 NGE by the PNG Electoral Commission (PNGEC), as the constitutionally mandated electoral management body, have diminished public trust in the institution to historic lows. Worse still, the same failings have widened avenues for corrupt actors to abuse compromised electoral processes for self-gain. The PNGEC must be supported properly and fully to plan and deliver the 2027 NGE and mitigate the failures seen in the 2022 NGE. Reform must be driven by the PNGEC, but supported by a wider coalition within government, the legislature, the judiciary, disciplined forces, civil society and development partners.

This Summary Paper by TIPNG therefore provides a background on the historical context, and presents the issues arising from the 2022 elections that require concerted action by all actors. The contents of this summary paper will be further explored in the full report which will be launched in November 2022.

TIPNG's Observer Status

In 2022 TIPNG was accredited with the PNGEC as a Domestic Election Observer Group. Observers abide by a code of conduct in the process of collecting election-related information throughout the country. TIPNG thus empowers citizens to protect the integrity of the elections by engaging volunteers across the country from our civil society partners. It is TIPNG's hope that the presence of our observers builds public confidence in the trustworthiness of the electoral processes. For instance, the presence of our observers during elections may reinforce expectations that officials should perform their roles according to and as required by the law.

In the two prior elections (2017 and 2012), TIPNG engaged 313 and 282 volunteer observers, respectively. The presence of the observers contributes to the credibility in the conduct of elections. While TIPNG and other local organisations were domestic election observers, there were also international observers from diplomatic missions, development partners and academia that fielded teams during the elections. It is worth noting that amongst the many electoral issues, the delay in conduct of the 2022 NGE severely impacted the ability of local civil society to adequately prepare and plan for its observations.

TIPNG is now in the process of compiling the reports from our 340 observers across 20 provinces, to enable recommendations to be made in our full election report. It is the combined effort of our fellow citizens in volunteering their time to observe that has enabled TIPNG to speak out on our expectations for improved elections. We thank all TIPNG observers in 2022 and across multiple elections since we first conducted observations in 2007.

BACKGROUND OF ELECTIONS IN PAPUA NEW GUINEA

In conducting election observations, it is important to have a standard by which to evaluate the conduct of the national and local level government elections, which are conducted every 5 years. This evaluation is crucial for democracy as elections empower citizens to vote for those who will represent their voices, interests and ideas in the National Parliament, Provincial Government and in Local-Level Government.

The electoral management body responsible for the administration and conduct of elections in the country is the PNG Electoral Commission (PNGEC). The Electoral Commission is entrusted by our National Constitution to ensure that elections are conducted in the most fair, transparent and accepted manner, in accordance with the processes set out in the Constitution itself and the specific laws, regulations, and guidelines. Fundamentally, the PNGEC must ensure that election processes are carried out with integrity.

To promote a democratic election based on integrity, the rule of law should be respected and implemented to allow people to vote for candidates of their choice and for those candidates to receive votes which will be tallied with integrity. The Constitution, the Organic Laws on National and Local Level Government Elections (2006) and the Integrity of Political Parties and Candidates (2003) set the criteria for elections, voting and political contest.

For instance, the PNG National Constitution, in Section 50, specifies the right to vote as a fundamental right of all PNG citizens who are above the age of 18 years, and who have lived in their electorate for more than six months. In addition, a person must be a PNG citizen and at least 25 years old to be eligible to contest in a national election. The democratic principles of 'universal suffrage' (one person, one vote) and 'free, fair and safe' elections are clearly captured in the electoral laws for all

citizens to freely choose their leaders in a democratic manner without fear or influence.

The electoral process should necessarily be the foundation for all other democratic and governance norms in our country. Unfortunately, the failure in 2022 to meet the constitutional ideals was entirely foreseeable from a cursory review of recent historical trends.

Historical Context of Election Issues

Papua New Guinea's 10th National General Election was to be held from May 12th to July 29th, 2022. The Return of Writs was extended twice, initially from 29th July to 5th August, and then to August 12th, 2022. Even then, at the time of writing, a week after the first sitting of Parliament, there were still seats waiting to be declared. This situation arose in part due to the setting of the date of the Return of Writs to coincide with the constitutional deadline of having an election by the 5th Anniversary of the previous Return of Writs - meaning there was no room for error and slippage in the process, even as errors did indeed arise. It is sobering to consider that while 2022 had unique constitutional challenges, the delay in completion of elections across electorates is continuing the trend of 2017 and other recent National General Elections. Understanding of previous election issues improves understanding of 2022 NGE issues.

TIPNG and other observation reports from prior elections have many identified recurring electoral issues such as: administrative (operation, funding and security); bribery; vote buying; double, multiple and bloc voting; underage voting; and the use of violence and intimidation. For instance, people using other people's names was a common occurrence (Haley and Zubrinich, 2018). This has fostered illegal practices like underage voting and double voting. As a result, genuine voters miss out and are denied their fundamental right to vote.

Timely and accurate updating, monitoring and verification of the electoral roll is crucial to the successful conduct of the elections. The electoral roll depends on a National Census being conducted every 10 years. The last Census was conducted in 2011, and was not updated in 2021 as was

planned, and now there has been a recent announcement stating that the update has been deferred to 2024. This has obviously worsened issues pertaining to the overall inaccuracy in the rolls, fostering the absence of many people's names on the roll, whilst many names of those voting in the last election were oddly removed, and there have been mix-ups of names.

Despite the Limited Preferential Voting (LPV) system being introduced and first used in the 2007 NGE to address problematic electoral practices such as bloc voting, multiple voting, double voting, intimidation and influence, these issues continued after the 2007 election. In addition, the lack of broader election awareness and education on the LPV system and election integrity has generally contributed to the issues mentioned.

The 2021 National Integrity System Assessment by TIPNG found that the Electoral Administration had worsened over time in their ability to organise elections. This was characterised by significant faults: a lack of respect to the rule of law, inadequate management of human resources, and the poor conduct of ballot counting and the declaration of seats.

Restoring confidence in the electoral process must be a priority going forward. There is a consistent risk that repeated electoral cycles with poor and decreasing standards and worse behaviour will result in an irreversible loss of confidence in the PNGEC, and the electoral process in PNG in general. This electoral confidence is crucial to social stability, as the National Elections are a means to the peacefully transfer of power between groups and individuals. In the absence of a legitimate transfer of power, localised violent power-struggles will inevitably ensue.

KEY ISSUES IN THE 2022 NATIONAL GENERAL ELECTIONS

It is TIPNG's view that the 2022 National General Election has by most indicators continued the trend of deterioration in the quality of elections in PNG.

This was evident across the preparation, conduct, and the delivery of the election.

The key issues identified during the 2022 NGE are grouped by TIPNG in this summary paper into three areas: political, social and economic issues. The range of categories indicates that there are multiple factors that impact the process of election.

TIPNG observed during the 2022 NGE the following electoral issues: frequent instances of roll inaccuracy; lack of enforcement of election offences, non-compliance with Constitutional requirements, disturbances in the conduct of the ballot counting, confusion in the declaration of seats; and widespread election-related violence. These practices all violated electoral law.

Political and Administrative Issues

Poor electoral roll update and verification process. A widespread and prevailing issue in the 2022 National General Election, identified by multiple observers, including the Commonwealth Observation Group (2022), was the discrepancy and inaccuracy of the electoral roll across the country. Many people did not have their names on the electoral roll including many of whom voted in the last 2017 national election. There were many occurrences of mixed names or where someone else had voted using their names. The extent of roll inaccuracy was worse this year because the Electoral Commission attempted to update the roll only three months before the 2022 election. This did not allow sufficient time for objections as required

under electoral law. In addition, there was widespread dissatisfaction with the roll accuracy that disenfranchised many eligible voters.

Lack of election awareness and education. In spite of the widespread keenness to vote, eligible voters generally lack the basic knowledge on the democratic election process and the value of their vote. Election awareness and education in 2022 was not as widespread as in the 2012 NGE and continued the trend of the 2017 NGE which had almost no awareness or outreach by the PNGEC.

In addition, the PNGEC's awareness materials were finalised just a few days before the scheduled election activities, which resulted in the delay to properly prepare and efficiently distribute the materials to other centres. As a result, voters did not have early access to awareness materials in preparation for the election. Furthermore, minimal media coverage of election awareness contradicts media freedom in the country. When this happens the process of election becomes less transparent.

The “**centralised structure of the PNG Electoral Commission and administrative politics** that contributed to the delay and unorganised delivery of the electoral processes” (Commonwealth Observation statement, 2022). For instance, the appointment of the PNGEC Commissioner, Simon Sinai, was made one year before the 2022 National Election, and only after TIPNG issued statements raising concern that the office did not have a permanent appointee. This delay in appointment had significant administrative implications on the rest of the election process, from preparation, to mobilisation and final delivery of the election.

Election accountability mechanisms must be strengthened such as the **Provincial Election Steering Committee (PESC)**. This PESC ensures election preparations are practical and timely. Lessons from the PESC coordination observing the Moresby North West By-Election can be used to improve future elections. However, PESC in other provinces must also submit their reports in a timely and coordinated manner. A standardised PESC process and coordinating mechanism is needed to oversee the 22 PESC.

Overall, **electoral laws** were not enforced by the election administration and the management of polling places. The PNGEC failed to prioritise the

constitutional and legal requirements in the 2022 national elections. Print media reported widespread electoral irregularities, the partiality of officials, the legality of those facing court hearing to be able to contest, and the constitutionality of the successive deferral of return of writs.

The Department of Justice and Attorney General (DJAG), a member of the Inter Department Election Committee (IDEC), had set up a Call Centre to provide legal support to the PNGEC officials to address election related issues during counting. The notion of a call centre by the DJAG should be explored more and enhanced with the ability to coordinate with other call centres such as the Police. The call centre concept is intended to improve the integrity of the process of elections in Papua New Guinea, so that citizens can exercise their right to vote in a free and fair manner.

Social and Governance issues

Radio, print media, television, and social media such as Facebook were utilised in 2022 to **disseminate election information and awareness**. However, there was a lack of consistent media engagement compared to the 2017 NGE where, for instance, the media were given access to the Electoral Commissioner on a daily basis during the polling period. For the 2022 NGE, the PNGEC did not issue regular press statements, and there was no official website until just a few weeks before polling. Lack of media engagement undermines media freedom and transparency in the country. Regular updates of election progress via media from the time of issue of writs, though polling, counting, and declaration can contribute to minimising election related violence for instance.

Security and election related violence were widespread during the 2022 NGE. Election-related violence that was common during previous elections in the Highlands region has now occurred in the coastal areas: deaths; fights; significant damage to both State and private property; road and airport closure; and the burning of ballot boxes. Media reports of election-related violence in the Lagaip Electorate described the process as a ‘chaotic election’. Despite a total of 10,300 security forces being engaged for the 2022 National Elections, widespread security issues were reported throughout the country. It was reported that the

polling places were frequently over-crowded and often the officials and security personnel had no control over the polling booths. By June 22, the media had recorded 30 election-related deaths. This 2022 election experienced widespread incidents of violence across the country which clearly contradicts the democratic principle of free, fair and safe elections.

Bribery and intimidation at polling stations were observed by TIPNG in this 2022 National Election.

This continues the trends from the 2017 elections, where 27% of locations reported occurrences of bribery and intimidation, especially in the Highlands where bribery and intimidation especially in the Highlands where bribery and intimidation were recorded at 55% of the polling places observed.

Equal participation by women voters during polling was impacted by intimidation in 2022.

The PNGEC had intended that polling places would provide for two lines for voting on the polling day - one line for the male voters and the other for the female voters. These demarcated lines were to allow women to cast their vote freely and fairly and without intimidation or influence. TIPNG observers in the Highlands reported many instances of this not occurring.

Double and multiple voting continue to occur in 2022, with levels comparable to 2017 where 23% of the voters interviewed by TIPNG did not mark their fingers with the indelible ink after they voted. The discrepancies with the electoral roll in the 2022 election has continued to enable double, multiple and bloc voting.

The PNGEC as the electoral management body had significant shortcomings in their application of rules, management of human resource, appointment of the Election Advisory Committee (EAC), conduct of ballot and the declaration of seats and overall adherence to constitutional and democratic norms. Notably, with delays in counting and declaration of seats, two extensions were made to the date for the return of writs, which seems likely to have significant Constitutional legal implications. This indicates a degradation of the principles of democracy, the rule of law, and the administration of election.

While highlighting these key issues, it is discouraging that previous election observation recommendations from TIPNG and other observer reports have not been used publicly by the Government or the electoral administering body – the PNGEC. Hence, the issues leading up to and during the 2022 NGE reflects PNG's fragile democracy, and the continuing trend of electoral issues over the years that continue to undermine trust in the credibility of any election.

STRATEGIES FOR IMPROVED ELECTIONS

In considering areas for action to restore public confidence in Electoral Management, TIPNG has grouped recommendations into two broad categories: the promotion of transparency and the promotion of integrity.

The recommendations bulleted below are initial suggested actions by TIPNG on possible actions necessary to address the issues outlined in this paper. The recommendations will be further developed in more detail in TIPNG's full Domestic Election Observation Report.

Transparency Recommendations

Transparency pertains to the dissemination of information in a timely, accessible and accurate manner.

1. Develop a 5-year PNGEC communications plan to empower voters and partners through proactive sharing of timely, accurate and accessible electoral information.

2. Formalisation of and the public sharing by the PNGEC of Terms of References for the PESC's to enable better planning at the provincial level for elections. Civil Society participation should be maintained.

3. Commit funding through the National Budget for the entire 5-year election cycle with each of the PNGEC's deliverables being publicly committed to and reported on in the IDEC in regular meetings.

4. Table a full report on conduct of 2022 NGE in Parliament and make that report publicly available.

Integrity Recommendations

Integrity actions are focussed on ensuring that norms, processes, standards, regulations and laws are agreed to and complied with by responsible parties.

5. Develop a public complaints process and an internal anti- corruption strategy within the PNGEC prior to the 2027 NGE.

6. Investigate, arrest and prosecute electoral officials that were alleged to have engaged in corruption during the 2022 NGE.

7. Review organisational structure of the PNGEC and procedures for engagement of temporary electoral workers to promote accountability.

8. Establish and equip the Electoral Advisory Committee a year prior to the commencement of elections.

Concluding Thoughts

These Integrity and Transparency recommendations by TIPNG are crucial to halting the decline of public trust in the conduct of elections in Papua New Guinea. However, any meaningful change will require political will in tandem with coordinated collaboration across society and amongst key agencies.

In reviewing the pattern of electoral maladministration, it is important to consider to what extent inadequate elections in Papua New Guinea are not only tolerated but also engineered by those entrusted with power. This notion will be further discussed in TIPNG's full election report, which will include analysis of the field data collected by our volunteer observers.

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#TIPNGElections



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TIPNG is a member of Transparency International a global anti-corruption movement committed to fighting corruption. TIPNG is an independent organization in Papua New Guinea 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.
